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115TH CONGRESS
2D SESSION

S. 1405

[Report No. 115–243]

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

IN THE SENATE OF THE UNITED STATES

JUNE 22, 2017

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

MAY 9, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

A BILL

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

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

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 2017”.

5 (b) **TABLE OF CONTENTS.**—The table of contents of
 6 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. References to title 49, United States Code.
 Sec. 3. Definition of appropriate committees of Congress.
 Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

Subtitle B—Airport Improvement Program Modifications

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

- Sec. 1223. Definition of small business concern.
- Sec. 1224. State standards for airport pavements.

Subtitle C—FLIGHT Act of 2017

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

Subtitle D—Passenger Facility Charges

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

TITLE H—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.
- Sec. 2102. Sense of Congress.
- Sec. 2103. Federal Trade Commission authority.
- Sec. 2104. Commercial and governmental operators.
- Sec. 2105. Analysis of current remedies under Federal, State, and local jurisdictions.

PART H—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.
- Sec. 2122. Utilization of unmanned aircraft system test sites.
- Sec. 2123. Small unmanned aircraft safety standards.
- Sec. 2124. Small unmanned aircraft in the Arctic.
- Sec. 2125. Special authority for certain unmanned aircraft systems.
- Sec. 2126. Additional rulemaking authority.
- Sec. 2127. Governmental unmanned aircraft systems.
- Sec. 2128. Special rules for model aircraft.
- Sec. 2129. Authority.
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.
- Sec. 2131. Treatment of unmanned aircraft operating underground.
- Sec. 2132. Enforcement.
- Sec. 2133. Airport safety and airspace hazard mitigation and enforcement.
- Sec. 2134. Aviation emergency safety public services disruption.
- Sec. 2135. Public UAS operations by tribal governments.
- Sec. 2136. Carriage of property by small unmanned aircraft systems for compensation or hire.
- Sec. 2137. Collegiate training initiative program for unmanned aircraft systems.

- Sec. 2138. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.
- Sec. 2139. Report on UAS and chemical aerial application.
- Sec. 2140. Part 107 implementation improvements.
- Sec. 2141. Redesignation.

PART III—OTHER MATTERS

- Sec. 2151. Federal and local authorities.
- Sec. 2152. Spectrum.
- Sec. 2153. Use of unmanned aircraft systems at institutions of higher education.
- Sec. 2154. Transition language.

PART IV—OPERATOR SAFETY

- Sec. 2161. Short title.
- Sec. 2162. Findings; sense of Congress.
- Sec. 2163. Unsafe operation of unmanned aircraft.

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

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

PART II—AIRCRAFT CERTIFICATION REFORM

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

PART III—FLIGHT STANDARDS REFORM

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

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.

PART V—INTERNATIONAL AVIATION

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

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Access to air carrier flight decks.
- Sec. 2302. Aircraft tracking and flight data.

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

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.
- Sec. 2402. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.
- Sec. 2403. Aviation fuel.
- Sec. 2404. Applicability of medical certification standards to operators of air balloons.
- Sec. 2405. Technical corrections.

Subtitle E—General Provisions

- Sec. 2501. FAA technical training.
- Sec. 2502. Safety critical staffing.
- Sec. 2503. Approach control radar.
- Sec. 2504. Airspace management advisory committee.

Subtitle F—General Aviation Pilot Protections

- Sec. 2601. Short title.
- Sec. 2602. Expansion of Pilot's Bill of Rights.
- Sec. 2603. Limitations on reexamination of certificate holders.
- Sec. 2604. Expediting updates to NOTAM Program.
- Sec. 2605. Accessibility of certain flight data.
- Sec. 2606. Authority for legal counsel to issue certain notices.

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.
- Sec. 3102. Involuntary changes to itineraries.
- Sec. 3103. Addressing the needs of families of passengers involved in aircraft accidents.
- Sec. 3104. Travelers with disabilities.
- Sec. 3105. Extension of Advisory Committee for Aviation Consumer Protection.
- Sec. 3106. Extension of competitive access reports.
- Sec. 3107. Refunds for other fees that are not honored by a covered air carrier.
- Sec. 3108. Disclosure of fees to consumers.
- Sec. 3109. Seat assignments.
- Sec. 3110. Advanced boarding during pregnancy.

- Sec. 3111. Consumer complaint process improvement.
- Sec. 3112. Online access to aviation consumer protection information.
- Sec. 3113. Study on in cabin wheelchair restraint systems.
- Sec. 3114. Advisory committee on the air travel needs of passengers with disabilities.
- Sec. 3115. Enforcement of aviation consumer protection rules.
- Sec. 3116. Dimensions for passenger seats.
- Sec. 3117. Cell phone voice communications.
- Sec. 3118. TICKETS Act.
- Sec. 3119. Transparency for disabled passengers.

Subtitle B—Essential Air Service

- Sec. 3201. Essential air service.
- Sec. 3202. Small community air service development program.
- Sec. 3203. Small community program amendments.
- Sec. 3204. Waivers.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.

Subtitle A—NextGen Air Transportation System

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

Subtitle B—Administration Organization and Employees

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

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.
- Sec. 5002. Overflights of national parks.
- Sec. 5003. Aeronautical studies for commercial space launch site runways.
- Sec. 5004. Comprehensive aviation preparedness plan.
- Sec. 5005. Advanced Materials Center of Excellence.
- Sec. 5006. Interference with airline employees.
- Sec. 5007. Secondary cockpit barriers.
- Sec. 5008. Research and deployment of certain airfield pavement technologies.
- Sec. 5009. Increase in duration of general aviation aircraft registration.
- Sec. 5010. Modification of limitation of liability relating to aircraft.
- Sec. 5011. Government Accountability Office study of illegal drugs seized at international airports in the United States.
- Sec. 5012. Government Accountability Office review of unmanned aircraft systems.
- Sec. 5013. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
- Sec. 5014. Treatment of multi-year lessees of large and turbine-powered multi-engine aircraft.
- Sec. 5015. Student outreach report.
- Sec. 5016. Authorization of certain flights by stage 2 aircraft.
- Sec. 5017. Supersonic aircraft.
- Sec. 5018. Terminal aerodrome forecast.
- Sec. 5019. Technical and conforming amendments.

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

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

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

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

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

2 Except as otherwise expressly provided, this Act and
 3 the amendments made by this Act shall take effect on the
 4 date of enactment of this Act.

5 **TITLE I—AUTHORIZATIONS**
 6 **Subtitle A—Funding of FAA**
 7 **Programs**

8 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
 9 **NOISE COMPATIBILITY PLANNING AND PRO-**
 10 **GRAMS.**

11 (a) **AUTHORIZATION.**—Section 48103(a) is amended
 12 by striking “section 47505(a)(2), and carrying out noise
 13 compatibility programs under section 47504(e)
 14 \$3,350,000,000 for each of fiscal years 2012 through
 15 2017” and inserting “section 47505(a)(2), carrying out
 16 noise compatibility programs under section 47504(e), an
 17 airport cooperative research program under section 44511,
 18 Airports Technology-Safety research, and Airports Tech-
 19 nology-Efficiency research \$3,350,000,000 for fiscal year
 20 2018 and \$3,750,000,000 for each of fiscal years 2019
 21 through 2021.”.

22 (b) **OBLIGATIONAL AUTHORITY.**—Section 47104(e)
 23 is amended in the matter preceding paragraph (1) by
 24 striking “September 30, 2017” and inserting “September
 25 30, 2021”.

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

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

4 “(1) \$2,877,365,122 for fiscal year 2018.

5 “(2) \$2,889,379,240 for fiscal year 2019.

6 “(3) \$2,906,007,932 for fiscal year 2020.

7 “(4) \$2,921,493,286 for fiscal year 2021.”.

8 **SEC. 1003. FAA OPERATIONS.**

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

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

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

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

15 and

16 “(D) \$10,453,299,174 for fiscal year
17 2021.”.

18 (b) **AUTHORIZED EXPENDITURES.**—Section
19 106(k)(2) is amended by striking “for fiscal years 2012
20 through 2015” each place it appears and inserting “for
21 fiscal years 2018 through 2021”.

22 (c) **AUTHORITY TO TRANSFER FUNDS.**—Section
23 106(k)(3) is amended by striking “2012 through 2017”
24 and inserting “2018 through 2021”.

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

26 Section 48102 is amended—

1 ~~(1)~~ in subsection (a)—

2 (A) in the matter preceding paragraph
3 ~~(1)~~—

4 (i) by striking “44511–44513” and
5 inserting “44512–44513”; and

6 (ii) by striking “and, for each of fiscal
7 years 2012 through 2015, under sub-
8 section (g)”;

9 (B) by striking paragraphs ~~(1)~~ through ~~(9)~~
10 and inserting the following:

11 “~~(1)~~ \$175,000,000 for fiscal year 2018.

12 “~~(2)~~ \$175,000,000 for fiscal year 2019.

13 “~~(3)~~ \$175,000,000 for fiscal year 2020.

14 “~~(4)~~ \$175,000,000 for fiscal year 2021.”; and

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

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

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

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

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

1 “(I) the sum of—

2 “(aa) 90 percent of the esti-
3 mated level of receipts plus inter-
4 est credited to the Airport and
5 Airway Trust Fund for that fis-
6 cal year; and

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

16 “(H) less the amount calculated
17 under subclause (I)(bb) for the fourth
18 preceding year; and

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

22 (b) ENFORCEMENT OF GUARANTEES.—Section
23 48114(e)(2) is amended by striking “2017” and inserting
24 “2021”.

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

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

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

9 (c) EXTENSION OF PILOT PROGRAM FOR REDEVEL-
10 OPMENT OF AIRPORT PROPERTIES.—Section 822(k) of
11 the FAA Modernization and Reform Act of 2012 (49
12 U.S.C. 47141 note) is amended by striking “September
13 30, 2017” and inserting “September 30, 2021”.

14 **Subtitle B—Airport Improvement**
15 **Program Modifications**

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

17 Section 47114(c)(1) is amended by striking subpara-
18 graph (F) and inserting the following:

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

the airport during calendar year 2012 if the airport—

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

“(ii) had fewer than 10,000 passenger boardings during the calendar year used to calculate the apportionment for fiscal year 2017, 2018, 2019, 2020, or 2021, as applicable, under subparagraph (A); and

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

“(G) LIMITATIONS AND WAIVERS.—The authority to make apportionments in the manner prescribed in subparagraph (F) may be utilized no more than 3 years in a row. The Secretary may waive this limitation if the Secretary determines that an airport’s enplanements are substantially close to 10,000 enplanements and the airport sponsor or affected communities are taking reasonable steps to restore enplanements above 10,000.

“(H) MINIMUM APPORTIONMENT FOR COMMERCIAL SERVICE AIRPORTS WITH MORE THAN 8,000 PASSENGER BOARDINGS IN A CAL-

1 ~~ENDAR YEAR.—Not less than \$600,000 may be~~
 2 ~~apportioned under subparagraph (A) for each~~
 3 ~~fiscal year to each sponsor of a commercial~~
 4 ~~service airport that had fewer than 10,000 pas-~~
 5 ~~senger boardings, but at least 8,000 passenger~~
 6 ~~boardings, during the prior calendar year.”.~~

7 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION**
 8 **PROJECTS IN COLD WEATHER STATES.**

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

16 ~~(b) REPORT.—The Administrator shall update the~~
 17 ~~appropriate committees of Congress annually on the effec-~~
 18 ~~tiveness of the review and prioritization.~~

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

20 ~~Section 47128(a) is amended by striking “9 qualified~~
 21 ~~States for fiscal years 2000 and 2001 and 10 qualified~~
 22 ~~States for each fiscal year thereafter” and inserting “15~~
 23 ~~qualified States for fiscal year 2018 and each fiscal year~~
 24 ~~thereafter”.~~

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

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

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

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

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

16 (d) **COST BENEFIT RATIO REVISION.**—Section
 17 47124 is amended by adding at the end the following:

18 “(d) **COST BENEFIT RATIOS.**—

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

1 ~~“(2) CONTRACT TOWER PROGRAM AT NON-~~
 2 ~~COST-SHARE AIRPORTS.—Beginning on the date of~~
 3 ~~enactment of the Federal Aviation Administration~~
 4 ~~Reauthorization Act of 2017, if a tower is operating~~
 5 ~~under the Contract Tower Program and continued~~
 6 ~~under subsection (b)(1), the Secretary shall not cal-~~
 7 ~~culate a new benefit-to-cost ratio for the tower un-~~
 8 ~~less the annual aircraft traffic at the airport where~~
 9 ~~the tower is located decreases by more than 25 per-~~
 10 ~~cent from the previous year or by more than 60 per-~~
 11 ~~cent over a 3-year period.~~

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

16 ~~“(A) The Federal Aviation Administra-~~
 17 ~~tion’s actual cost of wages and benefits of per-~~
 18 ~~sonnel working at the tower.~~

19 ~~“(B) The Federal Aviation Administra-~~
 20 ~~tion’s actual telecommunications costs of the~~
 21 ~~tower.~~

22 ~~“(C) Relocation and replacement costs of~~
 23 ~~equipment of the Federal Aviation Administra-~~
 24 ~~tion associated with the tower, if paid for by~~
 25 ~~the Federal Aviation Administration.~~

1 ~~“(D) Logistics, such as direct costs associ-~~
2 ~~ated with establishing or updating the tower’s~~
3 ~~interface with other systems and equipment of~~
4 ~~the Federal Aviation Administration, if paid for~~
5 ~~by the Federal Aviation Administration.~~

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

9 ~~“(A) Airway facilities costs, including labor~~
10 ~~and other costs associated with maintaining and~~
11 ~~repairing the systems and equipment of the~~
12 ~~Federal Aviation Administration.~~

13 ~~“(B) Costs for depreciating the building~~
14 ~~and equipment owned by the Federal Aviation~~
15 ~~Administration.~~

16 ~~“(C) Indirect overhead costs of the Federal~~
17 ~~Aviation Administration.~~

18 ~~“(D) Costs for utilities, janitorial, and~~
19 ~~other services paid for or provided by the air-~~
20 ~~port or the State or political subdivision of a~~
21 ~~State having jurisdiction over the airport where~~
22 ~~the tower is located.~~

23 ~~“(E) The cost of new or replacement~~
24 ~~equipment, or construction of a new or replace-~~
25 ~~ment tower, if the costs incurred were incurred~~

1 by the airport or the State or political subdivi-
 2 sion of a State having jurisdiction over the air-
 3 port where the tower is or will be located.

4 “(F) Other expenses of the Federal Avia-
 5 tion Administration not directly associated with
 6 the actual operation of the tower.

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

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

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

21 “(i) to request the Secretary recon-
 22 sider that determination; and

23 “(ii) to submit updated or additional
 24 data to the Secretary in support of the re-
 25 consideration;

1 “(B) to allow the Secretary not more than
 2 90 days to review the data submitted under
 3 subparagraph (A)(ii) and respond to the re-
 4 quest under subparagraph (A)(i);

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

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

19 “(e) DEFINITIONS.—In this section:

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

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

4 ~~(e) CONFORMING AMENDMENTS.—~~Section 47124(b)
 5 is amended—

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

9 (2) in paragraph (3)—

10 (A) in the heading, by striking “CONTRACT
 11 AIR TRAFFIC CONTROL TOWER PROGRAM” and
 12 inserting “COST-SHARE PROGRAM”;

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

19 (C) in subparagraph (B), by striking “In
 20 carrying out the program” and inserting “In
 21 carrying out the Cost-share Program”;

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

1 (E) in subparagraph (D), by striking
 2 “under the program” and inserting “under the
 3 Cost-share Program”; and

4 (F) in subparagraph (F), by striking “the
 5 program continued under paragraph (1)” and
 6 inserting “the Contract Tower Program”; and

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

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

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

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

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

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

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

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

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

4 ~~(a) PILOT PROGRAM.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (8) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“47136. [Reserved].”.

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

4 Section 47136a is amended—

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

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

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

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

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

18 The table of contents for chapter 471 is amended by strik-
 19 ing the item relating to section 47140 and inserting the
 20 following:

“47140. [Reserved].”.

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

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

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

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

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

9 Section 47106(a) is amended—

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

12 (2) in paragraph (6)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 “(b) PROJECT GRANTS.—

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

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

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

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

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

5 ~~“(e) DEFINITIONS.—In this section:~~

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

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

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

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

1 “(B) is on-airport; and

2 “(C) is airport operated.”.

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

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

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

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

7 Section 47102 is amended—

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

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

12 (3) in paragraph (3)—

13 (A) in subparagraph (B)—

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

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

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

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

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

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

17 ~~(C) in subparagraph (L)—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 Section 47503(b) is amended—

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

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

3 (2) by inserting after “reduction” the following:
4 “if the change has occurred during the longer of—
5 “(1) the noise exposure map period forecast by
6 the airport operator under subsection (a); or
7 “(2) the implementation timeframe of the oper-
8 ator’s noise compatibility program”.

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

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

12 “(f) AIRPORT SPACE.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) by striking “or section 23” and inserting “,
17 section 23”; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) APPLICABILITY.—

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

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

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

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

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

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

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

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

22 “~~(1)~~ ‘small business concern’—

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

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

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

9 Section 47105(e) is amended—

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

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

13 “(2) PAVEMENT STANDARDS.—

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

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

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

standards are approved under paragraph
 (1); and
 “(ii) clearly indicate to the State the
 standards that are acceptable to the Sec-
 retary, considering, at a minimum, local
 conditions and locally available materials.”.

7 **Subtitle C—FLIGHT Act of 2017**

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

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

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

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

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

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

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

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

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

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

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

11 “~~(g)~~ COST SHARE.—

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

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

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

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

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

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

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

16 (2) in subsection (b)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

tion, taxiway, safety area, apron, or navigational aids associated with the runway or runway extension, at a general aviation airport, a reliever airport, or a commercial service airport that is not a primary airport (as such terms are defined in section 47102); and

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

SEC. 1304. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNERSHIP PROGRAM AT GENERAL AVIATION AIRPORTS.

(a) IN GENERAL.—Chapter 481 of title 49, United States Code, is amended by adding at the end the following:

“§ 48115. General aviation public-private partnership program

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

“(1) general aviation airports; and

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

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

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

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

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

21 ~~“(c) LIMITATION.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(A) shall remain available until expended;
2 and

3 “(B) shall be in addition to any amounts
4 made available pursuant to section 48103.”.

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

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

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

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

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

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

15 “(a) DESIGNATION.—

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

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

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

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

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

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

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

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

21 “(b) PRONE TO NATURAL DISASTERS.—

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

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

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

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

19 “(c) REQUIREMENTS.—

20 “(1) OPERATION AND MAINTENANCE.—

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

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

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

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

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

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

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

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

“47132: Disaster relief airports.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (b) **PILOT PROGRAM FOR PASSENGER FACILITY**
 14 **CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.**—Sec-
 15 tion 40117(1) is amended—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (13) airline competition;

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

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

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

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

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

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

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

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

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

4 **SEC. 2001. DEFINITIONS.**

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

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

12 **PART I—PRIVACY AND TRANSPARENCY**

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

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

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

21 It is the sense of Congress that—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 (2) September 30, 2021.

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

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

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

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

1 unmanned aircraft systems in the national airspace
2 system;

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

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

8 **PART II—UNMANNED AIRCRAFT SYSTEMS**

9 **SEC. 2121. DEFINITIONS.**

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

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

“Sec.

“44801. Definitions.

14 **“§ 44801. Definitions**

15 “‘In this chapter—

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

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

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

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

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

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

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

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

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

“(11) ‘unmanned aircraft system’ means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the operator to operate safely and efficiently in the national airspace system.”.

~~“448. Unmanned aircraft systems 44801”~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(B) classifications of airspace where manufacturers must prevent flight of an unmanned aircraft system;

“(C) classifications of airspace where manufacturers of unmanned aircraft systems must alert the operator to hazards or limitations on flight;

“(D) sense and avoid capabilities;

“(E) beyond visual line of sight operations, nighttime operations, operations over people, and unmanned aircraft systems traffic management, or other critical research priorities; and

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

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

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

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

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

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

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

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

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

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

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

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

18 “(d) REPORT TO CONGRESS.—

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

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

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

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

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

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

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

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

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

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

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

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

22 “(A) ongoing or completed research; and

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

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

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

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

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

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

4 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.—~~

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

“44802. Unmanned aircraft system test sites.”.

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

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

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

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

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

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

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

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

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

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

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

24 “(2) Using performance-based standards.

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

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

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

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

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

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

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

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

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

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

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

21 “(2) community-based aviation organizations;

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

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

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

3 “(6) the Secretary of Defense; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 purposes of overseeing compliance with this section;
 2 and

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

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

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

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

12 ~~“(j) PROHIBITIONS.—~~

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

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

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

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

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

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

“44803. Small unmanned aircraft safety standards.”.

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

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

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

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

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

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

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

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

16 “(e) AIRCRAFT APPROVAL.—

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

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

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

6 ~~(b) TECHNICAL AND CONFORMING AMENDMENTS.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 ~~“(1)~~ without an airman certificate;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 receives approval from the air traffic control
2 tower.

3 “(c) SCOPE OF REGULATIONS.—

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

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

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

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

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

1 “(B) the person operates the micro un-
 2 manned aircraft system in a manner prescribed
 3 by the regulations; and

4 “(2) to limit or affect in any way the Adminis-
 5 trator’s authority to conduct a rulemaking; make a
 6 determination; or carry out any activity related to
 7 unmanned aircraft or unmanned aircraft systems
 8 under any other provision of law.”.

9 (c) TABLE OF CONTENTS.—The table of contents for
 10 chapter 448, as amended by section 2125 of this Act, is
 11 further amended by inserting after the item relating to
 12 section 44805 the following:

 “44806: Additional rulemaking authority.”.

13 **SEC. 2127. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
 14 **TEMS.**

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

18 **“§ 44807. Public unmanned aircraft systems**

19 “(a) GUIDANCE.—The Secretary of Transportation
 20 shall issue guidance regarding the operation of a public
 21 unmanned aircraft system—

22 “(1) to streamline the process for the issuance
 23 of a certificate of authorization or a certificate of
 24 waiver;

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

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

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

16 “(b) STANDARDS FOR OPERATION AND CERTIFI-
 17 CATION.—The Administrator of the Federal Aviation Ad-
 18 ministration shall develop and implement an operations
 19 and certification program for the operators of public un-
 20 manned aircraft systems in the national airspace system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(iii) during daylight conditions;

“(iv) within Class G airspace; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“44807. Public unmanned aircraft systems.”.

24 (2) PUBLIC UNMANNED AIRCRAFT SYSTEMS.—

25 Section 334 of the FAA Modernization and reform

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 “(b) UPDATES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (b) ~~TECHNICAL AND CONFORMING AMENDMENTS.~~—

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

“44808: Special rules for model aircraft.”.

22 (2) ~~SPECIAL RULE FOR MODEL AIRCRAFT.~~—

23 Section 336 of the FAA Modernization and Reform
24 Act of 2012 (49 U.S.C. 40101 note) and the item
25 relating to that section in the table of contents

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

3 **SEC. 2129. AUTHORITY.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 “(e) RECORD OF COMPLIANCE.—

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

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

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

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

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

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

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

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

“44809: Aeronautical knowledge and safety test.”.

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

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

1 **SEC. 2132. ENFORCEMENT.**

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

9 (b) **CIVIL PENALTIES.**—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 “(b) PLAN.—

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

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

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

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

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

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

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

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

6 “(f) REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

6 ~~(b) TECHNICAL AND CONFORMING AMENDMENTS.—~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 “(ii) qualifications for operators and
 2 the type and nature of the operations; and
 3 “(iii) operating specifications gov-
 4 erning the type and nature of the un-
 5 manned aircraft system air carrier oper-
 6 ations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 **SEC. 2141. REDESIGNATION.**

7 (a) SAFETY STATEMENTS.—

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

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

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

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

1 (b) ~~EMERGENCY EXEMPTION PROCESS.—~~

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

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

13 (c) ~~APPLICATIONS FOR DESIGNATION.—~~

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

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

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

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

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

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

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

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

PART III—OTHER MATTERS

SEC. 2151. FEDERAL AND LOCAL AUTHORITIES.

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

(1) conduct a study on the relative roles of the Federal Government and State and local governments in regulating the national airspace system, including unmanned aircraft systems operations; and

(2) submit to the appropriate committees of Congress a report on the study, including the Comptroller General's findings, conclusions, and recommendations.

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

(1) The current state of the law with respect to Federal authority over airspace in the United States and the operations of aircraft in that airspace.

(2) The current state of the law with respect to state and local authority over airspace in the United States and the operations of aircraft in that airspace;

(3) Potential gaps between authorities under paragraphs (1) and (2), particularly with respect to unmanned aircraft systems operations at low altitudes;

1 (4) The effectiveness of the Federal Govern-
 2 ment's efforts to resolve differences between dif-
 3 ferent stakeholders on the issue.

4 (5) Potential ways to structure the roles and re-
 5 sponsibilities between the Federal Government and
 6 State and local governments to ensure the highest
 7 level of safety for all aviation operations and in con-
 8 sideration of State and local interests on issues such
 9 as nuisance, voyeurism, privacy, trespass, harass-
 10 ment, reckless endangerment, wrongful death, per-
 11 sonal injury, property damage, or other illegal acts
 12 arising from the use of unmanned aircraft systems.

13 **SEC. 2152. SPECTRUM.**

14 (a) IN GENERAL.—Small unmanned aircraft systems
 15 may use spectrum for wireless control link, tracking,
 16 diagnostics, payload communication, and collaborative-col-
 17 lision avoidance, such as vehicle-to-vehicle communication,
 18 and other uses, consistent with the Communications Act
 19 of 1934 (47 U.S.C. 151 et seq.), Federal Communications
 20 Commission rules, and the safety-of-life determination
 21 made by the Federal Aviation Administration, and
 22 through voluntary commercial arrangements with service
 23 providers, whether they are operating within a UTM sys-
 24 tem under section 2208 of the FAA Extension Safety and

1 Security Act of 2016 (Public Law 114–190, 130 Stat.
2 615) or outside such a system.

3 (b) REPORT.—Not later than 270 days after the date
4 of enactment of this Act, and after consultation with rel-
5 evant stakeholders, the Administrator of the Federal Avia-
6 tion Administration, the National Telecommunications
7 and Information Administration, and the Federal Commu-
8 nications Commission, shall submit to the Committee on
9 Commerce, Science, and Transportation of the Senate, the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives, and the Committee on Energy
12 and Commerce of the House of Representatives a report—

13 (1) on whether small unmanned aircraft sys-
14 tems operations should be permitted to operate on
15 spectrum designated for aviation use, on an unli-
16 censed, shared, or exclusive basis, for operations
17 within the UTM system or outside of such a system;

18 (2) that addresses any technological, statutory,
19 regulatory, and operational barriers to the use of
20 such spectrum; and

21 (3) that, if it is determined that spectrum des-
22 ignated for aviation use is not suitable for operations
23 by small unmanned aircraft systems, includes rec-
24 ommendations of other spectrum frequencies that
25 may be appropriate for such operations.

1 **SEC. 2153. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
2 **STITUTIONS OF HIGHER EDUCATION.**

3 (a) **IN GENERAL.**—Not later than 270 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall establish procedures
6 and standards, as applicable, to facilitate the safe oper-
7 ation of unmanned aircraft systems by institutions of
8 higher education, including faculty, students, and staff.

9 (b) **STANDARDS.**—The procedures and standards re-
10 quired under subsection (a) shall outline risk-based oper-
11 ational parameters to ensure the safety of the national air-
12 space system and the uninvolved public that facilitates the
13 use of unmanned aircraft systems for educational or re-
14 search purposes.

15 (c) **UNMANNED AIRCRAFT SYSTEM APPROVAL.**—The
16 procedures required under subsection (a) shall allow un-
17 manned aircraft systems operated under this section to be
18 modified for research purposes without iterative approval
19 from the Administrator.

20 (d) **ADDITIONAL PROCEDURES.**—The Administrator
21 shall establish a procedure to provide for streamlined, risk-
22 based operational approval for unmanned aircraft systems
23 operated by institutions of higher education, including fac-
24 ulty, students, and staff, outside of the parameters or pur-
25 poses set forth in subsection (b).

26 (e) **DEADLINES.**—

1 ~~(1) IN GENERAL.—If, by the date that is 270~~
 2 ~~days after the date of enactment of this Act, the Ad-~~
 3 ~~ministrator has not set forth standards and proce-~~
 4 ~~dures required under subsections (a), (b), and (c),~~
 5 ~~an institution of higher education may—~~

6 ~~(A) without specific approval from the~~
 7 ~~Federal Aviation Administration, operate small~~
 8 ~~unmanned aircraft at model aircraft fields ap-~~
 9 ~~proved by the Academy of Model Aeronautics~~
 10 ~~and with the permission of the local club of the~~
 11 ~~Academy of Model Aeronautics; and~~

12 ~~(B) submit to the Federal Aviation Admin-~~
 13 ~~istration applications for approval of the insti-~~
 14 ~~tution's designation of 1 or more outdoor flight~~
 15 ~~fields.~~

16 ~~(2) CONSEQUENCE OF FAILURE TO APPROVE.—~~

17 ~~If the Administrator does not take action with re-~~
 18 ~~spect to an application submitted under paragraph~~
 19 ~~(1)(B) within 30 days of the submission of the appli-~~
 20 ~~cation, the failure to do so shall be treated as ap-~~
 21 ~~proval of the application.~~

22 ~~(f) DEFINITIONS.—In this section:~~

23 ~~(1) INSTITUTION OF HIGHER EDUCATION.—The~~
 24 ~~term “institution of higher education” has the~~

1 meaning given that term by section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 ~~(2) UNMANNED AIRCRAFT SYSTEM.~~—The term
4 “unmanned aircraft system” has the meaning given
5 the term in section 44801 of title 49, United States
6 Code, as added by section 2121 of this Act.

7 ~~(3) EDUCATIONAL OR RESEARCH PURPOSES.~~—
8 The term “educational or research purposes”, with
9 respect to the operation of an unmanned aircraft
10 system by an institution of higher education, in-
11 cludes—

12 ~~(A) instruction of students at the institu-~~
13 ~~tion;~~

14 ~~(B) academic or research related use of~~
15 ~~unmanned aircraft systems by student organi-~~
16 ~~zations recognized by the institution, if such~~
17 ~~use has been approved by the institution;~~

18 ~~(C) activities undertaken by the institution~~
19 ~~as part of research projects, including research~~
20 ~~projects sponsored by the Federal Government;~~
21 ~~and~~

22 ~~(D) other academic activities at the insti-~~
23 ~~tution, including general research, engineering,~~
24 ~~and robotics.~~

1 **SEC. 2154. TRANSITION LANGUAGE.**

2 (a) **REGULATIONS.**—Notwithstanding the repeals
3 under sections 2122(b)(2), 2124(b)(2), 2125(b)(2),
4 2127(b)(2), 2128(b)(2), and 2133(b)(2) of this Act, all
5 orders, determinations, rules, regulations, permits, grants,
6 and contracts, which have been issued under any law de-
7 scribed under subsection (b) of this section on or before
8 the effective date of this Act shall continue in effect until
9 modified or revoked by the Secretary of Transportation,
10 acting through the Administrator of the Federal Aviation
11 Administration, as applicable, by a court of competent ju-
12 risdiction, or by operation of law other than this Act.

13 (b) **LAWS DESCRIBED.**—The laws described under
14 this subsection are as follows:

15 (1) Section 332(c) of the FAA Modernization
16 and Reform Act of 2012 (49 U.S.C. 40101 note).

17 (2) Section 332(d) of the FAA Modernization
18 and Reform Act of 2012 (49 U.S.C. 40101 note).

19 (3) Section 333 of the FAA Modernization and
20 Reform Act of 2012 (49 U.S.C. 40101 note).

21 (4) Section 334 of the FAA Modernization and
22 Reform Act of 2012 (49 U.S.C. 40101 note).

23 (5) Section 336 of the FAA Modernization and
24 Reform Act of 2012 (49 U.S.C. 40101 note).

1 (6) Section 2206 of the FAA Extension Safety
2 and Security Act of 2016 (Public Law 114–190; 130
3 Stat. 615).

4 (c) EFFECT ON PENDING PROCEEDINGS.—This Act
5 shall not affect administrative or judicial proceedings
6 pending on the effective date of this Act.

7 **PART IV—OPERATOR SAFETY**

8 **SEC. 2161. SHORT TITLE.**

9 This part may be cited as the “Drone Operator Safe-
10 ty Act”.

11 **SEC. 2162. FINDINGS; SENSE OF CONGRESS.**

12 (a) FINDING.—Congress finds that educating opera-
13 tors of unmanned aircraft about Federal law, including
14 regulations, relating to unmanned aircraft will promote
15 the safe operation of such aircraft.

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that the Administrator of the Federal Aviation Ad-
18 ministration should continue to prioritize the education of
19 operators of unmanned aircraft through public outreach
20 efforts like the “Know Before You Fly” campaign.

21 **SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

22 (a) IN GENERAL.—Chapter 2 of title 18, United
23 States Code, is amended—

24 (1) in section 31—

25 (A) in subsection (a)—

1 (i) by redesignating paragraph (10) as
2 paragraph (11); and

3 (ii) by inserting after paragraph (9)
4 the following:

5 “(10) UNMANNED AIRCRAFT.—The term ‘un-
6 manned aircraft’ has the meaning given such term
7 in section 44801 of title 49.”; and

8 (B) in subsection (b), by inserting “‘air-
9 port’,” before “‘appliance’”; and

10 (2) by inserting after section 39A the following:

11 **“§ 39B. Unsafe operation of unmanned aircraft**

12 “(a) OFFENSE.—Any person who operates an un-
13 manned aircraft and, in so doing, knowingly or recklessly
14 interferes with, or disrupts the operation of, an aircraft
15 carrying 1 or more occupants operating in the special air-
16 craft jurisdiction of the United States, in a manner that
17 poses an imminent safety hazard to such occupants, shall
18 be punished as provided in subsection (b).

19 “(b) PENALTY.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), the punishment for an offense under sub-
22 section (a) shall be a fine under this title, imprison-
23 ment for not more than 1 year, or both.

24 “(2) SERIOUS BODILY INJURY OR DEATH.—Any
25 person who attempts to cause, or knowingly or reck-

1 lessly causes, serious bodily injury or death during
 2 the commission of an offense under subsection (a)
 3 shall be fined under this title, imprisoned for any
 4 term of years or for life, or both.

5 “(c) OPERATION OF UNMANNED AIRCRAFT IN CLOSE
 6 PROXIMITY TO AIRPORTS.—

7 “(1) IN GENERAL.—The operation of an un-
 8 manned aircraft within a runway exclusion zone
 9 shall be considered a violation of subsection (a) un-
 10 less such operation is approved by the airport’s air
 11 traffic control facility or is the result of a cir-
 12 cumstance, such as a malfunction, that could not
 13 have been reasonably foreseen or prevented by the
 14 operator.

15 “(2) RUNWAY EXCLUSION ZONE DEFINED.—In
 16 this subsection, the term ‘runway exclusion zone’
 17 means a rectangular area—

18 “(A) centered on the centerline of an ac-
 19 tive runway of an airport immediately around
 20 which the airspace is designated as class B,
 21 class C, or class D airspace at the surface
 22 under part 71 of title 14, Code of Federal Reg-
 23 ulations; and

24 “(B) the length of which extends parallel
 25 to the runway’s centerline to points that are 1

1 statute mile from each end of the runway and
 2 the width of which is 1/2 statute mile.”.

3 (b) TABLE OF CONTENTS.—The table of contents for
 4 chapter 2 of title 18, United States Code, is amended by
 5 inserting after the item relating to section 39A the fol-
 6 lowing:

“39B. Unsafe operation of unmanned aircraft.”.

7 **Subtitle B—FAA Safety** 8 **Certification Reform**

9 **PART I—GENERAL PROVISIONS**

10 **SEC. 2211. DEFINITIONS.**

11 In this subtitle:

12 (1) ADMINISTRATOR.—The term “Adminis-
 13 trator” means the Administrator of the Federal
 14 Aviation Administration.

15 (2) ADVISORY COMMITTEE.—The term “Advi-
 16 sory Committee” means the Safety Oversight and
 17 Certification Advisory Committee established under
 18 section 2212.

19 (3) FAA.—The term “FAA” means the Fed-
 20 eral Aviation Administration.

21 (4) SECRETARY.—The term “Secretary” means
 22 the Secretary of Transportation.

23 (5) SYSTEMS SAFETY APPROACH.—The term
 24 “systems safety approach” means the application of
 25 specialized technical and managerial skills to the

1 systematic, forward-looking identification and con-
2 trol of hazards throughout the lifecycle of a project,
3 program, or activity.

4 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
5 **SORY COMMITTEE.**

6 (a) **ESTABLISHMENT.**—Not later than 60 days after
7 the date of enactment of this Act, the Secretary shall es-
8 tablish a Safety Oversight and Certification Advisory
9 Committee in accordance with this section.

10 (b) **DUTIES.**—The Advisory Committee shall provide
11 advice to the Secretary on policy-level issues facing the
12 aviation community that are related to FAA safety over-
13 sight and certification programs and activities, including
14 the following:

15 (1) Aircraft and flight standards certification
16 processes, including efforts to streamline those proc-
17 esses.

18 (2) Implementation and oversight of safety
19 management systems.

20 (3) Risk-based oversight efforts.

21 (4) Utilization of delegation and designation au-
22 thorities, including organization designation author-
23 ization.

24 (5) Regulatory interpretation standardization
25 efforts.

1 ~~(6) Training programs.~~

2 ~~(7) Expediting the rulemaking process and~~
 3 ~~prioritizing safety-related rules.~~

4 ~~(8) Enhancing global competitiveness of U.S.~~
 5 ~~manufactured and FAA type-certificate aircraft~~
 6 ~~products and services throughout the world.~~

7 ~~(c) FUNCTIONS.—In carrying out its duties under~~
 8 ~~subsection (b) related to FAA safety oversight and certifi-~~
 9 ~~cation programs and activities, the Advisory Committee~~
 10 ~~shall—~~

11 ~~(1) foster aviation stakeholder collaboration in~~
 12 ~~an open and transparent manner;~~

13 ~~(2) consult with, and ensure participation by—~~

14 ~~(A) the private sector, including represent-~~
 15 ~~atives of—~~

16 ~~(i) general aviation;~~

17 ~~(ii) commercial aviation;~~

18 ~~(iii) aviation labor;~~

19 ~~(iv) aviation, aerospace, and avionics~~
 20 ~~manufacturing; and~~

21 ~~(v) unmanned aircraft systems indus-~~
 22 ~~try; and~~

23 ~~(B) the public;~~

24 ~~(3) recommend consensus national goals, stra-~~
 25 ~~tegic objectives, and priorities for the most efficient,~~

1 streamlined, and cost-effective safety oversight and
2 certification processes in order to maintain the safe-
3 ty of the aviation system while allowing the FAA to
4 meet future needs and ensure that aviation stake-
5 holders remain competitive in the global market-
6 place;

7 (4) provide policy recommendations for the
8 FAA's safety oversight and certification efforts;

9 (5) periodically review and provide rec-
10 ommendations regarding the FAA's safety oversight
11 and certification efforts;

12 (6) periodically review and evaluate registration,
13 certification, and related fees;

14 (7) provide appropriate legislative, regulatory,
15 and guidance recommendations for the air transpor-
16 tation system and the aviation safety regulatory en-
17 vironment;

18 (8) recommend performance objectives for the
19 FAA and aviation industry;

20 (9) recommend performance metrics for the
21 FAA and the aviation industry to be tracked and re-
22 viewed as streamlining certification reform, flight
23 standards reform, and regulation consistency efforts
24 progress;

1 (10) provide a venue for tracking progress to-
 2 ward national goals and sustaining joint commit-
 3 ments;

4 (11) recommend recruiting, hiring, staffing lev-
 5 els, training, and continuing education objectives for
 6 FAA aviation safety engineers and aviation safety
 7 inspectors;

8 (12) provide advice and recommendations to the
 9 FAA on how to prioritize safety rulemaking projects;

10 (13) improve the development of FAA regula-
 11 tions by providing information, advice, and rec-
 12 ommendations related to aviation issues;

13 (14) promote the validation and acceptance of
 14 U.S. manufactured and FAA type-certificate aircraft
 15 products and services throughout the world; and

16 (15) any other functions as determined appro-
 17 priate by the chairperson of the Advisory Committee
 18 and the Administrator.

19 (d) MEMBERSHIP.—

20 (1) VOTING MEMBERS.—The Advisory Com-
 21 mittee shall be composed of the following voting
 22 members:

23 (A) The Administrator, or the Administra-
 24 tor's designee.

1 ~~(B)~~ At least 1 representative, appointed by
 2 the Secretary, of each of the following:

3 ~~(i)~~ Transport aircraft and engine
 4 manufacturers.

5 ~~(ii)~~ General aviation aircraft and en-
 6 gine manufacturers.

7 ~~(iii)~~ Avionics and equipment manufac-
 8 turers.

9 ~~(iv)~~ Aviation labor organizations, in-
 10 cluding collective bargaining representa-
 11 tives of FAA aviation safety inspectors and
 12 aviation safety engineers.

13 ~~(v)~~ General aviation operators.

14 ~~(vi)~~ Air carriers.

15 ~~(vii)~~ Business aviation operators.

16 ~~(viii)~~ Unmanned aircraft systems
 17 manufacturers and operators.

18 ~~(ix)~~ Aviation safety management ex-
 19 perts.

20 ~~(2)~~ NONVOTING MEMBERS.—

21 ~~(A)~~ IN GENERAL.—In addition to the
 22 members appointed under paragraph (1), the
 23 Advisory Committee shall be composed of non-
 24 voting members appointed by the Secretary

1 from among individuals representing FAA safe-
 2 ty oversight program offices.

3 ~~(B) DUTIES.~~—A nonvoting member may—

4 (i) take part in deliberations of the
 5 Advisory Committee; and

6 (ii) provide input with respect to any
 7 report or recommendation of the Advisory
 8 Committee.

9 ~~(C) LIMITATION.~~—A nonvoting member
 10 may not represent any stakeholder interest
 11 other than that of an FAA safety oversight pro-
 12 gram office.

13 ~~(3) TERMS.~~—Each voting member and non-
 14 voting member of the Advisory Committee shall be
 15 appointed for a term of 2 years.

16 ~~(4) RULE OF CONSTRUCTION.~~—Public Law
 17 104–65 (2 U.S.C. 1601 et seq.) may not be con-
 18 strued to prohibit or otherwise limit the appointment
 19 of any individual as a member of the Advisory Com-
 20 mittee.

21 ~~(c) COMMITTEE CHARACTERISTICS.~~—The Advisory
 22 Committee shall have the following characteristics:

23 (1) Each voting member under subsection
 24 ~~(d)(1)(B)~~ shall be an executive that has decision au-
 25 thority within the member’s organization and can

1 represent and enter into commitments on behalf of
 2 that organization in a way that serves the entire
 3 group of organizations that member represents
 4 under that subsection.

5 (2) The ability to obtain necessary information
 6 from experts in the aviation and aerospace commu-
 7 nities.

8 (3) A membership size that enables the Advi-
 9 sory Committee to have substantive discussions and
 10 reach consensus on issues in an expeditious manner.

11 (4) Appropriate expertise, including expertise in
 12 certification and risk-based safety oversight proc-
 13 esses, operations, policy, technology, labor relations,
 14 training, and finance.

15 (f) CHAIRPERSON.—

16 (1) IN GENERAL.—The chairperson of the Advi-
 17 sory Committee shall be appointed by the Secretary
 18 from among the voting members under subsection
 19 (d)(1)(B).

20 (2) TERM.—Each member appointed under
 21 paragraph (1) shall serve a term of 2 years as chair-
 22 person.

23 (g) MEETINGS.—

1 (1) FREQUENCY.—The Advisory Committee
2 shall convene at least 2 meetings a year at the call
3 of the chairperson.

4 (2) PUBLIC ATTENDANCE.—Each meeting of
5 the Advisory Committee shall be open and accessible
6 to the public.

7 (h) SPECIAL COMMITTEES.—

8 (1) ESTABLISHMENT.—The Advisory Com-
9 mittee may establish 1 or more special committees
10 composed of private sector representatives, members
11 of the public, labor representatives, and other rel-
12 evant parties in complying with consultation and
13 participation requirements under subsection (c)(2).

14 (2) RULEMAKING ADVICE.—A special com-
15 mittee established by the Advisory Committee may—

16 (A) provide rulemaking advice and rec-
17 ommendations to the Advisory Committee;

18 (B) provide the FAA additional opportuni-
19 ties to obtain firsthand information and insight
20 from those persons that are most affected by
21 existing and proposed regulations; and

22 (C) assist in expediting the development,
23 revision, or elimination of rules in accordance
24 with, and without circumventing, established
25 public rulemaking processes and procedures.

1 ~~(3) FEDERAL ADVISORY COMMITTEE ACT.—The~~
 2 Federal Advisory Committee Act (5 U.S.C. App.)
 3 shall not apply to a special committee under this
 4 subsection.

5 ~~(i) SUNSET.—The Advisory Committee shall cease to~~
 6 exist on September 30, 2021.

7 **PART II—AIRCRAFT CERTIFICATION REFORM**

8 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
 9 **JECTIVES AND METRICS.**

10 ~~(a) IN GENERAL.—Not later than 120 days after the~~
 11 date the Advisory Committee is established under section
 12 2212, the Administrator shall establish performance objec-
 13 tives and apply and track performance metrics for the
 14 FAA and the aviation industry relating to aircraft certifi-
 15 cation in accordance with this section.

16 ~~(b) COLLABORATION.—The Administrator shall carry~~
 17 out this section in collaboration with the Advisory Com-
 18 mittee and update agency performance objectives and
 19 metrics after considering the proposals recommended by
 20 the Advisory Committee under paragraphs (8) and (9) of
 21 section 2212(c).

22 ~~(c) PERFORMANCE OBJECTIVES.—In establishing~~
 23 performance objectives under subsection (a), the Adminis-
 24 trator shall ensure progress is made toward, at a min-
 25 imum—

- 1 (1) eliminating certification delays and improv-
- 2 ing cycle times;
- 3 (2) increasing accountability for both FAA and
- 4 the aviation industry;
- 5 (3) achieving effective utilization of FAA dele-
- 6 gation and designation authorities, including organi-
- 7 zational designation authorization;
- 8 (4) effectively implementing risk management
- 9 principles and a systems safety approach;
- 10 (5) reducing duplication of effort;
- 11 (6) increasing transparency;
- 12 (7) developing and providing training, including
- 13 recurrent training, in auditing and a systems safety
- 14 approach to certification oversight;
- 15 (8) improving the process for approving or ac-
- 16 cepting the certification actions between the FAA
- 17 and bilateral partners;
- 18 (9) maintaining and improving safety;
- 19 (10) streamlining the hiring process for—
- 20 (A) qualified systems safety engineers at
- 21 staffing levels to support the FAA's efforts to
- 22 implement a systems safety approach; and
- 23 (B) qualified systems safety engineers to
- 24 guide the engineering of complex systems within
- 25 the FAA; and

1 (11) maintaining the leadership of the United
2 States in international aviation and aerospace.

3 (d) ~~PERFORMANCE METRICS.~~—In carrying out sub-
4 section (a), the Administrator shall—

5 (1) apply and track performance metrics for the
6 FAA and the aviation industry; and

7 (2) transmit to the appropriate committees of
8 Congress an annual report on tracking the progress
9 toward full implementation of the recommendations
10 under section 2212.

11 (e) ~~DATA.~~—

12 (1) ~~BASELINES.~~—Not later than 1 year after
13 the date the Advisory Committee recommends initial
14 performance metrics under section 2212(e)(9), the
15 Administrator shall generate initial data with respect
16 to each of the performance metrics applied and
17 tracked under this section.

18 (2) ~~BENCHMARKS.~~—The Administrator shall
19 use the performance metrics applied and tracked
20 under this section to generate data on an ongoing
21 basis and to measure progress toward the consensus
22 national goals, strategic objectives, and priorities
23 recommended under section 2212(e)(3).

24 (f) ~~PUBLICATION.~~—

1 (1) IN GENERAL.—Subject to paragraph (2),
 2 the Administrator shall make data generated using
 3 the performance metrics applied and tracked under
 4 this section available in a searchable, sortable, and
 5 downloadable format through the Internet Web site
 6 of the FAA or other appropriate methods.

7 (2) LIMITATIONS.—The Administrator shall
 8 make the data under paragraph (1) available in a
 9 manner that—

10 (A) protects from disclosure identifying in-
 11 formation regarding an individual or entity; and

12 (B) protects from inappropriate disclosure
 13 proprietary information.

14 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

15 (a) IN GENERAL.—Chapter 447 is amended by add-
 16 ing at the end the following:

17 **“§ 44736. Organization designation authorizations**

18 “(a) DELEGATIONS OF FUNCTIONS.—

19 “(1) IN GENERAL.—Except as provided in para-
 20 graph (3), in the oversight of an ODA holder, the
 21 Administrator of the Federal Aviation Administra-
 22 tion, in accordance with Federal Aviation Adminis-
 23 tration standards, shall—

24 “(A) require, based on an application sub-
 25 mitted by the ODA holder and approved by the

1 Administrator (or the Administrator's des-
2 ignee), a procedures manual that addresses all
3 procedures and limitations regarding the speci-
4 fied functions to be performed by the ODA
5 holder subject to regulations prescribed by the
6 Administrator;

7 “(B) delegate fully to the ODA holder each
8 of the functions specified in the procedures
9 manual, unless the Administrator determines,
10 after the date of the delegation and as a result
11 of an accident finding, surveillance, or over-
12 sight, that it is in the public interest and safety
13 of air commerce to require a limitation; and

14 “(C) for each function that is limited
15 under subparagraph (B), work with the ODA
16 holder to develop the ODA holder's capability to
17 execute that function safely and effectively, and
18 to return to full authority status.

19 “(2) DUTIES OF ODA HOLDERS.—An ODA
20 holder shall—

21 “(A) perform each specified function dele-
22 gated to the ODA holder in accordance with the
23 approved procedures manual for the delegation;

1 “(B) make the procedures manual avail-
 2 able to each member of the appropriate ODA
 3 unit; and

4 “(C) cooperate fully with oversight activi-
 5 ties conducted by the Administrator in connec-
 6 tion with the delegation.

7 “(3) EXISTING ODA HOLDERS.—With regard to
 8 an ODA holder operating under a procedures man-
 9 ual approved by the Administrator before the date of
 10 enactment of the Federal Aviation Administration
 11 Reauthorization Act of 2017, the Administrator
 12 shall—

13 “(A) at the request of the ODA holder,
 14 and in an expeditious manner, consider revi-
 15 sions to the ODA holder’s procedures manual;

16 “(B) delegate fully to the ODA holder each
 17 of the functions specified in the procedures
 18 manual, unless the Administrator determines,
 19 after the date of the delegation and as a result
 20 of an accident finding, surveillance, or over-
 21 sight, that it is in the public interest and safety
 22 of air commerce to require a limitation; and

23 “(C) for each function that is limited
 24 under subparagraph (B), work with the ODA
 25 holder to develop the ODA holder’s capability to

execute that function safely and effectively, and
to return to full authority status.

~~“(b) ODA OFFICE.—~~

~~“(1) ESTABLISHMENT.—Not later than 120
days after the date of enactment of Federal Aviation
Administration Reauthorization Act of 2017, the
Administrator shall identify, within the Office of
Aviation Safety, a centralized policy office to be re-
sponsible for the organization designation authoriza-
tion (referred to in this subsection as the ODA Of-
fice). The Director of the ODA Office shall report
to the Director of the Aircraft Certification Service.~~

~~“(2) PURPOSE.—The purpose of the ODA Of-
fice shall be to provide oversight and ensure consist-
ency of the Federal Aviation Administration audit
functions under the ODA program across the agen-
cy.~~

~~“(3) FUNCTIONS.—The ODA Office shall—~~

~~“(A)(i) at the request of an ODA holder,
eliminate all limitations specified in a proce-
dures manual in place on the date of enactment
of the Federal Aviation Administration Reau-
thorization Act of 2017 that are low and me-
dium risk as determined by a risk analysis
using criteria established by the ODA Office~~

1 and disclosed to the ODA holder, except where
2 an ODA holder's performance warrants the re-
3 tention of a specific limitation due to docu-
4 mented concerns about inadequate current per-
5 formance in carrying out that authorized func-
6 tion;

7 “(ii) require an ODA holder to estab-
8 lish a corrective action plan to regain au-
9 thority for any retained limitations;

10 “(iii) require an ODA holder to notify
11 the ODA Office when all corrective actions
12 have been accomplished; and

13 “(iv) make a reassessment to deter-
14 mine if subsequent performance in ear-
15 rying out any retained limitation warrants
16 continued retention and, if such reassess-
17 ment determines performance meets objec-
18 tives, lift such limitation immediately;

19 “(B) improve the Administration and the
20 ODA holder performance and ensure full use of
21 the authorities delegated under the ODA pro-
22 gram;

23 “(C) develop a more consistent approach to
24 audit priorities, procedures, and training under
25 the ODA program;

1 “(D) expeditiously review a random sample
 2 of limitations on delegated authorities under the
 3 ODA program to determine if the limitations
 4 are appropriate;

5 “(E) review and approve new limitations to
 6 ODA functions; and

7 “(F) ensure national consistency in the in-
 8 terpretation and application of the requirements
 9 of the ODA program, including any limitations,
 10 and in the performance of the ODA program.

11 “(e) DEFINITIONS.—In this section:

12 “(1) ODA OR ORGANIZATION DESIGNATION AU-
 13 THORIZATION.—The term ‘ODA’ or ‘organization
 14 designation authorization’ means an authorization
 15 under section 44702(d) to perform approved func-
 16 tions on behalf of the Administrator of the Federal
 17 Aviation Administration under subpart D of part
 18 183 of title 14, Code of Federal Regulations.

19 “(2) ODA HOLDER.—The term ‘ODA holder’
 20 means an entity authorized under section
 21 44702(d)—

22 “(A) to which the Administrator of the
 23 Federal Aviation Administration issues an ODA
 24 letter of designation under subpart D of part
 25 183 of title 14, Code of Federal Regulations (or

1 any corresponding similar regulation or ruling);
 2 and

3 “(B) that is responsible for administering
 4 1 or more ODA units.

5 “(3) ODA PROGRAM.—The term ‘ODA pro-
 6 gram’ means the program to standardize Federal
 7 Aviation Administration management and oversight
 8 of the organizations that are approved to perform
 9 certain functions on behalf of the Administration
 10 under section 44702(d).

11 “(4) ODA UNIT.—The term ‘ODA unit’ means
 12 a group of 2 or more individuals under the super-
 13 vision of an ODA holder who perform the specified
 14 functions under an ODA.

15 “(5) ORGANIZATION.—The term ‘organization’
 16 means a firm, a partnership, a corporation, a com-
 17 pany, an association, a joint-stock association, or a
 18 governmental entity.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENTS.—
 20 The table of contents of chapter 447 is amended by adding
 21 after the item relating to section 44735 the following:

“44736. Organization designation authorizations.”.

22 **SEC. 2223. ODA REVIEW.**

23 (a) EXPERT REVIEW PANEL.—

24 (1) ESTABLISHMENT.—Not later than 120 days
 25 after the date of enactment of this Act, the Adminis-

1 trator of the FAA shall convene a multidisciplinary
2 expert review panel (referred to in this section as the
3 “Panel”).

4 (2) COMPOSITION.—

5 (A) IN GENERAL.—The Panel shall be
6 composed of not more than 20 members ap-
7 pointed by the Administrator.

8 (B) QUALIFICATIONS.—The members ap-
9 pointed to the Panel shall—

10 (i) each have a minimum of 5 years of
11 experience in processes and procedures
12 under the ODA program; and

13 (ii) include representatives of ODA
14 holders, aviation manufacturers, safety ex-
15 perts, and FAA labor organizations, in-
16 cluding labor representatives of FAA avia-
17 tion safety inspectors and aviation safety
18 engineers.

19 (b) SURVEY.—The Panel shall survey ODA holders
20 and ODA program applicants to document FAA safety
21 oversight and certification programs and activities, includ-
22 ing the FAA’s use of the ODA program and the speed
23 and efficiency of the certification process. In carrying out
24 this subsection, the Administrator shall consult with the

1 appropriate survey experts and the Panel to best design
2 and conduct the survey.

3 ~~(c) ASSESSMENT.—The Panel shall—~~

4 ~~(1) conduct an assessment of—~~

5 ~~(A) the FAA's processes and procedures~~
6 ~~under the ODA program and whether the pro-~~
7 ~~cesses and procedures function as intended;~~

8 ~~(B) the best practices of and lessons~~
9 ~~learned by ODA holders and the FAA personnel~~
10 ~~who provide oversight of ODA holders;~~

11 ~~(C) the performance incentive policies; re-~~
12 ~~lated to the ODA program for FAA personnel;~~
13 ~~that do not conflict with the public interest;~~

14 ~~(D) the training activities related to the~~
15 ~~ODA program for FAA personnel and ODA~~
16 ~~holders; and~~

17 ~~(E) the impact, if any, that oversight of~~
18 ~~the ODA program has on FAA resources and~~
19 ~~the FAA's ability to process applications for~~
20 ~~certifications outside of the ODA program; and~~

21 ~~(2) make recommendations for improving FAA~~
22 ~~safety oversight and certification programs and ac-~~
23 ~~tivities based on the results of the survey under sub-~~
24 ~~section (b) and each element of the assessment~~
25 ~~under paragraph (1) of this subsection.~~

1 (d) ~~REPORT.~~—Not later than 180 days after the date
 2 the Panel is convened under subsection (a), the Panel shall
 3 submit to the Administrator, the Advisory Committee, and
 4 the appropriate committees of Congress a report on re-
 5 sults of the survey under subsection (b) and the assess-
 6 ment and recommendations under subsection (c).

7 (e) ~~DEFINITIONS.~~—The terms used in this section
 8 have the meanings given the terms in section 44736 of
 9 title 49, United States Code, as added by section 2222
 10 of this Act.

11 (f) ~~FEDERAL ADVISORY COMMITTEE ACT.~~—The
 12 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 13 apply to the Panel.

14 (g) ~~SUNSET.~~—The Panel shall terminate on the date
 15 the report is submitted under subsection (d).

16 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

17 (a) ~~IN GENERAL.~~—Section 44704(a) is amended by
 18 adding at the end the following:

19 “(6) ~~TYPE CERTIFICATION RESOLUTION PROC-~~
 20 ~~ESS.~~—

21 “(A) ~~IN GENERAL.~~—Not later than 15
 22 months after the date of enactment of the Fed-
 23 eral Aviation Administration Reauthorization
 24 Act of 2017, the Administrator shall establish
 25 an effective, expeditious, and milestone-based

1 issue resolution process for type certification ac-
 2 tivities under this subsection.

3 “(B) PROCESS REQUIREMENTS.—The res-
 4 olution process shall provide for—

5 “(i) the resolution of technical issues
 6 at preestablished stages of the certification
 7 process, as agreed to by the Administrator
 8 and the type certificate applicant;

9 “(ii) the automatic escalation to ap-
 10 propriate management personnel of the
 11 Federal Aviation Administration and the
 12 type certificate applicant of any major cer-
 13 tification process milestone that is not
 14 completed or resolved within a specific pe-
 15 riod of time agreed to by the Adminis-
 16 trator and the type certificate applicant;
 17 and

18 “(iii) the resolution of a major certifi-
 19 cation process milestone escalated under
 20 clause (ii) within a specific period of time
 21 agreed to by the Administrator and the
 22 type certificate applicant.

23 “(C) DEFINITION OF MAJOR CERTIFI-
 24 CATION PROCESS MILESTONE.—In this para-
 25 graph, the term ‘major certification process

1 milestone' means a milestone related to a type
 2 certification basis, type certification plan, type
 3 inspection authorization, issue paper, or other
 4 major type certification activity agreed to by
 5 the Administrator and the type certificate appli-
 6 cant.'.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 Section 44704 is amended in the heading by striking
 9 “**airworthiness certificates,**” and inserting “**air-**
 10 **worthiness certificates,**”.

11 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
 12 **GENERAL AVIATION AIRPLANES.**

13 (a) POLICY.—In a manner consistent with the Small
 14 Airplane Revitalization Act of 2013 (49 U.S.C. 44704
 15 note), not later than 180 days after the date of enactment
 16 of this Act, the Administrator shall establish and begin
 17 implementing a risk-based policy that streamlines the in-
 18 stallation of safety enhancing technologies for small gen-
 19 eral aviation airplanes in a manner that reduces regu-
 20 latory delays and significantly improves safety.

21 (b) INCLUSIONS.—The safety enhancing technologies
 22 for small general aviation airplanes described in subsection
 23 (a) shall include, at a minimum, the replacement or ret-
 24 rofit of primary flight displays, auto pilots, engine mon-
 25 itors, and navigation equipment.

1 (c) ~~COLLABORATION.~~—In carrying out this section,
 2 the Administrator shall collaborate with general aviation
 3 operators, general aviation manufacturers, and appro-
 4 priate FAA labor organizations, including representatives
 5 of FAA aviation safety inspectors and aviation safety engi-
 6 neers, certified under section ~~7111~~ of title ~~5~~, United
 7 States Code.

8 (d) ~~DEFINITION OF SMALL GENERAL AVIATION AIR-~~
 9 ~~PLANE.~~—In this section, the term “small general aviation
 10 airplane” means an airplane that—

11 (1) is certified to the standards of part ~~23~~ of
 12 title ~~14~~, Code of Federal Regulations;

13 (2) has a seating capacity of not more than 9
 14 passengers; and

15 (3) is not used in scheduled passenger-carrying
 16 operations under part ~~121~~ of title ~~14~~, Code of Fed-
 17 eral Regulations.

18 **~~PART III—FLIGHT STANDARDS REFORM~~**

19 **~~SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJEC-~~** 20 **~~TIVES AND METRICS.~~**

21 (a) ~~IN GENERAL.~~—Not later than 120 days after the
 22 date the Advisory Committee is established under section
 23 ~~2212~~, the Administrator shall establish performance objec-
 24 tives and apply and track performance metrics for the

1 FAA and the aviation industry relating to flight standards
 2 activities in accordance with this section.

3 (b) ~~COLLABORATION.~~—The Administrator shall carry
 4 out this section in collaboration with the Advisory Com-
 5 mittee and update agency performance objectives and
 6 metries after considering the recommendations of the Ad-
 7 visory Committee under paragraphs (8) and (9) of section
 8 2212(e).

9 (c) ~~PERFORMANCE OBJECTIVES.~~—In carrying out
 10 subsection (a), the Administrator shall ensure that
 11 progress is made toward, at a minimum—

12 (1) eliminating delays with respect to such ac-
 13 tivities;

14 (2) increasing accountability for both FAA and
 15 the aviation industry;

16 (3) effectively implementing risk management
 17 principles and a systems safety approach;

18 (4) reducing duplication of effort;

19 (5) promoting appropriate compliance activities
 20 and eliminating inconsistent regulatory interpreta-
 21 tions and inconsistent enforcement activities;

22 (6) improving and providing greater opportuni-
 23 ties for training, including recurrent training, in au-
 24 diting and a systems safety approach to oversight;

1 (7) developing and allowing the use of a single
2 master source for guidance;

3 (8) providing and using a streamlined appeal
4 process for the resolution of regulatory interpreta-
5 tion questions;

6 (9) maintaining and improving safety; and

7 (10) increasing transparency.

8 (d) PERFORMANCE METRICS.—In carrying out sub-
9 section (a), the Administrator shall—

10 (1) apply and track performance metrics for the
11 FAA and the aviation industry; and

12 (2) transmit to the appropriate committees of
13 Congress an annual report tracking the progress to-
14 ward full implementation of the performance metrics
15 under section 2212.

16 (e) DATA.—

17 (1) BASELINES.—Not later than 1 year after
18 the date the Advisory Committee recommends initial
19 performance metrics under section 2212(c)(9), the
20 Administrator shall generate initial data with respect
21 to each of the performance metrics applied and
22 tracked that are approved based on the rec-
23 ommendations required under this section.

24 (2) BENCHMARKS.—The Administrator shall
25 use the performance metrics applied and tracked

under this section to generate data on an ongoing basis and to measure progress toward the consensus national goals, strategic objectives, and priorities recommended under section 2212(c)(3).

(f) PUBLICATION.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator shall make data generated using the performance metrics applied and tracked under this section available in a searchable, sortable, and downloadable format through the Internet Web site of the FAA or other appropriate methods.

(2) LIMITATIONS.—The Administrator shall make the data under paragraph (1) available in a manner that—

(A) protects from disclosure identifying information regarding an individual or entity; and

(B) protects from inappropriate disclosure proprietary information.

SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS REFORM.

(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish the FAA Task Force on Flight Standards Reform (referred to in this section as the “Task Force”).

(b) MEMBERSHIP.—

1 ~~(1) APPOINTMENT.~~—The membership of the
2 Task Force shall be appointed by the Administrator.

3 ~~(2) NUMBER.~~—The Task Force shall be com-
4 posed of not more than 20 members.

5 ~~(3) REPRESENTATION REQUIREMENTS.~~—The
6 membership of the Task Force shall include rep-
7 resentatives, with knowledge of flight standards reg-
8 ulatory processes and requirements, of—

9 ~~(A) air carriers;~~

10 ~~(B) general aviation;~~

11 ~~(C) business aviation;~~

12 ~~(D) repair stations;~~

13 ~~(E) unmanned aircraft systems operators;~~

14 ~~(F) flight schools;~~

15 ~~(G) manufacturers;~~

16 ~~(H) labor unions, including those rep-~~
17 ~~resenting FAA aviation safety inspectors and~~
18 ~~those representing FAA aviation safety engi-~~
19 ~~neers; and~~

20 ~~(I) aviation safety experts.~~

21 ~~(c) DUTIES.~~—The duties of the Task Force shall in-
22 clude, at a minimum, identifying cost-effective best prac-
23 tices and providing recommendations with respect to—

1 (1) simplifying and streamlining flight stand-
2 ards regulatory processes, including issuance and
3 oversight of certificates;

4 (2) reorganizing the Flight Standards Service
5 to establish an entity organized by function rather
6 than geographic region, if appropriate;

7 (3) FAA aviation safety inspector training op-
8 portunities;

9 (4) FAA aviation safety inspector standards
10 and performance; and

11 (5) achieving, across the FAA, consistent—

12 (A) regulatory interpretations; and

13 (B) application of oversight activities.

14 (d) REPORT.—Not later than 1 year after the date
15 the Task Force is established under subsection (a), the
16 Task Force shall submit to the Administrator, Advisory
17 Committee, and appropriate committees of Congress a re-
18 port detailing—

19 (1) the best practices identified and rec-
20 ommendations provided by the Task Force under
21 subsection (c); and

22 (2) any recommendations of the Task Force for
23 additional regulatory action or cost-effective legisla-
24 tive action.

1 (e) **FLIGHT STANDARDS SERVICE REALIGNMENT**
 2 **FEASIBILITY REPORT.**—Not later than 1 year after the
 3 date of enactment of this Act, the Administrator shall sub-
 4 mit to the appropriate committees of Congress a report
 5 on the findings of the determination of the feasibility of
 6 realigning flight standards service regional field offices to
 7 specialized areas of aviation safety oversight and technical
 8 expertise.

9 (f) **FEDERAL ADVISORY COMMITTEE ACT.**—The
 10 Federal Advisory Committee Act (5 U.S.C. App.) shall not
 11 apply to the Task Force.

12 (g) **SUNSET.**—The Task Force shall cease to exist on
 13 the date that the Task Force submits the report required
 14 under subsection (d).

15 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

16 (a) **ESTABLISHMENT.**—Not later than 1 year after
 17 the date of enactment of this Act, the Administrator of
 18 the ~~FAA~~ shall establish a centralized safety guidance data-
 19 base for all of the regulatory guidance issued by the ~~FAA~~
 20 Office of Aviation Safety regarding compliance with 1 or
 21 more aviation safety-related provisions of the Code of Fed-
 22 eral Regulations.

23 (b) **REQUIREMENTS.**—The database under subsection
 24 (a) shall—

1 (1) for each guidance, include a link to the spe-
 2 cific provision of the Code of Federal Regulations;

3 (2) subject to paragraph (3), be accessible to
 4 the public; and

5 (3) be provided in a manner that—

6 (A) protects from disclosure identifying in-
 7 formation regarding an individual or entity; and

8 (B) protects from inappropriate disclosure
 9 proprietary information.

10 (c) DATA ENTRY TIMING.—

11 (1) EXISTING DOCUMENTS.—Not later than 14
 12 months after the date the database is established,
 13 the Administrator shall have completed entering into
 14 the database any applicable regulatory guidance that
 15 are in effect and were issued before that date.

16 (2) NEW REGULATORY GUIDANCE AND UP-
 17 DATES.—Beginning on the date the database is es-
 18 tablished, the Administrator shall ensure that any
 19 applicable regulatory guidance that are issued on or
 20 after that date are entered into the database as they
 21 are issued.

22 (d) CONSULTATION REQUIREMENT.—In establishing
 23 the database under subsection (a), the Administrator shall
 24 consult and collaborate with appropriate stakeholders, in-
 25 cluding labor organizations (including those representing

1 aviation workers, FAA aviation safety engineers, and FAA
 2 aviation safety inspectors) and aviation industry stake-
 3 holders.

4 (e) **DEFINITION OF REGULATORY GUIDANCE.**—In
 5 this section, the term “regulatory guidance” means all
 6 forms of written information issued by the FAA that an
 7 individual or entity may use to interpret or apply FAA
 8 regulations and requirements, including information an in-
 9 dividual or entity may use to determine acceptable means
 10 of compliance with such regulations and requirements,
 11 such as an order, manual, circular, policy statement, legal
 12 interpretation memorandum, and rulemaking documents.

13 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATION**
 14 **BOARD.**

15 (a) **FUNCTIONS.**—The Regulatory Consistency Com-
 16 munication Board (referred to in this section as the
 17 “Board”) shall carry out the following functions:

18 (1) Recommend, at a minimum, processes by
 19 which—

20 (A) FAA personnel and persons regulated
 21 by the FAA may submit regulatory interpreta-
 22 tion questions without fear of retaliation;

23 (B) FAA personnel may submit written
 24 questions as to whether a previous approval or
 25 regulatory interpretation issued by FAA per-

1 sonnel in another office or region is correct or
2 incorrect; and

3 ~~(C) any other person may submit anony-~~
4 ~~mous regulatory interpretation questions.~~

5 ~~(2) Meet on a regular basis to discuss and re-~~
6 ~~solve questions submitted under paragraph (1) and~~
7 ~~the appropriate application of regulations and policy~~
8 ~~with respect to each question.~~

9 ~~(3) Provide to a person that submitted a ques-~~
10 ~~tion under subparagraph (A) or subparagraph (B) of~~
11 ~~paragraph (1) an expeditious written response to the~~
12 ~~question.~~

13 ~~(4) Recommend a process to make the resolu-~~
14 ~~tion of common regulatory interpretation questions~~
15 ~~publicly available to FAA personnel and the public~~
16 ~~in a manner that—~~

17 ~~(A) does not reveal any identifying data of~~
18 ~~the person that submitted a question; and~~

19 ~~(B) protects any proprietary information.~~

20 ~~(5) Ensure that responses to questions under~~
21 ~~this subsection are incorporated into regulatory~~
22 ~~guidance (as defined in section 2233(c)).~~

23 ~~(b) PERFORMANCE METRICS, TIMELINES, AND~~
24 ~~GOALS.—Not later than 180 days after the date that the~~
25 ~~Advisory Committee recommends performance objectives~~

1 and performance metrics for the FAA and the aviation
 2 industry under paragraphs (8) and (9) of section 2212(e),
 3 the Administrator, in collaboration with the Advisory
 4 Committee, shall—

5 (1) establish performance metrics, timelines,
 6 and goals to measure the progress of the Board in
 7 resolving regulatory interpretation questions sub-
 8 mitted under subsection (a)(1); and

9 (2) implement a process for tracking the
 10 progress of the Board in meeting the performance
 11 metrics, timelines, and goals under paragraph (1).

12 **PART IV—SAFETY WORKFORCE**

13 **SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.**

14 (a) SAFETY WORKFORCE TRAINING STRATEGY.—

15 Not later than 60 days after the date of enactment of this
 16 Act, the Administrator of the FAA shall review and revise
 17 its safety workforce training strategy to ensure that it—

18 (1) aligns with an effective risk-based approach
 19 to safety oversight;

20 (2) best utilizes available resources;

21 (3) allows FAA employees participating in orga-
 22 nization management teams or conducting ODA pro-
 23 gram audits to complete, expeditiously, appropriate
 24 training, including recurrent training, in auditing
 25 and a systems safety approach to oversight;

1 (4) seeks knowledge-sharing opportunities be-
 2 tween the FAA and the aviation industry in new
 3 technologies, best practices, and other areas of inter-
 4 est related to safety oversight;

5 (5) fosters an inspector and engineer workforce
 6 that has the skills and training necessary to improve
 7 risk-based approaches that focus on requirements
 8 management and auditing skills; and

9 (6) includes, as appropriate, milestones and
 10 metrics for meeting the requirements of paragraphs
 11 (1) through (5).

12 (b) REPORT.—Not later than 270 days after the date
 13 the strategy is established under subsection (a), the Ad-
 14 ministrator shall submit to the appropriate committees of
 15 Congress a report on the implementation of the strategy
 16 and progress in meeting any milestones or metrics in-
 17 cluded in the strategy.

18 (c) DEFINITIONS.—In this section:

19 (1) ODA HOLDER.—The term “ODA holder”
 20 has the meaning given the term in section 44736 of
 21 title 49, United States Code, as added by section
 22 2222 of this Act.

23 (2) ODA PROGRAM.—The term “ODA pro-
 24 gram” has the meaning given the term in section

1 ~~44736(c)(3)~~ of title 49, United States Code, as
 2 added by section ~~2222~~ of this Act.

3 ~~(3)~~ ORGANIZATION MANAGEMENT TEAM.—The
 4 term “organization management team” means a
 5 group of FAA employees consisting of FAA aviation
 6 safety engineers, flight test pilots, and aviation safe-
 7 ty inspectors overseeing an ODA holder and its spec-
 8 ified function delegated under section ~~44702~~ of title
 9 49, United States Code.

10 **PART V—INTERNATIONAL AVIATION**

11 **SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE** 12 **STANDARDS, PRODUCTS, AND SERVICES** 13 **ABROAD.**

14 Section ~~40104~~ is amended by adding at the end the
 15 following:

16 “(d) PROMOTION OF UNITED STATES AEROSPACE
 17 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
 18 Secretary shall take appropriate actions—

19 “(1) to promote United States aerospace-re-
 20 lated safety standards abroad;

21 “(2) to facilitate and vigorously defend approv-
 22 als of United States aerospace products and services
 23 abroad;

24 “(3) with respect to bilateral partners, to use
 25 bilateral safety agreements and other mechanisms to

1 improve validation of United States type certificated
 2 aeronautical products and services and enhance mu-
 3 tual acceptance in order to eliminate redundancies
 4 and unnecessary costs; and

5 “(4) with respect to the aeronautical safety au-
 6 thorities of a foreign country; to streamline that
 7 country’s validation of United States aerospace
 8 standards, products, and services.”.

9 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
 10 **RESPONSIBILITIES.**

11 Section 44701(e) is amended by adding at the end
 12 the following:

13 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

14 “(A) ACCEPTANCE.—Subject to subpara-
 15 graph (D), the Administrator may accept an
 16 airworthiness directive (as defined in section
 17 39.3 of title 14, Code of Federal Regulations)
 18 issued by an aeronautical safety authority of a
 19 foreign country, and leverage that aeronautical
 20 safety authority’s regulatory process, if—

21 “(i) the country is the state of design
 22 for the product that is the subject of the
 23 airworthiness directive;

1 “(ii) the United States has a bilateral
2 safety agreement relating to aircraft cer-
3 tification with the country;

4 “(iii) as part of the bilateral safety
5 agreement with the country, the Adminis-
6 trator has determined that the aero-
7 nautical safety authority has an aircraft
8 certification system relating to safety that
9 produces a level of safety equivalent to the
10 level produced by the system of the Fed-
11 eral Aviation Administration;

12 “(iv) the aeronautical safety authority
13 utilizes an open and transparent public no-
14 tice and comment process, including con-
15 sidering comments from owners and opera-
16 tors of foreign-registered aircraft and other
17 aeronautical products and appliances in
18 the issuance of airworthiness directives;
19 and

20 “(v) the airworthiness directive ad-
21 dresses a specific issue necessary for the
22 safe operation of aircraft subject to the di-
23 rective.

24 “(B) ALTERNATIVE APPROVAL PROCESS.—

25 Notwithstanding subparagraph (A), the Admin-

1 istrator may issue a Federal Aviation Adminis-
2 tration airworthiness directive instead of accept-
3 ing the airworthiness directive issued by the
4 aeronautical safety authority of a foreign coun-
5 try if the Administrator determines that such
6 issuance is necessary for safety or operational
7 reasons due to the complexity or unique fea-
8 tures of the Federal Aviation Administration
9 airworthiness directive or the United States
10 aviation system.

11 “(C) ALTERNATIVE MEANS OF COMPLI-
12 ANCE.—The Administrator—

13 “(i) may accept an alternative means
14 of compliance, with respect to an air-
15 worthiness directive under subparagraph
16 (A), that was approved by the aeronautical
17 safety authority of the foreign country that
18 issued the airworthiness directive; or

19 “(ii) notwithstanding subparagraph
20 (A), and at the request of any person af-
21 fected by an airworthiness directive under
22 that subparagraph—

23 “(I) shall consider an alternative
24 means of compliance with respect to
25 the airworthiness directive; and

1 “(H) may approve such alter-
2 native means, if appropriate.

3 “(D) LIMITATIONS.—The Administrator
4 may not accept an airworthiness directive
5 issued by an aeronautical safety authority of a
6 foreign country if the airworthiness directive
7 addresses matters other than those involving
8 the safe operation of an aircraft.”.

9 **SEC. 2253. FAA LEADERSHIP ABROAD.**

10 (a) IN GENERAL.—To promote United States aero-
11 space safety standards, reduce redundant regulatory activ-
12 ity, and facilitate acceptance of FAA design and produc-
13 tion approvals abroad, the Administrator shall—

14 (1) attain greater expertise in issues related to
15 dispute resolution, intellectual property, and export
16 control laws to better support FAA certification and
17 other aerospace regulatory activities abroad;

18 (2) work with United States companies to more
19 accurately track the amount of time it takes foreign
20 authorities, including bilateral partners, to validate
21 United States type certificated aeronautical prod-
22 ucts;

23 (3) provide assistance to United States compa-
24 nies who have experienced significantly long foreign
25 validation wait times;

1 (4) work with foreign authorities, including bi-
 2 lateral partners, to collect and analyze data to deter-
 3 mine the timeliness of the acceptance and validation
 4 of FAA design and production approvals by foreign
 5 authorities and the acceptance and validation of for-
 6 eign-certified products by the FAA;

7 (5) establish appropriate benchmarks and
 8 metrics to measure the success of bilateral aviation
 9 safety agreements and to reduce the validation time
 10 for United States type certificated aeronautical
 11 products abroad; and

12 (6) work with foreign authorities, including bi-
 13 lateral partners, to improve the timeliness of the ac-
 14 ceptance and validation of FAA design and produc-
 15 tion approvals by foreign authorities and the accept-
 16 ance and validation of foreign-certified products by
 17 the FAA.

18 (b) REPORT.—Not later than 1 year after the date
 19 of enactment of this Act, the Administrator shall submit
 20 to the appropriate committees of Congress a report that—

21 (1) describes the Administrator's strategic plan
 22 for international engagement;

23 (2) describes the structure and responsibilities
 24 of all FAA offices that have international respon-
 25 sibilities, including the Aircraft Certification Office;

1 and all the activities conducted by those offices re-
 2 lated to certification and production;

3 ~~(3)~~ describes current and forecasted staffing
 4 and travel needs for the FAA's international engage-
 5 ment activities, including the needs of the Aircraft
 6 Certification Office in the current and forecasted
 7 budgetary environment;

8 (4) provides recommendations, if appropriate,
 9 to improve the existing structure and personnel and
 10 travel policies supporting the FAA's international
 11 engagement activities, including the activities of the
 12 Aviation Certification Office, to better support the
 13 growth of United States aerospace exports; and

14 (5) identifies policy initiatives, regulatory initia-
 15 tives, or cost-effective legislative initiatives needed to
 16 improve and enhance the timely acceptance of
 17 United States aerospace products abroad.

18 ~~(c) INTERNATIONAL TRAVEL.~~—The Administrator of
 19 the FAA, or the Administrator's designee, may authorize
 20 international travel for any FAA employee, without the
 21 approval of any other person or entity, if the Adminis-
 22 trator determines that the travel is necessary—

23 (1) to promote United States aerospace safety
 24 standards; or

1 (2) to support expedited acceptance of FAA de-
2 sign and production approvals.

3 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
4 **FEES.**

5 Section 45305 is amended—

6 (1) in subsection (a), by striking “Subject to
7 subsection (b)” and inserting “Subject to subsection
8 (e)”;

9 (2) by redesignating subsections (b) and (c) as
10 subsections (c) and (d), respectively; and

11 (3) by inserting after subsection (a) the fol-
12 lowing:

13 “(b) CERTIFICATION SERVICES.—Subject to sub-
14 section (c), and notwithstanding section 45301(a), the Ad-
15 ministrators may establish and collect a fee from a foreign
16 government or entity for services related to certification,
17 regardless of where the services are provided, if the fee—

18 “(1) is established and collected in a manner
19 consistent with aviation safety agreements; and

20 “(2) does not exceed the estimated costs of the
21 services.”.

**Subtitle C—Airline Passenger
Safety and Protections**

SEC. 2301. ACCESS TO AIR CARRIER FLIGHT DECKS.

The Administrator of the Federal Aviation Administration shall collaborate with other aviation authorities to advance a global standard for access to air carrier flight decks and redundancy requirements consistent with the flight deck access and redundancy requirements in the United States.

SEC. 2302. AIRCRAFT TRACKING AND FLIGHT DATA.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall assess current performance standards, and as appropriate, conduct a rule-making to revise the standards to improve near-term and long-term aircraft tracking and flight data recovery, including retrieval, access, and protection of such data after an incident or accident.

(b) CONSIDERATIONS.—In revising the performance standards under subsection (a), the Administrator may consider—

(1) various methods for improving detection and retrieval of flight data, including—

(A) low frequency underwater locating devices; and

1 ~~(B) extended battery life for underwater~~
 2 ~~locating devices;~~
 3 ~~(2) automatic deployable flight recorders;~~
 4 ~~(3) triggered transmission of flight data, and~~
 5 ~~other satellite-based solutions;~~
 6 ~~(4) distress-mode tracking; and~~
 7 ~~(5) protections against disabling flight recorder~~
 8 ~~systems.~~

9 ~~(c) COORDINATION.—If the performance standards~~
 10 ~~under subsection (a) are revised, the Administrator shall~~
 11 ~~coordinate with international regulatory authorities and~~
 12 ~~the International Civil Aviation Organization to ensure~~
 13 ~~that any new international standard for aircraft tracking~~
 14 ~~and flight data recovery is consistent with a performance-~~
 15 ~~based approach and is implemented in a globally har-~~
 16 ~~monized manner.~~

17 **SEC. 2303. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
 18 **AND REST REQUIREMENTS.**

19 ~~(a) MODIFICATION OF FINAL RULE.—Not later than~~
 20 ~~1 year after the date of enactment of this Act, the Admin-~~
 21 ~~istrator of the Federal Aviation Administration shall re-~~
 22 ~~vise the flight attendant duty period limitations and rest~~
 23 ~~requirements under section 121.467 of title 14, Code of~~
 24 ~~Federal Regulations.~~

1 (b) ~~CONTENTS.~~—Except as provided in subsection
 2 (e), in revising the rule under subsection (a), the Adminis-
 3 trator shall ensure that a flight attendant scheduled to
 4 a duty period of 14 hours or less is given a scheduled rest
 5 period of at least 10 consecutive hours.

6 (c) ~~EXCEPTION.~~—The rest period required under
 7 subsection (b) may be scheduled or reduced to 9 consec-
 8 tive hours if the flight attendant is provided a subsequent
 9 rest period of at least 11 consecutive hours.

10 (d) ~~FATIGUE RISK MANAGEMENT PLAN.~~—

11 (1) ~~SUBMISSION OF PLAN BY PART 121 AIR CAR-~~
 12 ~~RIERS.~~—Not later than 90 days after the date of en-
 13 actment of this Act, each air carrier operating under
 14 part 121 of title 14, Code of Federal Regulations
 15 (referred to in this subsection as a “part 121 air
 16 carrier”), shall submit a fatigue risk management
 17 plan for the carrier’s flight attendants to the Admin-
 18 istrator for review and acceptance.

19 (2) ~~CONTENTS OF PLAN.~~—Each fatigue risk
 20 management plan submitted under paragraph (1)
 21 shall include—

22 (A) current flight time and duty period
 23 limitations;

24 (B) a rest scheme that is consistent with
 25 such limitations and enables the management of

1 flight attendant fatigue, including annual train-
 2 ing to increase awareness of—

3 (i) fatigue;

4 (ii) the effects of fatigue on flight at-
 5 tendants; and

6 (iii) fatigue countermeasures; and

7 (C) the development and use of method-
 8 ology that continually assesses the effectiveness
 9 of implementation of the plan, including the
 10 ability of the plan—

11 (i) to improve alertness; and

12 (ii) to mitigate performance errors.

13 (3) REVIEW.—Not later than 1 year after the
 14 date of enactment of this Act, the Administrator
 15 shall—

16 (A) review each fatigue risk management
 17 plan submitted under this subsection; and

18 (B)(i) accept the plan; or

19 (ii) reject the plan and provide the
 20 part 121 air carrier with suggested modi-
 21 fications to be included when the plan is
 22 resubmitted.

23 (4) PLAN UPDATES.—

1 (A) IN GENERAL.—Not less frequently
2 than once every 2 years, each part 121 air car-
3 rier shall—

4 (i) update the fatigue risk manage-
5 ment plan submitted under paragraph (1);
6 and

7 (ii) submit the updated plan to the
8 Administrator for review and acceptance.

9 (B) REVIEW.—Not later than 1 year after
10 the date on which an updated plan is submitted
11 under subparagraph (A)(ii), the Administrator
12 shall—

13 (i) review the updated plan; and

14 (ii)(I) accept the updated plan; or

15 (II) reject the updated plan and
16 provide the part 121 air carrier with
17 suggested modifications to be included
18 when the updated plan is resubmitted.

19 (5) COMPLIANCE.—Each part 121 air carrier
20 shall comply with its fatigue risk management plan
21 after the plan is accepted by the Administrator
22 under this subsection.

23 (6) CIVIL PENALTIES.—A violation of this sub-
24 section by a part 121 air carrier shall be treated as
25 a violation of chapter 447 of title 49, United States

1 Code, for the purpose of applying civil penalties
2 under chapter 463 of such title.

3 **SEC. 2304. REPORT ON OBSOLETE TEST EQUIPMENT.**

4 (a) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Administrator of the
6 Federal Aviation Administration shall submit to the ap-
7 propriate committees of Congress a report on the National
8 Test Equipment Program (referred to in this section as
9 the “Program”).

10 (b) CONTENTS.—The report shall include—

11 (1) a list of all known outstanding requests for
12 test equipment, cataloged by type and location,
13 under the Program;

14 (2) a description of the current method under
15 the Program of ensuring calibrated equipment is in
16 place for utilization;

17 (3) a plan by the Administrator for appropriate
18 inventory of such equipment; and

19 (4) the Administrator’s recommendations for
20 increasing multifunctionality in future test equip-
21 ment to be developed and all known and foreseeable
22 manufacturer technological advances.

1 **SEC. 2305. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
2 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

3 (a) IN GENERAL.—Not later than June 30, 2018, the
4 Administrator of the Federal Aviation Administration
5 shall—

6 (1) assess available technologies to determine
7 whether it is feasible, cost-effective, and appropriate
8 to install and deploy, at any airport, systems to pro-
9 vide a direct warning capability to flight crews and
10 air traffic controllers of potential runway incursions;
11 and

12 (2) submit to the appropriate committees of
13 Congress a report on the assessment under para-
14 graph (1), including any recommendations.

15 (b) CONSIDERATIONS.—In conducting the assess-
16 ment under subsection (a), the Administration shall con-
17 sider National Transportation Safety Board findings and
18 relevant aviation stakeholder views relating to runway in-
19 cursions.

20 **SEC. 2306. HELICOPTER AIR AMBULANCE OPERATIONS**
21 **DATA AND REPORTS.**

22 (a) IN GENERAL.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator of the
24 Federal Aviation Administration, in collaboration with hel-
25 icopter air ambulance industry stakeholders, shall assess
26 the availability of information to the general public related

1 to the location of heliports and helipads used by heli-
 2 copters providing air ambulance services, including
 3 helipads and helipads outside of those listed as part of
 4 any existing databases of Airport Master Record (5010)
 5 forms.

6 (b) REQUIREMENTS.—Based on the assessment
 7 under subsection (a), the Administrator shall—

8 (1) update, as necessary, any existing guidance
 9 on what information is included in the current data-
 10 bases of Airport Master Record (5010) forms to in-
 11 clude information related to heliports and helipads
 12 used by helicopters providing air ambulance services;
 13 or

14 (2) develop, as appropriate and in collaboration
 15 with helicopter air ambulance industry stakeholders,
 16 a new database of heliports and helipads used by
 17 helicopters providing air ambulance services.

18 (c) REPORTS.—

19 (1) ASSESSMENT.—Not later than 30 days
 20 after the date the assessment under subsection (a)
 21 is complete, the Administrator shall submit to the
 22 appropriate committees of Congress a report on the
 23 assessment, including any recommendations on how
 24 to make information related to the location of heli-

ports and helipads used by helicopters providing air ambulance services available to the general public.

~~(2)~~ IMPLEMENTATION.—Not later than 30 days after completing action under paragraph (1) or paragraph (2) of subsection (b), the Administrator shall submit to the appropriate committees of Congress a report on the implementation of that action.

~~(d)~~ INCIDENT AND ACCIDENT DATA.—Section 44731 is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “not later than 1 year after the date of enactment of this section, and annually thereafter” and inserting “annually”;

(B) in paragraph (2), by striking “flights and hours flown, by registration number, during which helicopters operated by the certificate holder were providing helicopter air ambulance services” and inserting “hours flown by the helicopters operated by the certificate holder”;

(C) in paragraph (3)—

(i) by striking “of flight” and inserting “of patients transported and the number of patient transport”;

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) The number of hours flown at night by
12 helicopters operated by the certificate holder.”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall
17 submit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents expe-
23 rienced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 ~~(3)~~ by redesignating subsection (e) as sub-
4 section (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) IMPLEMENTATION.—In carrying out this sec-
8 tion, the Administrator, in collaboration with part 135 cer-
9 tificate holders providing helicopter air ambulance serv-
10 ices, shall—

11 “(1) propose and develop a method to collect
12 and store the data submitted under subsection (a);
13 including a method to protect the confidentiality of
14 any trade secret or proprietary information sub-
15 mitted; and

16 “(2) ensure that the database under subsection
17 (e) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2307. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall—

24 (1) determine, in collaboration with the Na-
25 tional Transportation Safety Board and part 135 in-

dustry stakeholders, what, if any, additional data should be reported as part of an accident or incident notice—

(A) to more accurately measure the safety of on-demand part 135 aircraft activity;

(B) to pinpoint safety problems; and

(C) to form the basis for critical research and analysis of general aviation issues; and

(2) submit to the appropriate committees of Congress a report on the findings under paragraph (1), including a description of the additional data to be collected, a timeframe for implementing the additional data collection, and any potential obstacles to implementation.

SEC. 2308. DEFINITION OF HUMAN FACTORS.

Section 40102(a), as amended by section 2135 of this Act, is further amended—

(1) by redesignating paragraphs (24) through (47) as paragraphs (25) through (48), respectively; and

(2) by inserting after paragraph (23) the following:

“(24) ‘human factors’ means a multidisciplinary field that generates and compiles information about human capabilities and limitations and applies it to

1 design, development, and evaluation of equipment,
 2 systems, facilities, procedures, jobs, environments,
 3 staffing, organizations, and personnel management
 4 for safe, efficient, and effective human performance,
 5 including people's use of technology.”.

6 **SEC. 2309. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
 7 **THORITY.**

8 It is the sense of Congress that the pilot in command
 9 of an aircraft is directly responsible for, and is the final
 10 authority as to, the operation of that aircraft, as set forth
 11 in section 91.3(a) of title 14, Code of Federal Regulations
 12 (or any successor regulation thereto).

13 **SEC. 2310. ENHANCING ASIAS.**

14 (a) IN GENERAL.—Not later than 1 year after the
 15 date of enactment of this Act, the Administrator of the
 16 Federal Aviation Administration, in consultation with rel-
 17 evant aviation industry stakeholders, shall assess what, if
 18 any, improvements are needed to develop the predictive
 19 capability of the Aviation Safety Information Analysis and
 20 Sharing program (referred to in this section as “ASIAS”)
 21 with regard to identifying precursors to accidents.

22 (b) CONTENTS.—In conducting the assessment under
 23 subsection (a), the Administrator shall—

24 (1) determine what actions are necessary—

1 (A) to improve data quality and standard-
2 ization; and

3 (B) to increase the data received from ad-
4 ditional segments of the aviation industry, such
5 as small airplane, helicopter, and business jet
6 operations;

7 (2) consider how to prioritize the actions de-
8 scribed in paragraph (1); and

9 (3) review available methods for disseminating
10 safety trend data from ASIAS to the aviation safety
11 community, including the inspector workforce, to in-
12 form in their risk-based decisionmaking efforts.

13 (c) REPORT.—Not later than 60 days after the date
14 the assessment under subsection (a) is complete, the Ad-
15 ministrator shall submit to the appropriate committees of
16 Congress a report on the assessment, including rec-
17 ommendations regarding paragraphs (1) through (3) of
18 subsection (b).

19 **SEC. 2311. IMPROVING RUNWAY SAFETY.**

20 (a) IN GENERAL.—The Administrator of the Federal
21 Aviation Administration shall expedite the development of
22 metrics—

23 (1) to allow the Federal Aviation Administra-
24 tion to determine whether runway incursions are in-
25 creasing; and

1 ~~(2)~~ to assess the effectiveness of implemented
 2 runway safety initiatives.

3 ~~(b)~~ REPORT.—Not later than 1 year after the date
 4 of enactment of this Act, the Administrator shall submit
 5 to the appropriate committees of Congress a report on the
 6 progress in developing the metrics described in subsection
 7 ~~(a)~~.

8 **SEC. 2312. SAFE AIR TRANSPORTATION OF LITHIUM CELLS**
 9 **AND BATTERIES.**

10 ~~(a)~~ RESTRICTIONS ON TRANSPORTATION OF LITHI-
 11 UM BATTERIES ON AIRCRAFT.—

12 ~~(1)~~ ADOPTION OF ICAO INSTRUCTIONS.—

13 ~~(A)~~ IN GENERAL.—Pursuant to section
 14 828 of the FAA Modernization and Reform Act
 15 of 2012 (49 U.S.C. 44701 note), not later than
 16 90 days after the date of enactment of this Act,
 17 the Secretary of the Department of Transpor-
 18 tation shall conform United States regulations
 19 on the air transport of lithium cells and bat-
 20 teries with the lithium cells and battery require-
 21 ments in the 2015–2016 edition of the Inter-
 22 national Civil Aviation Organization’s (referred
 23 to in this subsection as “ICAO”) Technical In-
 24 structions (to include all addenda) including the

1 revised standards adopted by ICAO which be-
2 came effective on April 1, 2016.

3 ~~(B) FURTHER PROCEEDINGS.—Beginning~~
4 ~~on the date the revised regulations under sub-~~
5 ~~paragraph (A) are published in the Federal~~
6 ~~Register, any lithium cell and battery rule-~~
7 ~~making action or update commenced on or after~~
8 ~~that date shall continue to comply with the re-~~
9 ~~quirements under section 828 of the FAA Mod-~~
10 ~~ernization and Reform Act of 2012 (49 U.S.C.~~
11 ~~44701 note).~~

12 ~~(2) REVIEW OF OTHER REGULATIONS.—Pursu-~~
13 ~~ant to section 828 of the FAA Modernization and~~
14 ~~Reform Act of 2012 (49 U.S.C. 44701 note), the~~
15 ~~Secretary of Transportation may initiate a review of~~
16 ~~other existing regulations regarding the air transpor-~~
17 ~~tation, including passenger-carrying and cargo air-~~
18 ~~craft, of lithium batteries and cells.~~

19 ~~(3) MEDICAL DEVICE BATTERIES.—~~

20 ~~(A) IN GENERAL.—For United States ap-~~
21 ~~plicants, the Secretary of Transportation shall~~
22 ~~consider and either grant or deny, within 45~~
23 ~~days, applications submitted in compliance with~~
24 ~~part 107 of title 49, Code of Federal Regula-~~
25 ~~tions, for special permits or approvals for air~~

1 transportation of lithium ion cells or batteries
2 specifically used by medical devices. Not later
3 than 30 days after the date of application, the
4 Pipeline and Hazardous Materials Safety Ad-
5 ministration shall provide a draft special permit
6 based on the application to the Federal Aviation
7 Administration. The Federal Aviation Adminis-
8 tration shall conduct an on-site inspection for
9 issuance of the special permit not later than 10
10 days after the date of receipt of the draft spe-
11 cial permit from the Pipeline and Hazardous
12 Materials Safety Administration.

13 (B) DEFINITION OF MEDICAL DEVICE.—In
14 this paragraph, the term “medical device” has
15 the meaning given the term “device” in section
16 201 of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 321).

18 (4) SAVINGS CLAUSE.—Nothing in this section
19 shall be construed as expanding or constricting any
20 other authority the Secretary of Transportation has
21 under section 828 of the FAA Modernization and
22 Reform Act of 2012 (49 U.S.C. 44701 note).

23 (b) LITHIUM BATTERY SAFETY WORKING GROUP.—
24 Not later than 90 days after the date of enactment of this
25 Act, the President shall establish a lithium battery safety

1 working group to promote and coordinate efforts related
2 to the promotion of the safe manufacture, use, and trans-
3 portation of lithium batteries and cells.

4 (1) COMPOSITION.—

5 (A) IN GENERAL.—The working group
6 shall be composed of at least 1 representative
7 from each of the following:

8 (i) Department of Transportation.

9 (ii) Consumer Product Safety Com-
10 mission.

11 (iii) National Institute on Standards
12 and Technology.

13 (iv) Food and Drug Administration.

14 (B) ADDITIONAL MEMBERS.—The working
15 group may include not more than 4 additional
16 members with expertise in the safe manufac-
17 ture, use, or transportation of lithium batteries
18 and cells.

19 (C) SUBCOMMITTEES.—The President, or
20 members of the working group, may—

21 (i) establish working group sub-
22 committees to focus on specific issues re-
23 lated to the safe manufacture, use, or
24 transportation of lithium batteries and
25 cells; and

1 (ii) include in a subcommittee the par-
2 ticipation of nonmember stakeholders with
3 expertise in areas that the President or
4 members consider necessary.

5 (2) REPORT.—Not later than 1 year after the
6 date it is established, the working group shall—

7 (A) research—

8 (i) additional ways to decrease the
9 risk of fires and explosions from lithium
10 batteries and cells;

11 (ii) additional ways to ensure uniform
12 transportation requirements for both bulk
13 and individual batteries; and

14 (iii) new or existing technologies that
15 could reduce the fire and explosion risk of
16 lithium batteries and cells; and

17 (B) transmit to the appropriate commit-
18 tees of Congress a report on the research under
19 subparagraph (A), including any legislative rec-
20 ommendations to effectuate the safety improve-
21 ments described in clauses (i) through (iii) of
22 that subparagraph.

23 (3) EXEMPTION FROM FOIA.—The Federal Ad-
24 visory Committee Act (5 U.S.C. App.) shall not
25 apply to the working group.

1 (4) **TERMINATION.**—The working group, and
 2 any working group subcommittees, shall terminate
 3 90 days after the date the report is transmitted
 4 under paragraph (2).

5 (e) **PARTICIPATION.**—The Secretary of Transpor-
 6 tation shall request that as part of the ICAO deliberations
 7 in the dangerous good panel on these issues, that appro-
 8 priate experts on issues under consideration be allowed to
 9 participate.

10 **SEC. 2313. AIRCRAFT CABIN EVACUATION PROCEDURES.**

11 (a) **REVIEW.**—The Administrator of the Federal
 12 Aviation Administration shall review—

13 (1) evacuation certification of transport-cat-
 14 egory aircraft used in air transportation, with regard
 15 to—

16 (A) emergency conditions, including im-
 17 pacts into water;

18 (B) crew procedures used for evacuations
 19 under actual emergency conditions;

20 (C) any relevant changes to passenger de-
 21 mographics and legal requirements, including
 22 the Americans with Disabilities Act of 1990 (42
 23 U.S.C. 12101 et seq.), that affect emergency
 24 evacuations; and

1 ~~(D)~~ any relevant changes to passenger
2 seating configurations, including changes to
3 seat width, padding, reclining, size, pitch, leg
4 room, and aisle width; and

5 ~~(2)~~ recent accidents and incidents in which pas-
6 sengers evacuated such aircraft.

7 ~~(b) CONSULTATION; REVIEW OF DATA.—~~In con-
8 ducting the review under subsection (a), the Administrator
9 shall—

10 ~~(1)~~ consult with the National Transportation
11 Safety Board, transport-category aircraft manufac-
12 turers, air carriers, and other relevant experts and
13 Federal agencies, including groups representing pas-
14 sengers, airline crew members, maintenance employ-
15 ees, and emergency responders; and

16 ~~(2)~~ review relevant data with respect to evacu-
17 ation certification of transport-category aircraft.

18 ~~(c) REPORT TO CONGRESS.—~~Not later than 1 year
19 after the date of enactment of this Act, the Administrator
20 shall submit to the appropriate committees of Congress
21 a report on the results of the review under subsection (a)
22 and related recommendations, if any, including rec-
23 ommendations for revisions to the assumptions and meth-
24 ods used for assessing evacuation certification of trans-
25 port-category aircraft.

1 **SEC. 2314. ANNUAL SAFETY INCIDENT REPORT.**

2 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 3 date of enactment of this Act, and annually thereafter,
 4 the Administrator of the Federal Aviation Administration,
 5 shall submit to the appropriate committees of Congress
 6 a report regarding part 121 airline safety oversight.

7 (b) ~~CONTENTS.~~—The annual report shall include—

8 (1) a description of the Federal Aviation Ad-
 9 ministration’s safety oversight process to ensure the
 10 safety of the traveling public;

11 (2) a description of risk-based oversight meth-
 12 ods applied to ensure aviation safety, including to
 13 specific issues addressed in the year preceding the
 14 report that in the determination of the Adminis-
 15 trator address safety risk; and

16 (3) in the instance of specific reviews of air ear-
 17 rier performance to safety regulations; a description
 18 of cases where the timelines for recurrent reviews
 19 are advanced.

20 **Subtitle D—General Aviation**
 21 **Safety**

22 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
 23 **POLICY.**

24 (a) ~~IN GENERAL.~~—Not later than 18 months after
 25 the date of enactment of this Act, the Administrator of
 26 the Federal Aviation Administration shall—

1 (1) update automated weather observing sys-
2 tems standards to maximize the use of new tech-
3 nologies that promote the reduction of equipment or
4 maintenance cost for non-Federal automated weath-
5 er observing systems, including the use of remote
6 monitoring and maintenance, unless demonstrated to
7 be ineffective;

8 (2) review, and if necessary update, existing
9 policies in accordance with the standards developed
10 under paragraph (1); and

11 (3) establish a process under which appropriate
12 on site airport personnel or an aviation official may,
13 with appropriate manufacturer training or alter-
14 native training as determined by the Administrator,
15 be permitted to conduct the minimum tri-annual
16 preventative maintenance checks under the advisory
17 circular for non-Federal automated weather observ-
18 ing systems (AC 150/5220-16E) and any other
19 similar, successor checks.

20 (b) PERMISSION.—Permission to conduct the min-
21 imum tri-annual preventative maintenance checks de-
22 scribed under subsection (a)(3) and any similar, successor
23 checks shall not be withheld but for specific cause.

24 (c) STANDARDS.—In updating the standards under
25 subsection (a)(1), the Administrator shall—

1 ~~(1)~~ ensure the standards are performance-
2 based;

3 ~~(2)~~ use risk analysis to determine the accuracy
4 of the automated weather observing systems outputs
5 required for pilots to perform safe aircraft oper-
6 ations; and

7 ~~(3)~~ provide a cost benefit analysis to determine
8 whether the benefits outweigh the cost for any re-
9 quirement not directly related to safety.

10 ~~(d) AIP ELIGIBILITY OF AWOS EQUIPMENT.—Not-~~
11 withstanding any other law, the Administrator shall waive
12 any positive benefit-cost ratio requirement for automated
13 weather observing system equipment under subchapter I
14 of chapter 471, United States Code, if—

15 ~~(1)~~ the airport sponsor or State, as applicable,
16 certifies that a grant for such automated weather
17 observing systems equipment under that chapter will
18 assist an applicable airport to respond to regional
19 emergency needs, including medical, firefighting, and
20 search and rescue needs; and

21 ~~(2)~~ the other requirements under that chapter
22 are met.

23 ~~(e) REPORT.—Not later than September 30, 2018,~~
24 the Administrator shall submit to the appropriate commit-

tees of Congress a report on the implementation of the requirements under this section.

SEC. 2402. REQUIREMENT TO CONSULT WITH STAKEHOLDERS IN DEFINING SCOPE AND REQUIREMENTS FOR FUTURE FLIGHT SERVICE PROGRAM.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall consult with general aviation stakeholders in defining the scope and requirements for any new Future Flight Service Program of the Administration to be used in a competitive source selection for the next flight service contract with the Administration.

SEC. 2403. AVIATION FUEL.

(a) **USE OF UNLEADED AVIATION GASOLINE.**—The Administrator of the Federal Aviation Administration shall allow the use of an unleaded aviation gasoline in an aircraft as a replacement for a leaded gasoline if the Administrator—

(1) determines that the unleaded aviation gasoline qualifies as a replacement for an approved leaded gasoline;

(2) identifies the aircraft and engines that are eligible to use the qualified replacement unleaded gasoline; and

1 ~~(3)~~ adopts a process (other than the traditional
 2 means of certification) to allow eligible aircraft and
 3 engines to operate using qualified replacement un-
 4 leaded gasoline in a manner that ensures safety.

5 ~~(b)~~ TIMING.—The Administrator shall adopt the
 6 process described in subsection ~~(a)(3)~~ not later than 180
 7 days after the later of—

8 ~~(1)~~ the date on which the Administration com-
 9 pletes the Piston Aviation Fuels Initiative; or

10 ~~(2)~~ the date on which the American Society for
 11 Testing and Materials publishes a production speci-
 12 fication for an unleaded aviation gasoline.

13 **SEC. 2404. APPLICABILITY OF MEDICAL CERTIFICATION**
 14 **STANDARDS TO OPERATORS OF AIR BAL-**
 15 **LOONS.**

16 ~~(a)~~ SHORT TITLE.—This section may be cited as the
 17 “Commercial Balloon Pilot Safety Act of 2017”.

18 ~~(b)~~ IN GENERAL.—Not later than 180 days after the
 19 date of enactment of this Act, the Administrator of the
 20 Federal Aviation Administration shall revise section
 21 61.3(e) of title 14, Code of Federal Regulations (relating
 22 to second-class medical certificates), to apply to an oper-
 23 ator of an air balloon to the same extent such regulations
 24 apply to a pilot flight crewmember of other aircraft.

1 (e) **AIR BALLOON DEFINED.**—In this section, the
 2 term “air balloon” has the meaning given the term “bal-
 3 loon” in section 1.1 of title 14, Code of Federal Regula-
 4 tions (or any corresponding similar regulation or ruling).

5 **SEC. 2405. TECHNICAL CORRECTIONS.**

6 Section 2110 of the FAA Extension Safety and Secu-
 7 rity Act of 2016 (Public Law 114–190; 130 Stat. 615)
 8 is amended to read as follows:

9 **“SEC. 2110. TOWER MARKING.**

10 “(a) **IN GENERAL.**—Not later than 1 year after the
 11 date of enactment of this Act, the Administrator of the
 12 Federal Aviation Administration shall issue regulations to
 13 implement the requirements of this section with respect
 14 to covered towers.

15 “(b) **MARKING REQUIRED.**—Regulations under sub-
 16 section (a) that require that a covered tower be clearly
 17 marked shall be consistent with applicable guidance under
 18 the Federal Aviation Administration Advisory Circular
 19 issued December 4, 2015 (AC 70/7460–1L), or other rel-
 20 evant safety guidance, as determined by the Adminis-
 21 trator.

22 “(c) **APPLICATION.**—The regulations issued under
 23 subsection (a) shall ensure that—

24 “(1) all covered towers constructed on or after
 25 the date on which such regulations take effect are

marked in accordance with subsection (b); included in the database in subsection (e); or, in the case of meteorological evaluation towers both; and

“(2) a covered tower constructed before the date on which such regulations take effect is marked in accordance with subsection (b); included in the database in subsection (e); or, in the case of meteorological evaluation towers both, not later than 1 year after such effective date.

“(d) DEFINITIONS.—

“(1) IN GENERAL.—In this section, the following definitions apply:

“(A) COVERED TOWER.—The term ‘covered tower’ means a structure that—

“(i) is a meteorological evaluation tower, a self-standing tower, or a tower supported by guy wires and ground anchors;

“(ii) is 10 feet or less in diameter at the above-ground base, excluding concrete footing;

“(iii) at the highest point of the structure is at least 50 feet above ground level;

1 “(iv) at the highest point of the struc-
2 ture is not more than 200 feet above
3 ground level;

4 “(v) has accessory facilities on which
5 an antenna, sensor, camera, meteorological
6 instrument, or other equipment is mount-
7 ed; and

8 “(vi) is located on land that is—

9 “(I) in a remote or rural area;
10 and

11 “(II) used for agricultural pur-
12 poses or immediately adjacent to such
13 land.

14 “(B) EXCLUSIONS.—The term ‘covered
15 tower’ does not include any structure that—

16 “(i) is adjacent to a house, barn, elec-
17 tric utility station, or other building;

18 “(ii) is within the curtilage of a
19 farmstead or adjacent to another building
20 or visible structure;

21 “(iii) supports electric utility trans-
22 mission or distribution lines;

23 “(iv) is a wind-powered electrical gen-
24 erator with a rotor blade radius that ex-
25 ceeds 6 feet;

1 “(v) is a street light erected or main-
2 tained by a Federal, State, local, or tribal
3 entity;

4 “(vi) is designed and constructed to
5 resemble a tree or visible structure other
6 than a tower;

7 “(vii) is an advertising billboard;

8 “(viii) is located within 100 feet from
9 the centerline of the rail line on the right
10 of way of a rail carrier over which service
11 has not been discontinued, or within the
12 boundaries of a rail yard;

13 “(ix)(I) is registered with the Federal
14 Communications Commission under the
15 Antenna Structure Registration program
16 set forth under part 17 of title 47, Code of
17 Federal Regulations; and

18 “(II) after being registered as de-
19 scribed in subclause (I), is determined by
20 the Administrator to pose no hazard to air
21 navigation; or

22 “(x) has already mitigated any hazard
23 to aviation safety in accordance with FAA
24 guidance or as otherwise approved by the
25 Administrator.

1 ~~“(2) OTHER DEFINITIONS.—The Administrator~~
 2 shall define such other terms as may be necessary
 3 to carry out this section.

4 ~~“(c) DATABASE.—The Administrator shall—~~

5 ~~“(1) develop a database that contains the loca-~~
 6 ~~tion and height of each covered tower that is not~~
 7 ~~marked in accordance with this section, except~~
 8 ~~that—~~

9 ~~“(A) meteorological evaluation towers shall~~
 10 be marked and contained in the database; and

11 ~~“(B) towers excepted under subsection~~
 12 ~~(d)(1)(B)(viii) must be contained in the data-~~
 13 ~~base;~~

14 ~~“(2) keep the database current, and that towers~~
 15 ~~to be included in the database are entered before~~
 16 ~~their construction;~~

17 ~~“(3) ensure that any proprietary information in~~
 18 ~~the database is protected from disclosure in accord-~~
 19 ~~ance with law;~~

20 ~~“(4) ensure that, by virtue of accessing the~~
 21 ~~database, users agree and acknowledge that informa-~~
 22 ~~tion in the database—~~

23 ~~“(A) may only be used for aviation safety~~
 24 purposes; and

1 “(B) may not be disclosed for purposes
 2 other than aviation safety, regardless of wheth-
 3 er or not the information is marked or labeled
 4 as proprietary or with a similar designation;
 5 and

6 “(5) ensure that pilots who intend to conduct
 7 low-altitude operations in locations described in sen-
 8 tence (d)(1)(A)(vi) consult the relevant parts of the
 9 database before conducting such operations.

10 “(f) EXCLUSION AND WAIVER AUTHORITIES.—As
 11 part of a rulemaking conducted pursuant to this section,
 12 the Administrator—

13 “(1) may exclude a class, category, or type of
 14 tower determined by the Administrator, after public
 15 notice and comment, to not pose a hazard to avia-
 16 tion safety;

17 “(2) shall establish a process to waive indi-
 18 vidual or specific covered towers from the marking
 19 requirements under this section as required under
 20 the rulemaking if the Administrator later determines
 21 such towers does not pose a hazard to aviation safe-
 22 ty; and

23 “(3) shall consider, in establishing exclusions
 24 and granting waivers under this subsection, factors
 25 that may sufficiently mitigate risks to aviation safe-

1 ty, such as the length of time the tower has been in
 2 existence or alternative marking methods or new
 3 technologies that maintains a tower's level of con-
 4 spicuousness to a degree which adequately maintains
 5 the safety of the airspace.

6 “(g) PERIODIC REVIEW.—The Administrator shall,
 7 in consultation with the Federal Communications Com-
 8 mission, periodically conduct a safety assessment of any
 9 category of tower not more than 200 feet above ground
 10 level and, as the Administrator decides appropriate, pro-
 11 pose regulations or guidance on the marking of such tow-
 12 ers in the interest of safety of low-altitude aircraft oper-
 13 ations.

14 “(h) FCC REGULATIONS.—The Federal Communica-
 15 tions Commission shall promulgate or amend regulations
 16 as necessary to implement the amendments made by sub-
 17 section (f)(3), including by amending section 17.7 of title
 18 47, Code of Federal Regulations, to require a notification
 19 to the Federal Aviation Administration for any construc-
 20 tion or alteration of a tower not less than 50 feet in height
 21 above ground level at its site.”.

22 **Subtitle E—General Provisions**

23 **SEC. 2501. FAA TECHNICAL TRAINING.**

24 “(a) E-LEARNING TRAINING PILOT PROGRAM.—Not
 25 later than 90 days after the date of enactment of this Act,

1 the Administrator of the Federal Aviation Administration;
2 in collaboration with the exclusive bargaining representa-
3 tives of covered FAA personnel, shall establish an e-learn-
4 ing training pilot program in accordance with the require-
5 ments of this section.

6 (b) CURRICULUM.—The pilot program shall—

7 (1) include a recurrent training curriculum for
8 covered FAA personnel to ensure that the covered
9 FAA personnel receive instruction on the latest avia-
10 tion technologies, processes, and procedures;

11 (2) focus on providing specialized technical
12 training for covered FAA personnel, as determined
13 necessary by the Administrator;

14 (3) include training courses on applicable regu-
15 lations of the Federal Aviation Administration; and

16 (4) consider the efficacy of instructor-led online
17 training.

18 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
19 gram shall terminate 1 year after the date of establish-
20 ment of the pilot program.

21 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
22 nation of the pilot program, the Administrator shall assess
23 and establish or update an e-learning training program
24 that incorporates lessons learned for covered FAA per-
25 sonnel as a result of the pilot program.

1 (e) **DEFINITIONS.**—In this section:

2 (1) **COVERED FAA PERSONNEL.**—The term
3 “covered FAA personnel” means airway transpor-
4 tation systems specialists and aviation safety inspec-
5 tors of the Federal Aviation Administration.

6 (2) **E-LEARNING TRAINING.**—The term “e-
7 learning training” means learning utilizing electronic
8 technologies to access educational curriculum outside
9 of a traditional classroom.

10 **SEC. 2502. SAFETY CRITICAL STAFFING.**

11 (a) **AUDIT BY DOT INSPECTOR GENERAL.**—Not
12 later than 1 year after the date of enactment of this Act,
13 the Inspector General of the Department of Transpor-
14 tation shall conduct and complete an audit of the staffing
15 model used by the Federal Aviation Administration to de-
16 termine the number of aviation safety inspectors that are
17 needed to fulfill the mission of the Federal Aviation Ad-
18 ministration and adequately ensure aviation safety.

19 (b) **CONTENTS.**—The audit shall include, at a min-
20 imum—

21 (1) a review of the staffing model and an anal-
22 ysis of how consistently the staffing model is applied
23 throughout the Federal Aviation Administration’s
24 aviation safety lines of business;

1 (2) a review of the assumptions and methods
 2 used in devising and implementing the staffing
 3 model to assess the adequacy of the staffing model
 4 to predict the number of aviation safety inspectors
 5 needed to properly fulfill the mission of the Federal
 6 Aviation Administration and meet the future growth
 7 of the aviation industry; and

8 (3) a determination on whether the current
 9 staffing model takes into account the Federal Avia-
 10 tion Administration's authority to fully utilize des-
 11 ignees.

12 (c) REPORT.—Not later than 30 days after the date
 13 of completion of the audit, the Inspector General shall
 14 submit to the appropriate committees of Congress a report
 15 on the results of the audit.

16 **SEC. 2503. APPROACH CONTROL RADAR.**

17 The Administrator of the Federal Aviation Adminis-
 18 tration shall—

19 (1) identify airports that are currently served
 20 by Federal Aviation Administration towers with
 21 nonradar approach and departure control (type 4
 22 tower); and

23 (2) develop an implementation plan, including
 24 budgetary considerations, to provide an airport iden-

1 tified under paragraph (1), if appropriate, with ap-
2 proach control radar.

3 **SEC. 2504. AIRSPACE MANAGEMENT ADVISORY COM-**
4 **MITTEE.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of the enactment of this Act, the Administrator of
7 the Federal Aviation Administration shall establish an ad-
8 visory committee to carry out the duties described in sub-
9 section (b).

10 (b) DUTIES.—The advisory committee shall—

11 (1) conduct a review of the practices and proce-
12 dures of the Federal Aviation Administration for de-
13 veloping proposals with respect to changes in regula-
14 tions, policies, or guidance of the Federal Aviation
15 Administration relating to airspace that affect air-
16 port operations, airport capacity, the environment,
17 or communities in the vicinity of airports, includ-
18 ing—

19 (A) an assessment of the extent to which
20 there is consultation, or a lack of consultation,
21 with respect to such proposals—

22 (i) between and among the affected
23 elements of the Federal Aviation Adminis-
24 tration, including the Air Traffic Organiza-
25 tion, the Office of Airports, the Flight

Standards Service, the Office of NextGen,
and the Office of Energy and Environ-
ment; and

(ii) between the Federal Aviation Ad-
ministration and affected entities, includ-
ing airports, aircraft operators, commu-
nities, and State and local governments;

(2) recommend revisions to such practices and
procedures to improve communications and coordi-
nation between and among affected elements of the
Federal Aviation Administration and with other af-
fected entities with respect to proposals described in
paragraph (1) and the potential effects of such pro-
posals;

(3) conduct a review of the management by the
Federal Aviation Administration of systems and in-
formation used to evaluate data relating to obstruc-
tions to air navigation or navigational facilities
under part 77 of title 14, Code of Federal Regula-
tions; and

(4) make recommendations to ensure that the
data described in paragraph (3) is publicly accessible
and streamlined to ensure developers, airport opera-
tors, and other interested parties may obtain rel-
evant information concerning potential obstructions

1 when working to preserve and create a safe and effi-
 2 cient navigable airspace.

3 ~~(c) MEMBERSHIP.—~~The membership of the advisory
 4 committee established under subsection (a) shall include
 5 representatives of—

6 ~~(1) air carriers, including passenger and cargo~~
 7 ~~air carriers;~~

8 ~~(2) general aviation, including business aviation~~
 9 ~~and fixed wing aircraft and rotorcraft;~~

10 ~~(3) airports of various sizes and types;~~

11 ~~(4) air traffic controllers; and~~

12 ~~(5) State aviation officials.~~

13 ~~(d) REPORT REQUIRED.—~~Not later than 1 year after
 14 the date the advisory committee is established under sub-
 15 section (a), the advisory committee shall submit to the ap-
 16 propriate committees of Congress a report on the actions
 17 taken by the advisory committee to carry out the duties
 18 described in subsection (b).

19 **Subtitle F—General Aviation Pilot** 20 **Protections**

21 **SEC. 2601. SHORT TITLE.**

22 This subtitle may be cited as the “Fairness for Pilots
 23 Act”.

1 **SEC. 2602. EXPANSION OF PILOT'S BILL OF RIGHTS.**

2 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
 3 CERTIFICATES.—Section 2(d)(1) of the Pilot's Bill of
 4 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
 5 44703 note) is amended by striking “or imposing a puni-
 6 tive civil action or an emergency order of revocation under
 7 subsections (d) and (e) of section 44709 of such title” and
 8 inserting “suspending or revoking an airman certificate
 9 under section 44709(d) of such title; or imposing an emer-
 10 gency order of revocation under subsections (d) and (e)
 11 of section 44709 of such title”.

12 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
 13 OF PROOF.—Section 2(e) of the Pilot's Bill of Rights
 14 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
 15 note) is amended—

16 (1) by amending paragraph (1) to read as fol-
 17 lows:

18 “(1) IN GENERAL.—In an appeal filed under
 19 subsection (d) in a United States district court with
 20 respect to a denial, suspension, or revocation of an
 21 airman certificate by the Administrator—

22 “(A) the district court shall review the de-
 23 nial, suspension, or revocation de novo, includ-
 24 ing by—

1 “(i) conducting a full independent re-
 2 view of the complete administrative record
 3 of the denial, suspension, or revocation;

4 “(ii) permitting additional discovery
 5 and the taking of additional evidence; and

6 “(iii) making the findings of fact and
 7 conclusions of law required by Rule 52 of
 8 the Federal Rules of Civil Procedure with-
 9 out being bound to any findings of fact of
 10 the Administrator or the National Trans-
 11 portation Safety Board.”;

12 (2) by redesignating paragraph (2) as para-
 13 graph (3); and

14 (3) by inserting after paragraph (1) the fol-
 15 lowing:

16 “(2) BURDEN OF PROOF.—In an appeal filed
 17 under subsection (d) in a United States district
 18 court after an exhaustion of administrative remedies,
 19 the burden of proof shall be as follows:

20 “(A) In an appeal of the denial of an ap-
 21 plication for the issuance or renewal of an air-
 22 man certificate under section 44703 of title 49,
 23 United States Code, the burden of proof shall
 24 be upon the applicant denied an airman certifi-
 25 cate by the Administrator.

1 “(B) In an appeal of an order issued by
 2 the Administrator under section 44709 of title
 3 49, United States Code, the burden of proof
 4 shall be upon the Administrator.”; and
 5 (4) by adding at the end the following:

6 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
 7 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
 8 this subsection or subsection (a)(1) of section 554 of
 9 title 5, United States Code, section 554 of such title
 10 shall apply to adjudications of the Administrator
 11 and the National Transportation Safety Board to
 12 the same extent as that section applied to such adju-
 13 dications before the date of enactment of the Fair-
 14 ness for Pilots Act.”.

15 (c) NOTIFICATION OF INVESTIGATION.—Subsection
 16 (b) of section 2 of the Pilot’s Bill of Rights (Public Law
 17 112–153; 126 Stat. 1159; 49 U.S.C. 44703 note) is
 18 amended—

19 (1) in paragraph (2)(A), by inserting “and the
 20 specific activity on which the investigation is based”
 21 after “nature of the investigation”;

22 (2) in paragraph (3), by striking “timely”; and

23 (3) in paragraph (5), by striking “section
 24 44709(c)(2)” and inserting “section 44709(c)(2)”.

1 (d) RELEASE OF INVESTIGATIVE REPORTS.—Section
 2 2 of the Pilot's Bill of Rights (Public Law 112-153; 126
 3 Stat. 1159; 49 U.S.C. 44703 note) is further amended by
 4 adding at the end the following:

5 “(f) RELEASE OF INVESTIGATIVE REPORTS.—

6 “(1) IN GENERAL.—

7 “(A) EMERGENCY ORDERS.—In any pro-
 8 ceeding conducted under part 821 of title 49,
 9 Code of Federal Regulations, relating to the
 10 amendment, modification, suspension, or rev-
 11 ocation of an airman certificate, in which the
 12 Administrator issues an emergency order under
 13 subsections (d) and (e) of section 44709, sec-
 14 tion 44710, or section 46105(e) of title 49,
 15 United States Code, or another order that takes
 16 effect immediately, the Administrator shall pro-
 17 vide to the individual holding the airman certifi-
 18 cate the releasable portion of the investigative
 19 report at the time the Administrator issues the
 20 order. If the complete Report of Investigation is
 21 not available at the time the Emergency Order
 22 is issued, the Administrator shall issue all por-
 23 tions of the report that are available at the time
 24 and shall provide the full report within 5 days
 25 of its completion.

1 “(B) OTHER ORDERS.—In any non-emer-
2 gency proceeding conducted under part 821 of
3 title 49, Code of Federal Regulations, relating
4 to the amendment, modification, suspension, or
5 revocation of an airman certificate, in which the
6 Administrator notifies the certificate holder of a
7 proposed certificate action under subsections
8 (b) and (c) of section 44709 or section 44710
9 of title 49, United States Code, the Adminis-
10 trator shall, upon the written request of the
11 covered certificate holder and at any time after
12 that notification, provide to the covered certifi-
13 cate holder the releasable portion of the inves-
14 tigative report.

15 “(2) MOTION FOR DISMISSAL.—If the Adminis-
16 trator does not provide the releasable portions of the
17 investigative report to the individual holding the air-
18 man certificate subject to the proceeding referred to
19 in paragraph (1) by the time required by that para-
20 graph, the individual may move to dismiss the com-
21 plaint of the Administrator or for other relief and,
22 unless the Administrator establishes good cause for
23 the failure to provide the investigative report or for
24 a lack of timeliness, the administrative law judge

1 shall order such relief as the judge considers appro-
 2 priate.

3 ~~“(3) RELEASABLE PORTION OF INVESTIGATIVE~~
 4 ~~REPORT.—For purposes of paragraph (1), the re-~~
 5 ~~leasable portion of an investigative report is all in-~~
 6 ~~formation in the report, except for the following:~~

7 ~~“(A) Information that is privileged.~~

8 ~~“(B) Information that constitutes work~~
 9 ~~product or reflects internal deliberative process.~~

10 ~~“(C) Information that would disclose the~~
 11 ~~identity of a confidential source.~~

12 ~~“(D) Information the disclosure of which is~~
 13 ~~prohibited by any other provision of law.~~

14 ~~“(E) Information that is not relevant to~~
 15 ~~the subject matter of the proceeding.~~

16 ~~“(F) Information the Administrator can~~
 17 ~~demonstrate is withheld for good cause.~~

18 ~~“(G) Sensitive security information, as de-~~
 19 ~~finied in section 15.5 of title 49, Code of Fed-~~
 20 ~~eral Regulations (or any corresponding similar~~
 21 ~~ruling or regulation).~~

22 ~~“(4) RULE OF CONSTRUCTION.—Nothing in~~
 23 ~~this subsection shall be construed to prevent the Ad-~~
 24 ~~ministrator from releasing to an individual subject~~
 25 ~~to an investigation described in subsection (b)(1)—~~

“(A) information in addition to the information included in the releasable portion of the investigative report; or

“(B) a copy of the investigative report before the Administrator issues a complaint.”.

SEC. 2603. LIMITATIONS ON REEXAMINATION OF CERTIFICATE HOLDERS.

(a) IN GENERAL.—Section 44709(a) is amended—

(1) by striking “The Administrator” and inserting the following:

“(1) IN GENERAL.—The Administrator”;

(2) by striking “reexamine” and inserting “, except as provided in paragraph (2), reexamine”; and

(3) by adding at the end the following:

“(2) LIMITATION ON THE REEXAMINATION OF AIRMAN CERTIFICATES.—

“(A) IN GENERAL.—The Administrator may not reexamine an airman holding a student, sport, recreational, or private pilot certificate issued under section 44703 of this title if the reexamination is ordered as a result of an event involving the fault of the Federal Aviation Administration or its designee, unless the Administrator has reasonable grounds—

1 “(i) to establish that the airman may
2 not be qualified to exercise the privileges of
3 a particular certificate or rating, based
4 upon an act or omission committed by the
5 airman while exercising those privileges,
6 after the certificate or rating was issued by
7 the Federal Aviation Administration or its
8 designee; or

9 “(ii) to demonstrate that the airman
10 obtained the certificate or the rating
11 through fraudulent means or through an
12 examination that was substantially and de-
13 monstrably inadequate to establish the air-
14 man’s qualifications.

15 “(B) NOTIFICATION REQUIREMENTS.—Be-
16 fore taking any action to reexamine an airman
17 under subparagraph (A), the Administrator
18 shall provide to the airman—

19 “(i) a reasonable basis, described in
20 detail, for requesting the reexamination;
21 and

22 “(ii) any information gathered by the
23 Federal Aviation Administration, that the
24 Administrator determines is appropriate to
25 provide, such as the scope and nature of

1 the requested reexamination, that formed
2 the basis for that justification.”.

3 (b) ~~AMENDMENT, MODIFICATION, SUSPENSION, OR~~
4 ~~REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-~~
5 ~~INATION.~~—Section 44709(b) is amended—

6 (1) in paragraph (1), by redesignating subpara-
7 graphs (A) and (B) as clauses (i) and (ii), respec-
8 tively, and indenting appropriately;

9 (2) by redesignating paragraphs (1) and (2) as
10 subparagraphs (A) and (B), respectively, and indent-
11 ing appropriately;

12 (3) in the matter preceding subparagraph (A),
13 as redesignated, by striking “The Administrator”
14 and inserting the following:

15 “(1) ~~IN GENERAL.~~—Except as provided in para-
16 graph (2), the Administrator”;

17 (4) by adding at the end the following:

18 ~~“(2) AMENDMENTS, MODIFICATIONS, SUSPEN-~~
19 ~~SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES~~
20 ~~AFTER REEXAMINATION.~~—

21 ~~“(A) IN GENERAL.~~—The Administrator
22 may not issue an order to amend, modify, sus-
23 pend, or revoke an airman certificate held by a
24 student, sport, recreational, or private pilot and
25 issued under section 44703 of this title after a

1 reexamination of the airman holding the certifi-
 2 cate unless the Administrator determines that
 3 the airman—

4 “(i) lacks the technical skills and com-
 5 petency, or care, judgment, and responsi-
 6 bility, necessary to hold and safely exercise
 7 the privileges of the certificate; or

8 “(ii) materially contributed to the
 9 issuance of the certificate by fraudulent
 10 means.

11 “(B) STANDARD OF REVIEW.—Any order
 12 of the Administrator under this paragraph shall
 13 be subject to the standard of review provided
 14 for under section 2 of the Pilot’s Bill of Rights
 15 (49 U.S.C. 44703 note).”.

16 (e) CONFORMING AMENDMENTS.—Section
 17 44709(d)(1) is amended—

18 (1) in subparagraph (A), by striking “sub-
 19 section (b)(1)(A)” and inserting “subsection
 20 (b)(1)(A)(i)”; and

21 (2) in subparagraph (B), by striking “sub-
 22 section (b)(1)(B)” and inserting “subsection
 23 (b)(1)(A)(ii)”.

1 **SEC. 2604. EXPEDITING UPDATES TO NOTAM PROGRAM.**

2 (a) IN GENERAL.—Beginning on the date that is 180
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration may not
5 take any enforcement action against any individual for a
6 violation of a NOTAM (as defined in section 3 of the Pi-
7 lot’s Bill of Rights (49 U.S.C. 44701 note)) until the Ad-
8 ministrator certifies to the appropriate committees of Con-
9 gress that the Administrator has complied with the re-
10 quirements of section 3 of the Pilot’s Bill of Rights, as
11 amended by this section.

12 (b) AMENDMENTS.—Section 3 of the Pilot’s Bill of
13 Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.
14 44701 note) is amended—

15 (1) in subsection (a)(2)—

16 (A) in the matter preceding subparagraph

17 (A)—

18 (i) by striking “this Act” and insert-
19 ing “the Fairness for Pilots Act”; and

20 (ii) by striking “begin” and inserting
21 “complete the implementation of”;

22 (B) by amending subparagraph (B) to read
23 as follows:

24 “(B) to continue developing and modern-
25 izing the NOTAM repository, in a public cen-
26 tral location, to maintain and archive all

1 NOTAMs, including the original content and
 2 form of the notices, the original date of publica-
 3 tion, and any amendments to such notices with
 4 the date of each amendment, in a manner that
 5 is Internet-accessible, machine-readable, and
 6 searchable;”;

7 (C) in subparagraph (C), by striking the
 8 period at the end and inserting “; and”; and

9 (D) by adding at the end the following:

10 “(D) to specify the times during which
 11 temporary flight restrictions are in effect and
 12 the duration of a designation of special use air-
 13 space in a specific area.”; and

14 (2) by amending subsection (d) to read as fol-
 15 lows:

16 “(d) DESIGNATION OF REPOSITORY AS SOLE
 17 SOURCE FOR NOTAMS.—

18 “(1) IN GENERAL.—The Administrator—

19 “(A) shall consider the repository for
 20 NOTAMs under subsection (a)(2)(B) to be the
 21 sole location for airmen to check for NOTAMs;
 22 and

23 “(B) may not consider a NOTAM to be
 24 announced or published until the NOTAM is in-

cluded in the repository for NOTAMs under subsection (a)(2)(B).

~~“(2) PROHIBITION ON TAKING ACTION FOR VIOLATIONS OF NOTAMS NOT IN REPOSITORY.—~~

~~“(A) IN GENERAL.—Except as provided in subparagraph (B), beginning on the date that the repository under subsection (a)(2)(B) is final and published, the Administrator may not take any enforcement action against an airman for a violation of a NOTAM during a flight if—~~

~~“(i) that NOTAM is not available through the repository before the commencement of the flight; and~~

~~“(ii) that NOTAM is not reasonably accessible and identifiable to the airman.~~

~~“(B) EXCEPTION FOR NATIONAL SECURITY.—Subparagraph (A) shall not apply in the case of an enforcement action for a violation of a NOTAM that directly relates to national security.”.~~

SEC. 2605. ACCESSIBILITY OF CERTAIN FLIGHT DATA.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47124 the following:

“§ 47124a. Accessibility of certain flight data

~~“(a) DEFINITIONS.—In this section:~~

1 ~~“(1) ADMINISTRATION.—The term ‘Administra-~~
2 ~~tion’ means the Federal Aviation Administration.~~

3 ~~“(2) ADMINISTRATOR.—The term ‘Adminis-~~
4 ~~trator’ means the Administrator of the Federal Avia-~~
5 ~~tion Administration.~~

6 ~~“(3) APPLICABLE INDIVIDUAL.—The term ‘ap-~~
7 ~~plicable individual’ means an individual who is the~~
8 ~~subject of an investigation initiated by the Adminis-~~
9 ~~trator related to a covered flight record.~~

10 ~~“(4) CONTRACT TOWER.—The term ‘contract~~
11 ~~tower’ means an air traffic control tower providing~~
12 ~~air traffic control services pursuant to a contract~~
13 ~~with the Administration under section 47124.~~

14 ~~“(5) COVERED FLIGHT RECORD.—The term~~
15 ~~‘covered flight record’ means any air traffic data (as~~
16 ~~defined in section 2(b)(4)(B) of the Pilot’s Bill of~~
17 ~~Rights (49 U.S.C. 44703 note)), created, main-~~
18 ~~tained, or controlled by any program of the Adminis-~~
19 ~~tration, including any program of the Administration~~
20 ~~carried out by employees or contractors of the Ad-~~
21 ~~ministration, such as contract towers, flight service~~
22 ~~stations, and controller training programs.~~

23 ~~“(b) PROVISION OF COVERED FLIGHT RECORD TO~~
24 ~~ADMINISTRATION.—~~

1 “(1) REQUESTS.—Whenever the Administration
2 receives a written request for a covered flight record
3 from an applicable individual and the covered flight
4 record is not in the possession of the Administration,
5 the Administrator shall request the covered flight
6 record from the contract tower or other contractor
7 of the Administration in possession of the covered
8 flight record.

9 “(2) PROVISION OF RECORDS.—Any covered
10 flight record created, maintained, or controlled by a
11 contract tower or another contractor of the Adminis-
12 tration that maintains covered flight records shall be
13 provided to the Administration if the Administration
14 requests the record pursuant to paragraph (1).

15 “(3) NOTICE OF PROPOSED CERTIFICATE AC-
16 TION.—If the Administrator has issued, or subse-
17 quently issues, a Notice of Proposed Certificate Ac-
18 tion relying on evidence contained in the covered
19 flight record and the individual who is the subject of
20 an investigation has requested the record, the Ad-
21 ministrator shall promptly produce the record and
22 extend the time the individual has to respond to the
23 Notice of Proposed Certificate Action until the cov-
24 ered flight record is provided.

25 “(c) IMPLEMENTATION.—

1 “(1) IN GENERAL.—Not later than 180 days
2 after the date of enactment of the Fairness for Pi-
3 lots Act, the Administrator shall promulgate regula-
4 tions or guidance to ensure compliance with this sec-
5 tion.

6 “(2) COMPLIANCE BY CONTRACTORS.—

7 “(A) IN GENERAL.—Compliance with this
8 section by a contract tower or other contractor
9 of the Administration that maintains covered
10 flight records shall be included as a material
11 term in any contract between the Administra-
12 tion and the contract tower or contractor en-
13 tered into or renewed on or after the date of en-
14 actment of the Fairness for Pilots Act.

15 “(B) NONAPPLICABILITY.—Subparagraph
16 (A) shall not apply to any contract or agree-
17 ment in effect on the date of enactment of the
18 Fairness for Pilots Act unless the contract or
19 agreement is renegotiated, renewed, or modified
20 after that date.”.

21 “(b) TECHNICAL AND CONFORMING AMENDMENTS.—

22 The table of contents for chapter 471 is amended by in-
23 serting after the item relating to section 47124 the fol-
24 lowing:

“47124a: Accessibility of certain flight data.”.

1 **SEC. 2606. AUTHORITY FOR LEGAL COUNSEL TO ISSUE**
 2 **CERTAIN NOTICES.**

3 Not later than 180 days after the date of enactment
 4 of this Act, the Administrator of the Federal Aviation Ad-
 5 ministration shall revise section 13.11 of title 14, Code
 6 of Federal Regulations, to authorize legal counsel of the
 7 Federal Aviation Administration to close enforcement ac-
 8 tions covered by that section with a warning notice, letter
 9 of correction, or other administrative action.

10 **TITLE III—AIR SERVICE**
 11 **IMPROVEMENTS**

12 **SEC. 3001. DEFINITIONS.**

13 In this title:

14 (1) **COVERED AIR CARRIER.**—The term “cov-
 15 ered air carrier” means an air carrier or a foreign
 16 air carrier as those terms are defined in section
 17 40102 of title 49, United States Code.

18 (2) **ONLINE SERVICE.**—The term “online serv-
 19 ice” means any service available over the Internet,
 20 or that connects to the Internet or a wide-area net-
 21 work.

22 (3) **TICKET AGENT.**—The term “ticket agent”
 23 has the meaning given the term in section 40102 of
 24 title 49, United States Code.

1 **Subtitle A—Passenger Air Service**
2 **Improvements**

3 **SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-**
4 **TIONS.**

5 ~~(a)~~ REVIEW.—

6 ~~(1)~~ IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary of
8 Transportation shall review the categorization of
9 delays and cancellations with respect to air carriers
10 that are required to report such data.

11 ~~(2)~~ CONSIDERATIONS.—In conducting the re-
12 view under paragraph ~~(1)~~, the Secretary shall con-
13 sider, at a minimum—

14 ~~(A)~~ whether delays and cancellations at-
15 tributed by an air carrier to weather were un-
16 avoidable, including—

17 ~~(i)~~ due to operational issues, air traf-
18 fic control issues, or groundstop or delay
19 management programs;

20 ~~(ii)~~ due to the air carrier's discretion
21 in determining which flights to delay or
22 cancel during a weather event, including
23 an attempt to impact the fewest pas-
24 sengers; or

25 ~~(iii)~~ due to other factors;

1 (B) whether and to what extent delays and
2 cancellations attributed by an air carrier to
3 weather disproportionately impact service to
4 smaller airports and communities; and

5 (C) whether it is an unfair or deceptive
6 practice in violation of section 41712 of title
7 49, United States Code, for an air carrier to in-
8 form a passenger that a flight is delayed or
9 cancelled due to weather, without any other
10 context or explanation for the delay or cancella-
11 tion, when the air carrier has discretion as to
12 which flights to delay or cancel.

13 (3) CONSULTATION.—The Secretary may con-
14 sult air carriers and the Advisory Committee for
15 Aviation Consumer Protection, established under
16 section 411 of the FAA Modernization and Reform
17 Act of 2012 (49 U.S.C. 42301 prece. note), to assist
18 in conducting the review and providing recommenda-
19 tions.

20 (b) REPORT.—Not later than 90 days after the date
21 the review under subsection (a) is complete, the Secretary
22 shall submit to the appropriate committees of Congress
23 a report on the review under subsection (a), including any
24 recommendations.

1 (c) SAVINGS PROVISION.—Nothing in this section
 2 shall be construed as affecting the decision of an air car-
 3 rier to maximize its system capacity during weather-re-
 4 lated events to accommodate the greatest number of pas-
 5 sengers.

6 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

7 (a) REVIEW.—

8 (1) IN GENERAL.—Not later than 1 year after
 9 the date of enactment of this Act, the Secretary of
 10 Transportation shall review whether it is an unfair
 11 or deceptive practice in violation of section 41712 of
 12 title 49, United States Code, for an air carrier to
 13 change the itinerary of a passenger, more than 24
 14 hours before departure, if the new itinerary involves
 15 additional stops or departs 3 hours earlier or later
 16 and compensation or other more suitable air trans-
 17 portation is not offered. In conducting the review,
 18 the Secretary shall consider the refund policy and al-
 19 ternative travel options provided or offered by the
 20 air carrier in such situations.

21 (2) CONSULTATION.—The Secretary may con-
 22 sult with air carriers and the Advisory Committee
 23 for Aviation Consumer Protection, established under
 24 section 411 of the FAA Modernization and Reform
 25 Act of 2012 (49 U.S.C. 42301 prec. note), to assist

1 in conducting the review and providing recommenda-
 2 tions.

3 (b) ~~REPORT.~~—Not later than 90 days after the date
 4 the review under subsection (a) is complete, the Secretary
 5 shall submit to appropriate committees of Congress a re-
 6 port on the review under subsection (a), including any rec-
 7 ommendations.

8 **SEC. 3103. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
 9 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
 10 **DENTS.**

11 (a) ~~AIR CARRIERS HOLDING CERTIFICATES OF PUB-~~
 12 ~~LIC CONVENIENCE AND NECESSITY.~~—Section 4111~~3~~ is
 13 amended—

14 (1) in subsection (a), by striking “a major” and
 15 inserting “any”;

16 (2) in subsection (b)—

17 (A) in paragraph (9), by striking “(and
 18 any other victim of the accident)” and inserting
 19 “(and any other victim of the accident, includ-
 20 ing any victim on the ground)”;

21 (B) in paragraph (16), by striking “major”
 22 and inserting “any”; and

23 (C) in paragraph (17)(A), by striking “sig-
 24 nificant” and inserting “any”; and

1 ~~(3)~~ by amending subsection (c) to read as fol-
 2 lows:

3 ~~“(c) DEFINITIONS.—In this section:~~

4 ~~“(1) ‘Aircraft accident’ means any aviation dis-~~
 5 ~~aster, regardless of its cause or suspected cause, for~~
 6 ~~which the National Transportation Safety Board is~~
 7 ~~the lead investigative agency.~~

8 ~~“(2) ‘Passenger’ has the meaning given the~~
 9 ~~term in section 1136.”.~~

10 ~~(b) FOREIGN AIR CARRIERS PROVIDING FOREIGN~~
 11 ~~AIR TRANSPORTATION.—Section 41313 is amended—~~

12 ~~(1) in subsection (b), by striking “a major” and~~
 13 ~~inserting “any”; and~~

14 ~~(2) in subsection (c)—~~

15 ~~(A) in paragraph (1), by striking “a sig-~~
 16 ~~nificant” and inserting “any”;~~

17 ~~(B) in paragraph (2), by striking “a sig-~~
 18 ~~nificant” and inserting “any”;~~

19 ~~(C) in paragraph (16), by striking “major”~~
 20 ~~and inserting “any”; and~~

21 ~~(D) in paragraph (17)(A), by striking “sig-~~
 22 ~~nificant” and inserting “any”.~~

23 ~~(c) NATIONAL TRANSPORTATION SAFETY BOARD.—~~
 24 ~~Section 1136(a) is amended by striking “aircraft accident~~
 25 ~~within the United States involving an air carrier or foreign~~

1 air carrier and resulting in a major loss of life” and insert-
 2 ing “aircraft accident involving an air carrier or foreign
 3 air carrier, resulting in any loss of life, and for which the
 4 National Transportation Safety Board will serve as the
 5 lead investigative agency”.

6 **SEC. 3104. TRAVELERS WITH DISABILITIES.**

7 (a) IN GENERAL.—Not later than 1 year after the
 8 date of enactment of this Act, the Comptroller General
 9 of the United States shall—

10 (1) conduct a study of airport accessibility best
 11 practices for individuals with disabilities; and

12 (2) submit to the appropriate committees of
 13 Congress a report on the study, including the Comp-
 14 troller General’s findings, conclusions, and rec-
 15 ommendations.

16 (b) CONTENTS.—The study under subsection (a)
 17 shall include accessibility best practices beyond those rec-
 18 ommended under the Architectural Barriers Act of 1968
 19 (42 U.S.C. 4151 et seq.); Rehabilitation Act of 1973 (29
 20 U.S.C. 701 et seq.); Air Carrier Access Act of 1986 (100
 21 Stat. 1080; Public Law 99–435), or Americans with Dis-
 22 abilities Act of 1990 (42 U.S.C. 12101 et seq.); that im-
 23 prove infrastructure and communications, such as with re-
 24 gard to wayfinding, amenities, and passenger care.

1 **SEC. 3105. EXTENSION OF ADVISORY COMMITTEE FOR**
2 **AVIATION CONSUMER PROTECTION.**

3 (a) **TERMINATION.**—Section 411(h) of the FAA Mod-
4 ernization and Reform Act of 2012 (Public Law 112–95;
5 49 U.S.C. 42301 prec. note) is amended by striking “Sep-
6 tember 30, 2017” and inserting “September 30, 2021”.

7 (b) **FINANCIAL DISCLOSURE.**—Section 411 of the
8 FAA Modernization and Reform Act of 2012 (Public Law
9 112–95; 49 U.S.C. 42301 prec. note) is further amend-
10 ed—

11 (1) by redesignating subsection (h) as sub-
12 section (i); and

13 (2) by inserting before subsection (i), the fol-
14 lowing:

15 “(h) **CONFLICT OF INTEREST DISCLOSURE.**—Begin-
16 ning on the date of enactment of the Federal Aviation Ad-
17 ministration Reauthorization Act of 2017, each member
18 of the advisory committee who is not a government em-
19 ployee shall disclose, on an annual basis, any potential
20 conflicts of interest, including financial conflicts of inter-
21 est, to the Secretary in such form and manner as pre-
22 scribed by the Secretary.”.

23 (c) **RECOMMENDATIONS.**—Section 411(g) of the FAA
24 Modernization and Reform Act of 2012 (Public Law 112–
25 95; 49 U.S.C. 42301 prec. note) is amended—

1 (1) by striking “of the first 2 calendar years be-
 2 ginning after the date of enactment of this Act” and
 3 inserting “calendar year”; and

4 (2) by inserting “and post on the Department
 5 of Transportation Web site” after “Congress”.

6 **SEC. 3106. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

7 Section 47107(r)(3) is amended by striking “October
 8 1, 2017” and inserting “October 1, 2021”.

9 **SEC. 3107. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
 10 **ORED BY A COVERED AIR CARRIER.**

11 Not later than 1 year after the date of enactment
 12 of this Act, the Secretary of Transportation shall promul-
 13 gate regulations that require each covered air carrier to
 14 promptly provide an automated refund to a passenger of
 15 any ancillary fees paid for services related to air travel
 16 that the passenger does not receive, including on the pas-
 17 senger’s scheduled flight, on a subsequent replacement
 18 itinerary if there has been a rescheduling, or for a flight
 19 not taken by the passenger.

20 **SEC. 3108. DISCLOSURE OF FEES TO CONSUMERS.**

21 (a) **IN GENERAL.**—Not later than 1 year after the
 22 date of enactment of this Act, the Secretary of Transpor-
 23 tation shall issue final regulations requiring—

24 (1) each covered air carrier to disclose to a con-
 25 sumer the baggage fee, cancellation fee, change fee,

1 ticketing fee, and seat selection fee of that covered
 2 air carrier in a standardized format; and

3 ~~(2) notwithstanding the manner in which infor-~~
 4 ~~mation regarding the fees described in paragraph~~
 5 ~~(1) is collected, each ticket agent to disclose to a~~
 6 ~~consumer such fees of a covered air carrier in the~~
 7 ~~standardized format described in paragraph (1).~~

8 (b) REQUIREMENTS.—The regulations under sub-
 9 section (a) shall require that each disclosure—

10 (1) if ticketing is done on an Internet Web site
 11 or other online service—

12 (A) be prominently displayed to the con-
 13 sumer prior to the point of purchase; and

14 (B) set forth the fees described in sub-
 15 section (a)(1) in clear and plain language and
 16 a font of easily readable size; and

17 ~~(2) if ticketing is done on the telephone, be ex-~~
 18 ~~pressly stated to the consumer during the telephone~~
 19 ~~call and prior to the point of purchase.~~

20 **SEC. 3109. SEAT ASSIGNMENTS.**

21 (a) IN GENERAL.—Not later than 15 months after
 22 the date of enactment of this Act, the Secretary of Trans-
 23 portation shall complete such actions as may be necessary
 24 to require each covered air carrier and ticket agent to dis-
 25 close to a consumer that seat selection for which a fee

1 is charged is an optional service, and that if a consumer
2 does not pay for a seat assignment, a seat will be assigned
3 to the consumer from available inventory.

4 (b) REQUIREMENTS.—The disclosure under sub-
5 section (a) shall—

6 (1) if ticketing is done on an Internet Web site
7 or other online service, be prominently displayed to
8 the consumer on that Internet Web site or online
9 service during the selection of seating or prior to the
10 point of purchase;

11 (2) if ticketing is done on the telephone, be ex-
12 pressly stated to the consumer during the telephone
13 call and prior to the point of purchase;

14 (3) be made at the time the consumer checks
15 in for the flight; and

16 (4) be made at other ancillary seat assignment
17 purchase opportunities prior to departure.

18 **SEC. 3110. ADVANCED BOARDING DURING PREGNANCY.**

19 Not later than 180 days after the date of enactment
20 of this Act, the Secretary of Transportation shall review
21 air carrier policies regarding traveling during pregnancy
22 and, if appropriate, may revise regulations, as the Sec-
23 retary considers necessary, to require an air carrier to
24 offer advanced boarding of an aircraft to a pregnant pas-
25 senger who requests such assistance.

1 **SEC. 3111. CONSUMER COMPLAINT PROCESS IMPROVE-**
 2 **MENT.**

3 (a) IN GENERAL.—Section 42302 is amended—

4 (1) by redesignating subsections (b) and (c) as
 5 subsections (c) and (d), respectively;

6 (2) by inserting after subsection (a), the fol-
 7 lowing:

8 “(b) POINT OF SALE.—Each air carrier, foreign air
 9 carrier, and ticket agent shall inform each consumer of
 10 a carrier service, at the point of sale, that the consumer
 11 can file a complaint about that service with the carrier
 12 and with the Aviation Consumer Protection Division of the
 13 Department of Transportation.”;

14 (3) by amending subsection (c), as redesign-
 15 ated, to read as follows:

16 “(c) INTERNET WEB SITE OR OTHER ONLINE SERV-
 17 ICE NOTICE.—Each air carrier, foreign air carrier, and
 18 ticket agent shall include on its Internet Web site, any
 19 related mobile device application, and online service—

20 “(1) the hotline telephone number established
 21 under subsection (a) or for the Aviation Consumer
 22 Protection Division of the Department of Transpor-
 23 tation;

24 “(2) an active link and the email address, tele-
 25 phone number, and mailing address of the air ear-
 26 nier, foreign air carrier, or ticket agent, as applica-

1 ble, for a consumer to submit a complaint to the
2 carrier about the quality of service;

3 ~~“(3)~~ notice that the consumer can file a com-
4 plaint with the Aviation Consumer Protection Divi-
5 sion of the Department of Transportation;

6 ~~“(4)~~ an active link to the Internet Web site of
7 the Aviation Consumer Protection Division of the
8 Department of Transportation for a consumer to file
9 a complaint; and

10 ~~“(5)~~ the active link described in paragraph (2)
11 on the same Internet Web site page as the active
12 link described in paragraph (4).”; and

13 (4) in subsection (d), as redesignated—

14 (A) in the matter preceding paragraph (1),
15 by striking “An air carrier or foreign air carrier
16 providing scheduled air transportation using
17 any aircraft that as originally designed has a
18 passenger capacity of 30 or more passenger
19 seats” and inserting “Each air carrier and for-
20 eign air carrier”;

21 (B) in paragraph (1), by striking “air ear-
22 rier” and inserting “carrier”; and

23 (C) in paragraph (2), by striking “air ear-
24 rier” and inserting “carrier”.

1 (b) RULEMAKING.—Not later than 1 year after the
 2 date of enactment of this Act, the Secretary of Transpor-
 3 tation shall promulgate regulations to implement the re-
 4 quirements of section 42302 of title 49, United States
 5 Code, as amended.

6 **SEC. 3112. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
 7 **TECTION INFORMATION.**

8 (a) INTERNET WEB SITE.—Not later than 180 days
 9 after the date of enactment of this Act, the Secretary of
 10 Transportation shall—

11 (1) complete an evaluation of the aviation con-
 12 sumer protection portion of the Department of
 13 Transportation’s public Internet Web site to identify
 14 any changes to the user interface that will improve
 15 usability, accessibility, consumer satisfaction, and
 16 Web site performance;

17 (2) in completing the evaluation under para-
 18 graph (1)—

19 (A) consider the best practices of other
 20 Federal agencies with effective Web sites; and

21 (B) consult with the Federal Web Man-
 22 agers Council;

23 (3) develop a plan, including an implementation
 24 timeline, for—

1 (A) making the changes identified under
2 paragraph (1); and

3 (B) making any necessary changes to that
4 portion of the Web site that will enable a con-
5 sumer, in a manner that protects the privacy of
6 consumers and employees, to—

7 (i) access information regarding each
8 complaint filed with the Aviation Con-
9 sumer Protection Division of the Depart-
10 ment of Transportation;

11 (ii) search the complaints described in
12 clause (i) by the name of the air carrier,
13 the dates of departure and arrival, the air-
14 ports of origin and departure, and the type
15 of complaint; and

16 (iii) determine the date a complaint
17 was filed and the date a complaint was re-
18 solved; and

19 (4) submit the evaluation and plan to appro-
20 priate committees of Congress.

21 (b) MOBILE APPLICATION SOFTWARE.—Not later
22 than 1 year after the date of enactment of this Act, the
23 Secretary of Transportation shall—

24 (1) implement a program to develop application
25 software for wireless devices that will enable a user

1 to access information and perform activities related
2 to aviation consumer protection, such as—

3 (A) information regarding airline pas-
4 senger protections, including protections related
5 to lost baggage and baggage fees, disclosure of
6 additional fees, bumping, cancelled or delayed
7 flights, damaged or lost baggage, and tarmac
8 delays; and

9 (B) file an aviation consumer complaint,
10 including a safety and security, airline service,
11 disability and discrimination, or privacy com-
12 plaint, with the Aviation Consumer Protection
13 Division of the Department of Transportation;
14 and

15 (2) make the application software available to
16 the public at no cost.

17 **SEC. 3113. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
18 **SYSTEMS.**

19 Not later than 2 years after the date of enactment
20 of this Act, the Architectural and Transportation Barriers
21 Compliance Board, in consultation with the Secretary of
22 Transportation, including the Aviation Consumer Protec-
23 tion Division of the Department of Transportation and the
24 Office of Aviation Safety at the Federal Aviation Adminis-
25 tration, shall conduct a study to determine the ways in

1 which particular individuals with significant disabilities
 2 who use wheelchairs, including power wheelchairs, can be
 3 safely accommodated through in-cabin wheelchair re-
 4 straint systems.

5 **SEC. 3114. ADVISORY COMMITTEE ON THE AIR TRAVEL**
 6 **NEEDS OF PASSENGERS WITH DISABILITIES.**

7 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
 8 tation shall establish an advisory committee for the air
 9 travel needs of passengers with disabilities (referred to in
 10 this section as the “Advisory Committee”).

11 (b) **DUTIES.**—The Advisory Committee shall advise
 12 the Secretary with regard to the implementation of the
 13 Air Carrier Access Act of 1986 (Public Law 99–435; 100
 14 Stat. 1080), including—

15 (1) assessing the disability-related access bar-
 16 riers encountered by passengers with disabilities;

17 (2) determining the extent to which the pro-
 18 grams and activities of the Department of Transpor-
 19 tation are addressing the barriers described in para-
 20 graph (1);

21 (3) recommending improvements to the air
 22 travel experience of passengers with disabilities; and

23 (4) such activities as the Secretary considers
 24 necessary to carry out this section.

25 (c) **MEMBERSHIP.**—

1 ~~(1) IN GENERAL.—~~The Advisory Committee
 2 shall be comprised of at least 1 representative of
 3 each of the following groups:

4 ~~(A) Passengers with disabilities.~~

5 ~~(B) National disability organizations.~~

6 ~~(C) Air carriers.~~

7 ~~(D) Airport operators.~~

8 ~~(E) Contractor service providers.~~

9 ~~(2) APPOINTMENT.—~~The Secretary of Trans-
 10 portation shall appoint each member of the Advisory
 11 Committee.

12 ~~(3) VACANCIES.—~~A vacancy in the Advisory
 13 Committee shall be filled in the manner in which the
 14 original appointment was made.

15 ~~(d) CHAIRPERSON.—~~The Secretary of Transportation
 16 shall designate, from among the members appointed under
 17 subsection ~~(c)~~, an individual to serve as chairperson of the
 18 Advisory Committee.

19 ~~(e) TRAVEL EXPENSES.—~~Members of the Advisory
 20 Committee shall serve without pay, but shall receive travel
 21 expenses, including per diem in lieu of subsistence, in ac-
 22 cordance with subchapter I of chapter 57 of title 5, United
 23 States Code.

24 ~~(f) REPORTS.—~~

1 ~~(1) IN GENERAL.~~—Not later than February 1
2 of each year, the Advisory Committee shall submit
3 to the Secretary of Transportation a report on the
4 needs of passengers with disabilities in air travel, in-
5 cluding—

6 ~~(A)~~ an assessment of disability-related ac-
7 cess barriers, both those that were evident in
8 the preceding calendar year and those that will
9 likely be an issue in the subsequent 5 calendar
10 years;

11 ~~(B)~~ an evaluation of the extent to which
12 the Department of Transportation's programs
13 and activities are eliminating disability-related
14 access barriers;

15 ~~(C)~~ a description of the Advisory Commit-
16 tee's actions during the preceding calendar
17 year;

18 ~~(D)~~ a description of activities that the Ad-
19 visory Committee has planned for the subse-
20 quent calendar year; and

21 ~~(E)~~ any recommendations for legislation,
22 administrative action, or other action that the
23 Advisory Committee considers appropriate.

24 ~~(2) REPORT TO CONGRESS.~~—Not later than 60
25 days after the date the Secretary receives the report

1 under paragraph (1), the Secretary shall submit to
 2 the appropriate committees of Congress a copy of
 3 the report, including any additional findings or rec-
 4 ommendations that the Secretary considers appro-
 5 priate.

6 ~~(g) TERMINATION.~~—The Advisory Committee shall
 7 terminate 2 years after the date it is established under
 8 subsection (a).

9 **SEC. 3115. ENFORCEMENT OF AVIATION CONSUMER PRO-**
 10 **TECTION RULES.**

11 ~~(a) IN GENERAL.~~—The Comptroller General of the
 12 United States shall conduct a study to consider and evalu-
 13 ate Department of Transportation enforcement of aviation
 14 consumer protection rules.

15 ~~(b) CONTENTS.~~—The study under subsection (a)
 16 shall include an evaluation of—

17 ~~(1) available enforcement mechanisms;~~
 18 ~~(2) any obstacles to enforcement; and~~
 19 ~~(3) trends in Department of Transportation en-~~
 20 ~~forcement actions.~~

21 ~~(c) REPORT.~~—Not later than 1 year after the date
 22 of enactment of this Act, the Comptroller General shall
 23 submit to the appropriate committees of Congress a report
 24 on the study, including the Comptroller General's findings,
 25 conclusions, and recommendations.

1 **SEC. 3116. DIMENSIONS FOR PASSENGER SEATS.**

2 (a) IN GENERAL.—Not later than 18 months after
3 the date of enactment of this Act, the Administrator of
4 the Federal Aviation Administration shall initiate a pro-
5 ceeding to study the minimum seat pitch for passenger
6 seats on aircraft operated by air carriers (as defined in
7 section 40102 of title 49, United States Code).

8 (b) CONSIDERATIONS.—In reviewing any minimum
9 seat pitch under subsection (a), the Administrator shall
10 consider the safety of passengers, including passengers
11 with disabilities.

12 **SEC. 3117. CELL PHONE VOICE COMMUNICATIONS.**

13 (a) IN GENERAL.—Subchapter I of chapter 417 is
14 amended by adding at the end the following:

15 **“§ 41725. Cell phone voice communications**

16 “(a) PROHIBITION AUTHORITY.—The Secretary of
17 Transportation may issue regulations—

18 “(1) to prohibit an individual on an aircraft
19 from engaging in voice communications using a mo-
20 bile communications device during a flight of that
21 aircraft in scheduled passenger interstate or intra-
22 state air transportation; and

23 “(2) that exempt from the prohibition described
24 in paragraph (1)—

25 “(A) any member of the flight crew on
26 duty on an aircraft;

1 ~~“(B) any flight attendant on duty on an~~
 2 ~~aircraft; and~~

3 ~~“(C) any Federal law enforcement officer~~
 4 ~~acting in an official capacity.~~

5 ~~“(b) DEFINITIONS.—In this section:~~

6 ~~“(1) FLIGHT.—The term ‘flight’ means, with~~
 7 ~~respect to an aircraft, the period beginning when the~~
 8 ~~aircraft takes off and ending when the aircraft~~
 9 ~~lands.~~

10 ~~“(2) MOBILE COMMUNICATIONS DEVICE.—~~

11 ~~“(A) IN GENERAL.—The term ‘mobile~~
 12 ~~communications device’ means any portable~~
 13 ~~wireless telecommunications equipment utilized~~
 14 ~~for the transmission or reception of voice data.~~

15 ~~“(B) LIMITATION.—The term ‘mobile com-~~
 16 ~~munications device’ does not include a phone in-~~
 17 ~~stalled on an aircraft.”.~~

18 ~~(b) TABLE OF CONTENTS.—The table of contents at~~
 19 ~~the beginning of chapter 417 is amended by inserting after~~
 20 ~~the item relating to section 41724 the following:~~

~~“41725. Cell phone voice communications.”.~~

21 **SEC. 3118. TICKETS ACT.**

22 ~~(a) SHORT TITLE.—This section may be cited as the~~
 23 ~~“Transparency Improvements and Compensation to Keep~~
 24 ~~Every Ticketholder Safe Act of 2017” or the “TICKETS~~
 25 ~~Act”.~~

1 (b) **BOARDED PASSENGERS.**—Beginning on the date
 2 of enactment of this Act, once a revenue passenger is ap-
 3 proved by a gate attendant to clear the boarding area and
 4 board an aircraft, the applicable air carrier may not deny
 5 that passenger permission to board the aircraft without
 6 the consent of the passenger unless—

7 (1) the passenger poses a safety, security, or
 8 health risk to oneself or to the other passengers; or

9 (2) the passenger is engaging in behavior that
 10 is obscene, disruptive, or otherwise unlawful ;

11 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
 12 tion may be construed to limit or otherwise affect the re-
 13 sponsibility or authority of a pilot in command of an air-
 14 craft under section 121.533 of title 14, Code of Federal
 15 Regulations, or any penalty under section 46504 of title
 16 49, United States Code.

17 (d) **ELIMINATION OF LIMITATION ON COMPENSATION**
 18 **FOR BEING DENIED BOARDING.**—Not later than 1 year
 19 after the date of the enactment of this Act, the Secretary
 20 of Transportation shall review air carrier policies and re-
 21 vise the regulations under part 250 of title 14, Code of
 22 Federal Regulations, to eliminate the dollar amount limi-
 23 tations under paragraphs (2) and (3) of subsections (a)
 24 and (b) of section 250.5 of that part on the amount of

1 compensation that may be provided to a passenger who
 2 is denied boarding involuntarily.

3 ~~(c) OVERSALES.—~~

4 ~~(1) IN GENERAL.—~~The Comptroller General of
 5 the United States shall review airline policies and
 6 practices related to oversales of flights.

7 ~~(2) CONSIDERATIONS.—~~In conducting the re-
 8 view under paragraph (1), the Comptroller Generals
 9 shall examine—

10 ~~(A)~~ impact on passengers, including the
 11 prevalence of a negative impact on passengers,
 12 as a result of an oversale;

13 ~~(B)~~ economic and operational factors
 14 which results in oversales;

15 ~~(C)~~ whether, and if so how, the incidence
 16 of oversales varies depending on markets; and

17 ~~(D)~~ potential consequences on the limiting
 18 of oversales.

19 ~~(3) REPORT.—~~Not later than 1 year after the
 20 date of enactment of this Act, the Comptroller Gen-
 21 eral shall submit to the appropriate committees of
 22 Congress a report on the review under paragraph
 23 ~~(2)~~.

24 ~~(f) NOTICE OF POLICIES OF AIR CARRIERS.—~~Not
 25 later than 1 year after the date of the enactment of this

1 Act, the Secretary of Transportation shall prescribe regu-
 2 lations requiring an air carrier, or other entity selling tick-
 3 ets for flights in passenger air transportation, to specify,
 4 on a passenger's flight itinerary, receipt, or other direct
 5 customer communication, the policies of the air carrier op-
 6 erating the flight regarding oversold flights.

7 (g) **DEFINITION OF AIR CARRIER.**—In this section,
 8 the term “air carrier” means an air carrier or foreign air
 9 carrier, as those terms are defined in section 40102 of
 10 title 49, United States Code.

11 **SEC. 3119. TRANSPARENCY FOR DISABLED PASSENGERS.**

12 The compliance date of the final rule, dated Novem-
 13 ber 2, 2016, on the reporting of data for mishandled bag-
 14 gage and wheelchairs in aircraft cargo compartments (81
 15 Fed. Reg. 76300) shall be effective January 1, 2018.

16 **Subtitle B—Essential Air Service**

17 **SEC. 3201. ESSENTIAL AIR SERVICE.**

18 (a) **AUTHORIZATION EXTENSION.**—Section 41742(a)
 19 is amended—

20 (1) in paragraph (2), by striking
 21 “\$150,000,000” and all that follows through “2017”
 22 and inserting “\$175,000,000 for each of fiscal years
 23 2018 through 2021”; and

24 (2) by striking paragraph (3).

1 (b) DEFINITIONS.—Section 41731(a)(1)(A) is
 2 amended by striking clause (ii) and inserting the following:

3 “(ii) was determined, on or after Oc-
 4 tober 1, 1988, and before December 1,
 5 2012, under this subchapter by the Sec-
 6 retary of Transportation to be eligible to
 7 receive subsidized small community air
 8 service under section 41736(a);”.

9 (c) SEASONAL SERVICE.—The Secretary of Trans-
 10 portation may consider the flexibility of current oper-
 11 ational dates and airport accessibility to meet local com-
 12 munity needs when issuing requests for proposal of essen-
 13 tial air service at seasonal airports.

14 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOP-**
 15 **MENT PROGRAM.**

16 (a) EXTENSION OF AUTHORIZATION.—Section
 17 41743(e)(2) is amended by striking “\$6,000,000 for each
 18 of fiscal years 2012 through 2017” and inserting
 19 “\$10,000,000 for each of fiscal years 2018 through
 20 2021”.

21 (b) ELIGIBILITY.—Section 41743(e)(1) is amended
 22 to read as follows:

23 “(1) SIZE.—On the date of the most recent no-
 24 tice of order soliciting community proposals issued

1 by the Secretary under this section, the airport serv-
 2 ing the community or consortium—

3 “(A) was not larger than a small hub air-
 4 port, as determined using the Department of
 5 Transportation’s most recent published classi-
 6 fication; and

7 “(B)(i) had insufficient air carrier service;
 8 or

9 “(ii) had unreasonably high air fares.”.

10 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

11 (a) IN GENERAL.—Section 41743(c)(4) is amend-
 12 ed—

13 (1) by inserting “(B) SAME PROJECTS.—” be-
 14 fore the second sentence and indenting appro-
 15 priately;

16 (2) by inserting “(A) IN GENERAL.—” before
 17 the first sentence and indenting appropriately;

18 (3) in subparagraph (B), as designated by this
 19 subsection, by striking “No community” and insert-
 20 ing “Except as provided in subparagraph (C)”; and

21 (4) by adding at the end the following:

22 “(C) EXCEPTION.—The Secretary may
 23 waive the limitation under subparagraph (B)
 24 related to projects that are the same if the Sec-
 25 retary determines that the community or con-

1 sortium spent little or no money on its previous
 2 project or encountered industry or environ-
 3 mental challenges, due to circumstances that
 4 were reasonably beyond the control of the com-
 5 munity or consortium.”.

6 (b) **AUTHORITY TO MAKE AGREEMENTS.**—Section
 7 41743(c)(1) is amended by adding at the end the fol-
 8 lowing: “The Secretary may amend the scope of a grant
 9 agreement at the request of the community or consortium
 10 and any participating air carrier, and may limit the scope
 11 of a grant agreement to only the elements using grant as-
 12 sistance or to only the elements achieved, if the Secretary
 13 determines that the amendment is reasonably consistent
 14 with the original purpose of the project.”.

15 **SEC. 3204. WAIVERS.**

16 Section 41732 is amended by adding at the end the
 17 following:

18 “(c) **WAIVERS.**—Notwithstanding section 41733(c),
 19 upon request by an eligible place, the Secretary may waive,
 20 in whole or in part, subsections (a) and (b) of this section
 21 or subsections (a) through (c) of section 41734. A waiver
 22 issued under this subsection shall remain in effect for a
 23 limited period of time, as determined by the Secretary.”.

TITLE IV—NEXTGEN AND FAA ORGANIZATION

SEC. 4001. DEFINITIONS.

In this title:

(1) ~~ADMINISTRATION.~~—The term “Administra-
tion” means the Federal Aviation Administration.

(2) ~~ADMINISTRATOR.~~—The term “Adminis-
trator” means the Administrator of the Federal
Aviation Administration.

(3) ~~ADS-B.~~—The term “ADS-B” means auto-
matic dependent surveillance-broadcast.

(4) ~~ADS-B OUT.~~—The term “ADS-B Out”
means automatic dependent surveillance-broadcast
with the ability to transmit information from the
aircraft to ground stations and to other equipped
aircraft.

(5) ~~NEXTGEN.~~—The term “NextGen” means
the Next Generation Air Transportation System.

Subtitle A—NextGen Air Transportation System

SEC. 4101. RETURN ON INVESTMENT REPORT.

(a) ~~IN GENERAL.~~—Not later than 1 year after the
date of enactment of this Act, and annually thereafter
until the date that each NextGen program has a positive
return on investment, the Administrator shall submit to

1 the appropriate committees of Congress a report on the
2 status of each NextGen program, including the most re-
3 cent NextGen priority list under subsection (c).

4 (b) CONTENTS.—The report under subsection (a)
5 shall include, for each NextGen program—

6 (1) an estimate of the date the program will
7 have a positive return on investment;

8 (2) an explanation for any delay in the delivery
9 of expected benefits from previously published esti-
10 mates on delivery of such benefits, in implementing
11 or utilizing the program;

12 (3) an estimate of the completion date;

13 (4) an assessment of the long-term and near-
14 term user benefits of the program for—

15 (A) the Federal Government; and

16 (B) the users of the national airspace sys-
17 tem; and

18 (5) a description of how the program directly
19 contributes to a safer and more efficient air traffic
20 control system.

21 (c) NEXTGEN PRIORITY LIST.—Based on the assess-
22 ment under subsection (a), the Administrator shall—

23 (1) develop, in coordination with the NextGen
24 Advisory Committee and considering the need for a

1 balance between long-term and near-term user bene-
 2 fits; a prioritization of the NextGen programs;

3 ~~(2) annually update the priority list under para-~~
 4 ~~graph (1); and~~

5 ~~(3) prepare budget submissions to reflect the~~
 6 ~~current status of NextGen programs and projected~~
 7 ~~returns on investment for each NextGen program.~~

8 ~~(d) DEFINITION OF RETURN ON INVESTMENT.—In~~
 9 ~~this section, the term “return on investment” means the~~
 10 ~~cost associated with technologies that are required by law~~
 11 ~~or policy as compared to the financial benefits derived~~
 12 ~~from such technologies by a government or a user of air-~~
 13 ~~space.~~

14 ~~(e) REPEAL OF NEXTGEN PRIORITIES.—Section 202~~
 15 ~~of the FAA Modernization and Reform Act of 2012 (Pub-~~
 16 ~~lie Law 112–95; 49 U.S.C. 40101 note) and the item re-~~
 17 ~~lating to that section in the table of contents under section~~
 18 ~~1(b) of that Act are repealed.~~

19 **SEC. 4102. ENSURING FAA READINESS TO PROVIDE SEAM-**
 20 **LESS OCEANIC OPERATIONS.**

21 Not later than September 30, 2018, the Adminis-
 22 trator shall make a final investment decision regarding a
 23 reduced oceanic separation capability that, if a positive
 24 business case is provided, would result in operational use
 25 by the end of 2020.

1 **SEC. 4103. ANNUAL NEXTGEN PERFORMANCE GOALS.**

2 (a) IN GENERAL.—This section may be cited as the
3 “NextGen Accountability Act”.

4 (b) NEXTGEN ANNUAL PERFORMANCE GOALS.—
5 Section 214 of the FAA Modernization and Reform Act
6 of 2012 (Public Law 112–95; 49 U.S.C. 40101 note) is
7 amended by adding at the end the following:

8 “(c) ANNUAL NEXTGEN PERFORMANCE GOALS.—
9 The Administrator shall establish annual NextGen per-
10 formance goals for each of the performance metrics set
11 forth in subsection (a) to meet the performance metric
12 baselines identified under subsection (b). Such goals shall
13 be established in consultation with public and private
14 NextGen stakeholders, including the NextGen Advisory
15 Committee.”.

16 (e) NEXTGEN METRICS REPORT.—Section 710(e)(2)
17 of the Vision 100—Century of Aviation Reauthorization
18 Act (Public Law 108–176; 49 U.S.C. 40101 note) is
19 amended—

20 (1) in subparagraph (D), by striking “and” at
21 the end;

22 (2) in subparagraph (E), by striking the period
23 at the end and inserting “; and”; and

24 (3) by adding at the end the following:

25 “(F) a description of the progress made in
26 meeting the annual NextGen performance goals

1 relative to the performance metrics established
2 under section 214 of the FAA Modernization
3 and Reform Act of 2012 (Public Law 112–95;
4 49 U.S.C. 40101 note).”.

5 (d) CHIEF NEXTGEN OFFICER.—Section 106(s) is
6 amended—

7 (1) in paragraph (2)(B), by adding at the end
8 the following: “In evaluating the performance of the
9 Chief NextGen Officer for the purpose of awarding
10 a bonus under this subparagraph, the Administrator
11 shall consider the progress toward meeting the
12 NextGen performance goals established pursuant to
13 section 214(e) of the FAA Modernization and Re-
14 form Act of 2012 (Public Law 112–95; 49 U.S.C.
15 40101 note).”; and

16 (2) in paragraph (3), by adding at the end the
17 following: “The annual organizational performance
18 goals set forth in the agreement shall include quan-
19 tifiable NextGen airspace performance objectives re-
20 garding efficiency, productivity, capacity, and safety,
21 which shall be established in consultation with public
22 and private NextGen stakeholders, including the
23 NextGen Advisory Committee.”.

1 **SEC. 4104. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
2 **GENCY PLANS.**

3 (a) **FINDINGS.**—Congress makes the following find-
4 ings:

5 (1) On September 26, 2014, an Administration
6 contract employee deliberately started a fire that de-
7 stroyed critical equipment at the Administration’s
8 Chicago Air Route Traffic Control Center (referred
9 to in this section as the “Chicago Center”) in Au-
10 rora, Illinois.

11 (2) As a result of the damage, Chicago Center
12 was unable to control air traffic for more than 2
13 weeks, thousands of flights were delayed or cancelled
14 into and out of O’Hare International Airport and
15 Midway Airport in Chicago, and aviation stake-
16 holders and airlines reportedly lost over
17 \$350,000,000.

18 (3) According to the Office of the Inspector
19 General of the Department of Transportation, al-
20 though the Administration has taken steps to im-
21 prove the effectiveness of its operational contingency
22 plans since the incident at the Chicago Center, sig-
23 nificant work remains to be done.

24 (b) **AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
25 **GENCY PLANS.**—Not later than 1 year after the date of
26 enactment of this Act, and every 5 years thereafter, the

1 Administrator shall update the Administration's air traffic
2 control operational contingency plans (FAA Order JO
3 1900.47E) to address potential air traffic facility outages
4 that could have a major impact on the operation of the
5 national airspace system, including the most recent find-
6 ings and recommendations in the report under subsection
7 (d).

8 (e) UPDATES.—Not later than 60 days after the date
9 the air traffic control operational contingency plans are
10 updated under subsection (b), the Administrator shall sub-
11 mit to the appropriate committees of Congress a report
12 on the update, including any recommendations for ensur-
13 ing air traffic facility outages do not have a major impact
14 on the operation of the national airspace system.

15 (d) RESILIENCY RECOMMENDATIONS.—Not later
16 than 180 days after the date of enactment of this Act,
17 and periodically thereafter as the Administrator considers
18 appropriate, the Administrator shall convene NextGen
19 program officials to evaluate, expedite, and complete a re-
20 port on how planned NextGen capabilities can enhance the
21 resiliency and continuity of national airspace system oper-
22 ations and mitigate the impact of future air traffic control
23 disruptions.

1 **SEC. 4105. 2020 ADS-B OUT MANDATE PLAN.**

2 The Administrator, in collaboration with the NextGen
3 Advisory Committee, shall—

4 (1) not later than 180 days after the date of
5 enactment of this Act—

6 (A) identify any known and potential bar-
7 riers to compliance with the 2020 ADS-B Out
8 mandate under section 91.225 of title 14, Code
9 of Federal Regulations;

10 (B) develop a plan to address the known
11 barriers identified in paragraph (1), including a
12 schedule for—

13 (i) periodically reevaluating the poten-
14 tial barriers identified in paragraph (1);
15 and

16 (ii) developing solutions and imple-
17 menting actions to address the known and
18 potential barriers; and

19 (C) submit the plan to the appropriate
20 committees of Congress;

21 (2) periodically update the plan and, not later
22 than 30 days after the completion date, submit the
23 update to the appropriate committees of Congress;
24 and

25 (3) not later than 30 days after the date the
26 plan is submitted under paragraph (2), and annually

1 thereafter until January 1, 2020, submit to the ap-
2 propriate committees of Congress a report on the
3 progress made toward meeting the 2020 ADS-B
4 Out mandate.

5 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

6 (a) **IN GENERAL.**—To implement a more effective
7 international strategy for achieving NextGen interoper-
8 ability with foreign countries, the Administrator shall take
9 the following actions:

10 (1) Conduct a gap analysis to identify potential
11 risks to NextGen interoperability with other Air
12 Navigation Service Providers and establish a sched-
13 ule for periodically reevaluating such risks.

14 (2) Develop a plan that identifies and docu-
15 ments actions the Administrator will undertake to
16 mitigate such risks, using information from the gap
17 analysis as a basis for making management deci-
18 sions about how to allocate resources for such ac-
19 tions.

20 (b) **REPORT.**—Not later than 1 year after the date
21 of enactment of this Act, the Administrator shall submit
22 to the appropriate committees of Congress a report on the
23 analysis conducted under paragraph (1) of subsection (a)
24 and on the actions the Administrator has taken under
25 paragraph (2) of such subsection.

1 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

2 (a) IN GENERAL.—The Administrator shall—

3 (1) identify and analyze technical and oper-
4 ational maturity gaps in NextGen transition and im-
5 plementation plans; and

6 (2) develop a plan to mitigate the gaps identi-
7 fied in paragraph (1).

8 (b) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Administrator shall submit
10 to the appropriate committees of Congress a report on the
11 actions taken to carry out the plan required by subsection
12 (a)(2).

13 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
14 **IMPROVEMENTS.**

15 (a) IN GENERAL.—To help ensure that NextGen
16 operational improvements are fully implemented in the
17 midterm, the Administrator shall—

18 (1) collaborate with air carriers and other users
19 of the national airspace system (referred to in this
20 section as “NAS”) to develop and implement a sys-
21 tem to systematically track the use of existing per-
22 formance based navigation (referred to in this sec-
23 tion as “PBN”) procedures;

24 (2) identify and consider other key operational
25 improvements, including the identification of—

1 (A) additional metroplexes for PBN
2 projects;

3 (B) non-metroplex PBN procedures; and

4 (C) unused flight routes for decommis-
5 sioning;

6 (3) develop and implement guidelines for the
7 timely inclusion of appropriate stakeholders, includ-
8 ing airport representatives, in the planning and im-
9 plementation of NextGen operational improvement
10 efforts; and

11 (4) ensure that NextGen planning documents
12 inform stakeholders of how and when operational
13 improvements are expected to achieve NextGen na-
14 tional goals and strategic objectives.

15 (b) REPORTS.—Each year, as part of the submission
16 of the NextGen Integrated Work Plan, the Administrator
17 shall submit to the appropriate committees of Congress
18 a report on—

19 (1) the progress made toward implementing the
20 requirements under subsection (a); and

21 (2) the schedule and process that will be used
22 to implement PBN at additional airports, including
23 information on how the Administration will partner
24 and coordinate with private industry to ensure expe-

1 ditionous implementation of PBN at additional air-
2 ports.

3 **SEC. 4109. SECURING AIRCRAFT AVIONICS SYSTEMS.**

4 (a) IN GENERAL.—The Administrator of the Federal
5 Aviation Administration shall consider, where appropriate,
6 revising Federal Aviation Administration regulations re-
7 garding airworthiness certification—

8 (1) to address cybersecurity for avionics sys-
9 tems, including software components; and

10 (2) to require that aircraft avionics systems
11 used for flight guidance or aircraft control be se-
12 cured against unauthorized access via passenger in-
13 flight entertainment systems through such means as
14 the Administrator determines appropriate to protect
15 the avionics systems from unauthorized external and
16 internal access.

17 (b) CONSIDERATION.—In carrying out subsection (a),
18 the Administrator shall consider the recommendations of
19 the Aircraft Systems Information Security Protection
20 Working Group under section 2111 of the FAA Extension
21 Safety and Security Act of 2016 (Public Law 114–190;
22 130 Stat. 615).

1 **SEC. 4110. DEFINING NEXTGEN.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall—

5 (1) assess how the line items included in the
6 Administration's NextGen budget request relate to
7 the goals and expected outcomes of NextGen, includ-
8 ing whether and how NextGen programs directly
9 contribute to a measurably safer and more efficient
10 air traffic control system; and

11 (2) submit to the appropriate committees of
12 Congress a report on the results of the assessment
13 under paragraph (1), including any recommenda-
14 tions for the removal of line items that do not di-
15 rectly contribute to a measurably safer and more ef-
16 ficient air traffic control system.

17 **SEC. 4111. HUMAN FACTORS.**

18 (a) IN GENERAL.—In order to avoid having to subse-
19 quently modify products and services developed as a part
20 of NextGen, the Administrator shall—

21 (1) recognize and incorporate, in early design
22 phases of all relevant NextGen programs, the human
23 factors and procedural and airspace implications of
24 stated goals and associated technical changes; and

1 (2) ensure that a human factors specialist, sep-
 2 arate from the research and certification groups, is
 3 directly involved with the NextGen approval process.

4 (b) REPORT.—Not later than 1 year after the date
 5 of enactment of this Act, the Administrator shall submit
 6 to the appropriate committees of Congress a report on the
 7 progress made toward implementing the requirements
 8 under subsection (a).

9 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

10 (a) IN GENERAL.—The Administrator shall evaluate
 11 the current acquisition practices of the Administration to
 12 ensure that such practices—

13 (1) identify the current estimated costs for each
 14 acquisition system, including all segments;

15 (2) separately identify cumulative amounts for
 16 acquisition costs, technical refresh, and other en-
 17 hancements in order to identify the total baselined
 18 and re-baselined costs for each system; and

19 (3) account for the way funds are being used
 20 when reporting to managers, Congress, and other
 21 stakeholders.

22 (b) REPORT.—Not later than 1 year after the date
 23 of enactment of this Act, and biennially thereafter, the Ad-
 24 ministrator shall submit to the appropriate committees of

1 Congress a report on the progress made toward imple-
2 menting the requirements under subsection (a).

3 **SEC. 4113. EQUIPAGE MANDATES.**

4 (a) ~~IN GENERAL.~~—Before NextGen-related equipage
5 mandates are imposed on users of the national airspace
6 system, the Administrator, in collaboration with relevant
7 stakeholders, shall—

8 (1) provide a statement of estimated costs and
9 benefits based on mature and stable technical speci-
10 fications; and

11 (2) create a schedule for Administration
12 deliverables and investments by both the users and
13 the Administration, including for procedure and air-
14 space design, infrastructure deployment, and train-
15 ing.

16 **SEC. 4114. WORKFORCE.**

17 (a) ~~IN GENERAL.~~—Not later than 1 year after the
18 date of enactment of this Act, the Administrator shall—

19 (1) identify and assess barriers to attracting,
20 developing, training, and retaining a talented work-
21 force in the areas of systems engineering, architee-
22 ture, systems integration, digital communications,
23 and cybersecurity;

1 (2) develop a comprehensive plan to attract, de-
2 velop, train, and retain talented individuals in those
3 fields; and

4 (3) identify existing authorities available to the
5 Administrator, through personnel reform, to attract,
6 develop, and retain this talent.

7 (b) REPORT.—The Administrator shall submit to the
8 appropriate committees of Congress a report on the
9 progress made toward implementing the requirements
10 under subsection (a).

11 **SEC. 4115. PROGRAMMATIC RISK MANAGEMENT.**

12 (a) IN GENERAL.—To better inform the Administra-
13 tion’s decisions regarding the prioritization of efforts and
14 allocation of resources for NextGen, the Administrator
15 shall—

16 (1) solicit input from specialists in probability
17 and statistics to identify and prioritize the pro-
18 grammatic and implementation risks to NextGen;
19 and

20 (2) develop a method to manage and mitigate
21 the risks identified in paragraph (1).

22 (b) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Administrator shall submit
24 to the appropriate committees of Congress a report on the

1 progress made toward implementing the requirements
2 under subsection (a).

3 **SEC. 4116. PROGRAM MANAGEMENT.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator, in collaboration with the
6 NextGen Advisory Committee and the National Academies
7 of Sciences, Engineering, and Medicine, shall—

8 (1) identify industry best practices regarding
9 highly integrated program management;

10 (2) determine whether, and identify how, the
11 Administration is applying the best practices identi-
12 fied in paragraph (1) in the management of
13 NextGen;

14 (3) identify, in detail, the lessons learned re-
15 garding the complex integration of NextGen pro-
16 grams into the national airspace system;

17 (4) identify and assess the key risks for the full
18 implementation of—

19 (A) multiple runway operations;

20 (B) performance based navigation;

21 (C) surface operations and data sharing;

22 and

23 (D) data communications; and

24 (5) develop a detailed plan to mitigate the risks
25 identified under paragraph (4); and

1 (6) submit to the appropriate committees of
2 Congress a report on the activities under paragraphs
3 (1) through (5), including the plan.

4 **SEC. 4117. SYSTEM-WIDE IMPROVEMENTS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, the Administrator shall sub-
7 mit to the appropriate committees of Congress a report
8 identifying any improvements and benefits to the national
9 airspace system, as a whole, as a result of—

- 10 (1) multiple runway operations;
11 (2) performance based navigation;
12 (3) surface operations and data sharing; and
13 (4) data communications.

14 (b) CONSIDERATIONS.—In identifying improvements
15 and benefits under subsection (a) as a result of the
16 NextGen programs listed under subparagraphs (A)
17 through (D) of that subsection, the Administrator shall
18 consider, at a minimum—

- 19 (1) reduced overall delays in the national air-
20 space system;
21 (2) increased overall throughput in the national
22 airspace system;
23 (3) decreased overall emissions and fuel con-
24 sumption in the national airspace system; and

1 (4) improved safety in the national airspace
2 system.

3 **SEC. 4118. NEXTGEN RESEARCH.**

4 Not later than 1 year after the date of enactment
5 of this Act, the Administrator shall submit to the appro-
6 priate committees of Congress a report specifying the top
7 5 priority research areas for the implementation and ad-
8 vancement of NextGen, including—

9 (1) an assessment of why the research areas are
10 a priority for the implementation and advancement
11 of NextGen;

12 (2) an identification of the other Federal agen-
13 cies and private organizations assisting the Adminis-
14 tration with the research; and

15 (3) an estimate of when the research will be
16 completed.

17 **Subtitle B—Administration**
18 **Organization and Employees**

19 **SEC. 4201. COST-SAVING INITIATIVES.**

20 (a) IN GENERAL.—To ensure that Administration
21 initiatives are being implemented in a timely and fiscally
22 responsible manner, the Administrator shall—

23 (1) identify and implement agencywide cost-sav-
24 ing initiatives; and

1 (2) develop appropriate schedules and metrics
2 to measure whether the initiatives are successful in
3 reducing costs.

4 (b) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 to the appropriate committees of Congress a report on the
7 progress made toward implementing the requirements
8 under subsection (a).

9 **SEC. 4202. FEDERAL AVIATION ADMINISTRATION PER-**
10 **FORMANCE MEASURES AND TARGETS.**

11 (a) PERFORMANCE MEASURES.—Not later than 180
12 days after the date of enactment of this Act, the Secretary
13 of Transportation shall establish performance measures
14 relating to the administration of the Administration,
15 which shall, at a minimum, include measures to assess—

16 (1) the reduction of delays in the completion of
17 projects; and

18 (2) the effectiveness of the Administration in
19 achieving the goals described in section 47171 of
20 title 49, United States Code.

21 (b) PERFORMANCE TARGETS.—Not later than 180
22 days after the date on which the Secretary establishes per-
23 formance measures in accordance with subsection (a), the
24 Secretary shall establish performance targets relating to
25 each of the measures described in that subsection.

1 (c) **REPORT.**—Not later than 2 years after the date
2 of enactment of this Act, the Inspector General of the De-
3 partment of Transportation shall submit to the appro-
4 priate committees of Congress a report describing the
5 progress of the Secretary in meeting the performance tar-
6 gets established under subsection (b).

7 **SEC. 4203. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
8 **FURLOUGHS.**

9 (a) **DEFINITION OF ESSENTIAL EMPLOYEE.**—In this
10 section, the term “essential employee” means an employee
11 of the Administration who performs work involving the
12 safety of human life or the protection of property, as de-
13 termined by the Administrator.

14 (b) **IN GENERAL.**—In implementing spending reduc-
15 tions under Federal law, the Administrator may furlough
16 1 or more employees of the Administration, except an es-
17 sential employee, if the Administrator determines the fur-
18 lough is necessary to achieve the required spending reduc-
19 tions.

20 (c) **TRANSFER OF BUDGETARY RESOURCES.**—The
21 Administrator may transfer budgetary resources within
22 the Administration to carry out subsection (b), except that
23 the transfer may only be made to maintain essential em-
24 ployees.

1 **SEC. 4204. CONTROLLER CANDIDATE INTERVIEWS.**

2 (a) IN GENERAL.—Not later than 60 days after the
3 date of enactment of this Act, the Administrator shall re-
4 quire that an in-person interview be conducted with each
5 individual applying for an air traffic control specialist po-
6 sition before that individual may be hired to fill that posi-
7 tion.

8 (b) GUIDANCE.—Not later than 30 days after the
9 date of enactment of this Act, the Administrator shall es-
10 tablish guidelines regarding the in-person interview proc-
11 ess described in subsection (a).

12 **SEC. 4205. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
13 **FACILITIES IN THE NEW YORK CITY AND**
14 **NEWARK REGION.**

15 Not later than 90 days after the date of enactment
16 of this Act, the Administrator shall submit to the appro-
17 priate committees of Congress a report on the Administra-
18 tion's staffing and scheduling plans for air traffic control
19 facilities in the New York City and Newark region for the
20 1-year period beginning on such date of enactment.

21 **SEC. 4206. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
22 **PHILADELPHIA METROPOLITAN AREA AIR-**
23 **SPACE PROJECT.**

24 Not later than 90 days after the date of enactment
25 of this Act, the Administrator shall develop and publish
26 in the Federal Register a work plan for the New York/

1 New Jersey/Philadelphia Metropolitan Area Airspace
2 Project.

3 **SEC. 4207. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

4 (a) REQUIREMENT TO PROVIDE SERVICES AND RE-
5 LATED SUPPORT.—The Administrator shall provide air
6 traffic services and aviation safety support for aviation
7 events, including airshows and fly-ins, without the imposi-
8 tion or collection of any fee, tax, or other charge for that
9 purpose. Amounts for the provision of such services and
10 support shall be derived from amounts appropriated or
11 otherwise available for the Administration.

12 (b) DETERMINATION OF SERVICES AND SUPPORT TO
13 BE PROVIDED.—In determining the services and support
14 to be provided for an aviation event for purposes of sub-
15 section (a), the Administrator shall take into account the
16 following:

- 17 (1) The services and support required to meet
18 levels of activity at prior events, if any, similar to
19 the event.
- 20 (2) The anticipated need for services and sup-
21 port at the event.

1 **SEC. 4208. ANNUAL REPORT ON INCLUSION OF DISABLED**
 2 **VETERAN LEAVE IN PERSONNEL MANAGE-**
 3 **MENT SYSTEM.**

4 Not later than 1 year after the date of enactment
 5 of this Act, and not less frequently than annually there-
 6 after until the date that is 5 years after the date of enact-
 7 ment of this Act, the Administrator shall publish on a pub-
 8 licly accessible Internet Web site a report on—

9 (1) the effect of section 40122(g)(4) of title 49,
 10 United States Code, on the Administration’s work-
 11 force; and

12 (2) the number of disabled veterans benefitting
 13 from that section.

14 **TITLE V—MISCELLANEOUS**

15 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
 16 **VESTIGATIVE OFFICERS.**

17 Section 1113 is amended by striking subsection (h).

18 **SEC. 5002. OVERFLIGHTS OF NATIONAL PARKS.**

19 Section 40128 is amended—

20 (1) in subsection (a)(3), by striking “the” be-
 21 fore “title 14”; and

22 (2) by amending subsection (f) to read as fol-
 23 lows:

24 “(f) **TRANSPORTATION ROUTES.**—

25 “(1) **IN GENERAL.**—This section shall not apply
 26 to any air tour operator while flying over or near

any Federal land managed by the Director of the National Park Service, including Lake Mead National Recreation Area, solely as a transportation route, to conduct an air tour over the Grand Canyon National Park.

~~“(2) EN ROUTE.—~~For purposes of this subsection, an air tour operator flying over the Hoover Dam in the Lake Mead National Recreation Area en route to the Grand Canyon National Park shall be deemed to be flying solely as a transportation route.”.

SEC. 5003. AERONAUTICAL STUDIES FOR COMMERCIAL SPACE LAUNCH SITE RUNWAYS.

(a) IN GENERAL.—Section 44718(b)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking “air navigation facilities and equipment” and inserting “air or space navigation facilities and equipment”; and

(2) in subparagraph (A)—

(A) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and

(B) by inserting after clause (iv) the following:

“(v) the impact on launch and reentry for launch and reentry vehicles arriving or

1 departing from a launch site or reentry
2 site licensed by the Secretary.”.

3 (b) RULEMAKING.—Not later than 18 months after
4 the date of enactment of this Act, the Administrator of
5 the Federal Aviation Administration shall initiate a rule-
6 making to implement the amendments made by subsection
7 (a).

8 **SEC. 5004. COMPREHENSIVE AVIATION PREPAREDNESS**
9 **PLAN.**

10 (a) IN GENERAL.—No later than 1 year after the
11 date of enactment of this Act, the Secretary of Transpor-
12 tation and the Secretary of Health and Human Services,
13 in coordination with the Secretary of Homeland Security,
14 the Secretary of Labor, the Secretary of State, the Sec-
15 retary of Defense, and representatives of other Federal de-
16 partments and agencies, as necessary, shall develop a com-
17 prehensive national aviation communicable disease pre-
18 paredness plan.

19 (b) MINIMUM COMPONENTS.—The plan developed
20 under subsection (a) shall—

21 (1) be developed in consultation with other rel-
22 evant stakeholders, including State, local, tribal, and
23 territorial governments, air carriers, first respond-
24 ers, and the general public;

1 (2) provide for the development of a commu-
2 nications system or protocols for providing com-
3 prehensive, appropriate, and up-to-date information
4 regarding communicable disease threats and pre-
5 paredness between all relevant stakeholders;

6 (3) document the roles and responsibilities of
7 relevant Federal department and agencies, including
8 coordination requirements;

9 (4) provide guidance to air carriers, airports,
10 and other appropriate aviation stakeholders on how
11 to develop comprehensive communicable disease pre-
12 paredness plans for their respective organizations, in
13 accordance with the plan to be developed under sub-
14 section (a);

15 (5) be scalable and adaptable so that the plan
16 can be used to address the full range of commu-
17 nicable disease threats and incidents;

18 (6) provide information on communicable
19 threats and response training resources for all rel-
20 evant stakeholders, including Federal, State, local,
21 tribal, and territorial government employees, airport
22 officials, aviation industry employees and contrac-
23 tors, first responders, and health officials;

24 (7) develop protocols for the dissemination of
25 comprehensive, up-to-date, and appropriate informa-

(8) be updated periodically to incorporate lessons learned with supplemental information; and

(9) be provided to relevant government agencies
and stakeholders in writing, and electronically, and
accessible via the Internet.

8 (c) INTERAGENCY FRAMEWORK.—The plan devel-
9 oped under subsection (a) shall—

(1) be conducted under the existing interagency
framework for national level all hazards emergency
preparedness planning or another appropriate frame-
work; and

(2) be consistent with the obligations of the United States under international agreements.

16 SEC. 5005. ADVANCED MATERIALS CENTER OF EXCEL-
17 LENCE.

18 (a) IN GENERAL.—Chapter 445 is amended by add-
19 ing at the end the following:

20 **“§ 44518. Advanced Materials Center of Excellence**

21 “(a) IN GENERAL.—The Administrator of the Fed-
22 eral Aviation Administration shall continue operation of
23 the Advanced Materials Center of Excellence (referred to
24 in this section as the ‘Center’) under its structure as in
25 effect on March 1, 2016, which shall focus on applied re-

1 search and training on the durability and maintainability
 2 of advanced materials in transport airframe structures:

3 “(b) ~~RESPONSIBILITIES.~~—The Center shall—

4 “(1) promote and facilitate collaboration among
 5 academia, the Transportation Division of the Fed-
 6 eral Aviation Administration, and the commercial
 7 aircraft industry, including manufacturers, commer-
 8 cial air carriers, and suppliers; and

9 “(2) establish goals set to advance technology;
 10 improve engineering practices; and facilitate con-
 11 tinuing education in relevant areas of study.

12 “(c) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There
 13 is authorized to be appropriated to the Administrator
 14 \$500,000 for each of the fiscal years 2018 and 2021 to
 15 carry out this section.”.

16 (b) ~~TABLE OF CONTENTS.~~—The table of contents for
 17 chapter 445 is amended by adding at the end the fol-
 18 lowing:

“44518. Advanced Materials Center of Excellence.”.

19 **SEC. 5006. INTERFERENCE WITH AIRLINE EMPLOYEES.**

20 (a) ~~IN GENERAL.~~—Not later than 1 year after the
 21 date of enactment of this Act, the Comptroller General
 22 of the United States shall—

23 (1) complete a study of crimes of violence (as
 24 defined in section 16 of title 18, United States
 25 Code) committed against airline customer service

1 representatives while they are performing their du-
 2 ties and on airport property; and

3 ~~(2) submit the findings of the study, including~~
 4 any recommendations; to the appropriate committees
 5 of Congress.

6 ~~(b) GAP ANALYSIS.—The study shall include a gap~~
 7 analysis to determine if State and local laws and resources
 8 are adequate to deter or otherwise address the crimes of
 9 violence described in subsection (a) and recommendations
 10 on how to address any identified gaps.

11 **SEC. 5007. SECONDARY COCKPIT BARRIERS.**

12 ~~(a) SHORT TITLE.—This section may be cited as the~~
 13 “Saracini Aviation Safety Act of 2017”.

14 ~~(b) REQUIREMENT.—Not later than 1 year after the~~
 15 date of the enactment of this Act, the Administrator of
 16 the Federal Aviation Administration shall issue an order
 17 requiring installation of a secondary cockpit barrier on
 18 each new aircraft that is manufactured for delivery to a
 19 passenger air carrier in the United States operating under
 20 the provisions of part 121 of title 14, Code of Federal
 21 Regulations.

22 **SEC. 5008. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
 23 **FIELD PAVEMENT TECHNOLOGIES.**

24 Using amounts made available under section
 25 48102(a) of title 49, United States Code, the Adminis-

1 trator of the Federal Aviation Administration shall carry
 2 out a program for the research and development of air-
 3 craft pavement technologies under which the Adminis-
 4 trator makes grants to, and enters into cooperative agree-
 5 ments with, institutions of higher education and nonprofit
 6 organizations that—

7 (1) research concrete and asphalt airfield pave-
 8 ment technologies that extend the life of airfield
 9 pavements;

10 (2) develop and conduct training;

11 (3) provide for demonstration projects; and

12 (4) promote the latest airfield pavement tech-
 13 nologies to aid in the development of safer, more
 14 cost effective, and more durable airfield pavements.

15 **SEC. 5009. INCREASE IN DURATION OF GENERAL AVIATION**
 16 **AIRCRAFT REGISTRATION.**

17 Not later than 180 days after the date of enactment
 18 of this Act, the Administrator of the Federal Aviation Ad-
 19 ministration shall initiate a rulemaking to increase the du-
 20 ration of aircraft registrations for noncommercial general
 21 aviation aircraft to 5 years.

22 **SEC. 5010. MODIFICATION OF LIMITATION OF LIABILITY**
 23 **RELATING TO AIRCRAFT.**

24 Section 44112(b) is amended—

25 (1) by striking “on land or water”; and

1 (2) by inserting “operational” before “control”.

2 **SEC. 5011. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
 3 **OF ILLEGAL DRUGS SEIZED AT INTER-**
 4 **NATIONAL AIRPORTS IN THE UNITED STATES.**

5 (a) IN GENERAL.—The Comptroller General of the
 6 United States shall conduct a study of illegal drugs, in-
 7 cluding heroin, fentanyl, and cocaine, seized by Federal
 8 authorities at international airports in the United States.

9 (b) ELEMENTS.—In conducting the study required by
 10 subsection (a), the Comptroller General shall address, at
 11 a minimum—

- 12 (1) the types and quantities of drugs seized;
- 13 (2) the origin of the drugs seized;
- 14 (3) the airport at which the drugs were seized;
- 15 (4) the manner in which the drugs were seized;
- 16 and
- 17 (5) the manner in which the drugs were trans-
- 18 ported.

19 (c) USE OF DATA; RECOMMENDATIONS FOR ADDI-
 20 TIONAL DATA COLLECTION.—In conducting the study re-
 21 quired by subsection (a), the Comptroller General shall
 22 use all available data. If the Comptroller General deter-
 23 mines that additional data is needed to fully understand
 24 the extent to which illegal drugs enter the United States
 25 through international airports in the United States, the

1 Comptroller General shall develop recommendations for
2 the collection of that data.

3 (d) ~~SUBMISSION TO CONGRESS.~~—Not later than 180
4 days after the date of enactment of this Act, the Comp-
5 troller General shall submit to the appropriate committees
6 of Congress a report on the study conducted under sub-
7 section (a) that includes any recommendations developed
8 under subsection (c).

9 **SEC. 5012. GOVERNMENT ACCOUNTABILITY OFFICE RE-**
10 **VIEW OF UNMANNED AIRCRAFT SYSTEMS.**

11 (a) ~~IN GENERAL.~~—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall submit to the appropriate com-
14 mittees of Congress a report examining law enforcement
15 challenges posed by the use of unmanned aircraft systems
16 for illegal drug trafficking.

17 (b) ~~CONTENTS.~~—The report submitted under sub-
18 section (a) shall examine how unmanned aircraft systems
19 are being used to transport illegal drugs across the inter-
20 national borders of the United States, including—

21 (1) how international drug traffickers have used
22 unmanned aircraft systems to fly packages of illegal
23 drugs into the United States;

24 (2) how international drug traffickers have used
25 unmanned aircraft systems to survey international

1 borders, providing intelligence to smugglers on
2 vulnerabilities in the border security efforts of the
3 United States; and

4 (3) other ways in which international drug traf-
5 fickers have used unmanned aircraft systems to as-
6 sist their efforts to smuggle illegal drugs into the
7 United States.

8 **SEC. 5013. SENSE OF CONGRESS ON PREVENTING THE**
9 **TRANSPORTATION OF DISEASE-CARRYING**
10 **MOSQUITOES AND OTHER INSECTS ON COM-**
11 **MERCIAL AIRCRAFT.**

12 It is the sense of Congress that the Secretary of
13 Transportation and the Secretary of Agriculture should,
14 in coordination and consultation with the World Health
15 Organization, develop a framework and guidance for the
16 use of safe, effective, and nontoxic means of preventing
17 the transportation of disease-carrying mosquitoes and
18 other insects on commercial aircraft.

19 **SEC. 5014. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
20 **AND TURBINE-POWERED MULTIENGINE AIR-**
21 **CRAFT.**

22 The Secretary of Transportation shall revise such
23 regulations as may be necessary to ensure that multi-year
24 lessees and owners of large and turbine-powered multien-

1 gine aircraft are treated equally for purposes of joint own-
2 ership policies of the Federal Aviation Administration.

3 **SEC. 5015. STUDENT OUTREACH REPORT.**

4 Not later than 180 days after the date of enactment
5 of this Act, the Administrator of the Federal Aviation Ad-
6 ministration shall submit to the appropriate committees
7 of Congress a report that describes the Administration's
8 existing outreach efforts, such as the STEM Aviation and
9 Space Education Outreach Program, to elementary and
10 secondary students who are interested in careers in
11 science, technology, engineering, art, and mathematics—

12 (1) to prepare and inspire such students for
13 aeronautical careers; and

14 (2) to mitigate an anticipated shortage of pilots
15 and other aviation professionals.

16 **SEC. 5016. AUTHORIZATION OF CERTAIN FLIGHTS BY**
17 **STAGE 2 AIRCRAFT.**

18 (a) IN GENERAL.—Notwithstanding chapter 475 of
19 title 49, United States Code, not later than 180 days after
20 the date of enactment of this Act, the Administrator of
21 the Federal Aviation Administration shall initiate a pilot
22 program to permit 1 or more operators of a stage 2 air-
23 craft to operate that aircraft in nonrevenue service into
24 not more than 4 medium hub airports or nonhub airports
25 if—

1 (1) the airport—

2 (A) is certified under part 139 of title 14,
3 Code of Federal Regulations;

4 (B) has a runway that—

5 (i) is longer than 8,000 feet and not
6 less than 200 feet wide; and

7 (ii) is load bearing with a pavement
8 classification number of not less than 38;
9 and

10 (C) has a maintenance facility with a
11 maintenance certificate issued under part 145
12 of such title; and

13 (2) the operator of the stage 2 aircraft operates
14 not more than 10 flights per month using that air-
15 craft.

16 (b) TERMINATION.—The pilot program shall termi-
17 nate on the earlier of—

18 (1) the date that is 10 years after the date of
19 the enactment of this Act; or

20 (2) the date on which the Administrator deter-
21 mines that no stage 2 aircraft remain in service.

22 (c) DEFINITIONS.—In this section:

23 (1) MEDIUM HUB AIRPORT; NONHUB AIR-
24 PORT.—The terms “medium hub airport” and
25 “nonhub airport” have the meanings given those

1 terms in section 40102 of title 49, United States
2 Code.

3 ~~(2) STAGE 2 AIRCRAFT.~~—The term “stage 2
4 aircraft” has the meaning given the term “stage 2
5 airplane” in section 91.851 of title 14, Code of Fed-
6 eral Regulations (as in effect on the day before the
7 date of the enactment of this Act).

8 **SEC. 5017. SUPERSONIC AIRCRAFT.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall—

12 ~~(1)~~ review Federal law, including regulations
13 and policies, regarding the operation of supersonic
14 aircraft over land in the United States; and

15 ~~(2)~~ submit to the appropriate committees of
16 Congress a report on the findings under paragraph
17 ~~(1)~~, that includes—

18 ~~(A)~~ the identification and evaluation of any
19 advancements in supersonic aircraft design, in-
20 cluding airframe and engine design, that would
21 mitigate the concerns that led to restrictions on
22 the operation of supersonic aircraft, such as
23 noise, and support amending the laws under
24 paragraph ~~(1)~~; and

1 ~~(B)~~ recommendations regarding the laws
2 under paragraph ~~(1)~~ that would need to be
3 amended to allow the operation of supersonic
4 aircraft over land in the United States.

5 **SEC. 5018. TERMINAL AERODROME FORECAST.**

6 ~~(a) TERMINAL AERODROME FORECAST.—~~The Ad-
7 ministrators of the Federal Aviation Administration shall
8 permit a covered air carrier operation to operate to a des-
9 tination in a noncontiguous State determined to be under
10 visual flight rules without a Terminal Aerodrome Forecast
11 (referred to in this section as “TAF”) or Meteorological
12 Aerodrome Report (METAR) if a current Area Forecast,
13 supplemented by other local weather observations or re-
14 ports, is available, and an alternate airport that has an
15 available TAF and weather report is specified. The air car-
16 rier shall have approved procedures for dispatch and
17 enroute weather evaluation and shall operate under instru-
18 ment flight rules enroute to the destination.

19 ~~(b) LIMITATION.—~~Without a written finding of neces-
20 sity, based on objective evidence of imminent threat to
21 safety, the Administrator shall not promulgate any oper-
22 ation specification, policy, or guidance document that is
23 more restrictive than, or requires procedures that are not
24 expressly stated in, the regulations.

1 (e) COVERED AIR CARRIER OPERATION.—In this
 2 section, the term “covered air carrier operation” means
 3 a Part 121 air carrier operating in a noncontiguous State.

4 **SEC. 5019. TECHNICAL AND CONFORMING AMENDMENTS.**

5 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
 6 AT CONGESTED AIRPORTS.—Section 40104(e) is amended
 7 by striking “47176” and inserting “47175”.

8 (b) CONSULTATION ON CARRIER RESPONSE NOT
 9 COVERED BY PLAN.—Section 41313(c)(16), as amended
 10 by section 3103 of this Act, is further amended by striking
 11 “the foreign air carrier will consult” and inserting “will
 12 consult”.

13 (c) WEIGHING MAIL.—Section 41907 is amended by
 14 striking “and –administrative” and inserting “and admin-
 15 istrative”.

16 (d) FLIGHT ATTENDANT CERTIFICATION.—Section
 17 44728 is amended—

18 (1) in subsection (e), by striking “chapter” and
 19 inserting “title”; and

20 (2) in subsection (d)(3), by striking “is” and
 21 inserting “be”.

22 (e) SCHEDULE OF FEES.—Section 45301(a)(1) is
 23 amended by striking “United States government” and in-
 24 serting “United States Government”.

1 (f) CLASSIFIED EVIDENCE.—Section 46111(g)(2)(A)
 2 is amended by striking “(18 U.S.C. App.)” and inserting
 3 “(18 U.S.C. App.)”.

4 (g) ALLOWABLE COST STANDARDS.—Section
 5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
 7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “eli-
 9 matic” and inserting “climatic”.

10 (h) DEFINITION OF QUALIFIED HUBZONE SMALL
 11 BUSINESS CONCERN.—Section 47113(a)(3) is amended
 12 by striking “(15 U.S.C. 632(o))” and inserting “(15
 13 U.S.C. 632(p))”.

14 (i) DISCRETIONARY FUND.—Section 47115, as
 15 amended by section 1006 of this Act, is further amend-
 16 ed—

17 (1) by striking subsection (i); and

18 (2) by redesignating subsection (j) as sub-
 19 section (i).

20 (j) SPECIAL APPORTIONMENT CATEGORIES.—Section
 21 47117(e)(1)(B) is amended by striking “at least” and in-
 22 serting “At least”.

23 (k) SOLICITATION AND CONSIDERATION OF COM-
 24 MENTS.—Section 47171(l) is amended by striking “4371”
 25 and inserting “4321”.

1 ~~(H) OPERATIONS AND MAINTENANCE.—~~Section
 2 48104 is amended by striking “(a) AUTHORIZATION OF
 3 APPROPRIATIONS.—the” and inserting “The”.

4 ~~(m) EXPENDITURES FROM AIRPORT AND AIRWAY~~
 5 TRUST FUND.—Section 9502(d)(2) of the Internal Rev-
 6 enue Code of 1986 is amended by striking “farms” and
 7 inserting “farms)”.

8 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

9 (a) *SHORT TITLE.*—*This Act may be cited as the*
 10 *“Federal Aviation Administration Reauthorization Act of*
 11 *2017”.*

12 (b) *TABLE OF CONTENTS.*—*The table of contents of this*
 13 *Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. References to title 49, United States Code.

Sec. 3. Definition of appropriate committees of Congress.

Sec. 4. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 1001. Airport planning and development and noise compatibility planning and programs.

Sec. 1002. Air navigation facilities and equipment.

Sec. 1003. FAA operations.

Sec. 1004. FAA research and development.

Sec. 1005. Funding for aviation programs.

Sec. 1006. Extension of expiring authorities.

Subtitle B—Airport Improvement Program Modifications

Sec. 1201. Small airport regulation relief.

Sec. 1202. Priority review of construction projects in cold weather States.

Sec. 1203. State block grants updates.

Sec. 1204. Contract Tower Program updates.

Sec. 1205. Approval of certain applications for the contract tower program.

Sec. 1206. Remote towers.

Sec. 1207. Midway island airport.

Sec. 1208. Airport road funding.

Sec. 1209. Repeal of inherently low-emission airport vehicle pilot program.

- Sec. 1210. Modification of zero-emission airport vehicles and infrastructure pilot program.*
- Sec. 1211. Repeal of airport ground support equipment emissions retrofit pilot program.*
- Sec. 1212. Funding eligibility for airport energy efficiency assessments.*
- Sec. 1213. Recycling plans; safety projects at unclassified airports.*
- Sec. 1214. Transfers of instrument landing systems.*
- Sec. 1215. Non-movement area surveillance pilot program.*
- Sec. 1216. Amendments to definitions.*
- Sec. 1217. Clarification of noise exposure map updates.*
- Sec. 1218. Provision of facilities.*
- Sec. 1219. Moratorium on changes to the Contract Weather Observer Program.*
- Sec. 1220. Federal share adjustment.*
- Sec. 1221. Miscellaneous technical amendments.*
- Sec. 1222. Mothers' rooms at airports.*
- Sec. 1223. Definition of small business concern.*
- Sec. 1224. State standards for airport pavements.*
- Sec. 1225. Eligibility of CCTV projects for airport improvement program.*
- Sec. 1226. Clarification of reimbursable allowed costs of FAA memoranda of agreement.*
- Sec. 1227. Limited regulation of non-federally sponsored property.*
- Sec. 1228. Pilot program for use of social and economic contracting requirements under Federal Aviation Administration grants.*

Subtitle C—FLIGHT Act of 2017

- Sec. 1301. Short title.*
- Sec. 1302. General aviation airport entitlement reform.*
- Sec. 1303. Extending aviation development streamlining.*
- Sec. 1304. Establishment of public private-partnership program at general aviation airports.*
- Sec. 1305. Disaster relief airports.*
- Sec. 1306. Airport development relating to disaster relief.*
- Sec. 1307. Inclusion of covered aircraft construction in definition of aeronautical activity for purposes of airport improvement grants.*

Subtitle D—Passenger Facility Charges

- Sec. 1401. PFC streamlining.*
- Sec. 1402. Intermodal access projects.*
- Sec. 1403. Future aviation infrastructure and financing study.*
- Sec. 1404. Airport vehicle emissions.*
- Sec. 1405. Use of passenger facility charge revenue to enhance security at airports.*

TITLE II—SAFETY

Subtitle A—Unmanned Aircraft Systems Reform

- Sec. 2001. Definitions.*

PART I—PRIVACY AND TRANSPARENCY

- Sec. 2101. Unmanned aircraft systems privacy policy.*
- Sec. 2102. Sense of Congress.*
- Sec. 2103. Federal Trade Commission authority.*
- Sec. 2104. Commercial and governmental operators.*

Sec. 2105. Analysis of current remedies under federal, state, and local jurisdictions.

PART II—UNMANNED AIRCRAFT SYSTEMS

- Sec. 2121. Definitions.*
- Sec. 2122. Utilization of unmanned aircraft system test sites.*
- Sec. 2123. Small unmanned aircraft safety standards.*
- Sec. 2124. Small unmanned aircraft in the Arctic.*
- Sec. 2125. Special authority for certain unmanned aircraft systems.*
- Sec. 2126. Additional rulemaking authority.*
- Sec. 2127. Governmental unmanned aircraft systems.*
- Sec. 2128. Special rules for model aircraft.*
- Sec. 2129. Authority.*
- Sec. 2130. Unmanned aircraft systems aeronautical knowledge and safety.*
- Sec. 2131. Treatment of unmanned aircraft operating underground.*
- Sec. 2132. Enforcement.*
- Sec. 2133. Airport safety and airspace hazard mitigation and enforcement.*
- Sec. 2134. Aviation emergency safety public services disruption.*
- Sec. 2135. Public UAS operations by tribal governments.*
- Sec. 2136. Carriage of property by small unmanned aircraft systems for compensation or hire.*
- Sec. 2137. Collegiate training initiative program for unmanned aircraft systems.*
- Sec. 2138. Incorporation of Federal Aviation Administration occupations relating to unmanned aircraft into veterans employment programs of the administration.*
- Sec. 2139. Report on UAS and chemical aerial application.*
- Sec. 2140. Part 107 implementation improvements.*
- Sec. 2141. Expansion of part 107 waiver authority.*
- Sec. 2142. Redesignation.*
- Sec. 2143. Sense of Congress on emergency exemption process.*
- Sec. 2144. Unmanned aircraft systems in restricted buildings or grounds.*

PART III—OTHER MATTERS

- Sec. 2151. Federal and local authorities.*
- Sec. 2152. Spectrum.*
- Sec. 2153. Use of unmanned aircraft systems at institutions of higher education.*
- Sec. 2154. Transition language.*
- Sec. 2155. Community and technical college centers of excellence in small unmanned aircraft system technology training.*
- Sec. 2156. Authorization of appropriations for Know Before You Fly campaign.*
- Sec. 2157. Strategy for responding to public safety threats and enforcement utility of unmanned aircraft systems.*

PART IV—OPERATOR SAFETY

- Sec. 2161. Short title.*
- Sec. 2162. Findings; sense of Congress.*
- Sec. 2163. Unsafe operation of unmanned aircraft.*

Subtitle B—FAA Safety Certification Reform

PART I—GENERAL PROVISIONS

- Sec. 2211. Definitions.*
- Sec. 2212. Safety Oversight and Certification Advisory Committee.*

PART II—AIRCRAFT CERTIFICATION REFORM

- Sec. 2221. Aircraft certification performance objectives and metrics.*
- Sec. 2222. Organization designation authorizations.*
- Sec. 2223. ODA review.*
- Sec. 2224. Type certification resolution process.*
- Sec. 2225. Safety enhancing technologies for small general aviation airplanes.*

PART III—FLIGHT STANDARDS REFORM

- Sec. 2231. Flight standards performance objectives and metrics.*
- Sec. 2232. FAA task force on flight standards reform.*
- Sec. 2233. Centralized safety guidance database.*
- Sec. 2234. Regulatory Consistency Communication Board.*

PART IV—SAFETY WORKFORCE

- Sec. 2241. Safety workforce training strategy.*

PART V—INTERNATIONAL AVIATION

- Sec. 2251. Promotion of United States aerospace standards, products, and services abroad.*
- Sec. 2252. Bilateral exchanges of safety oversight responsibilities.*
- Sec. 2253. FAA leadership abroad.*
- Sec. 2254. Registration, certification, and related fees.*

Subtitle C—Airline Passenger Safety and Protections

- Sec. 2301. Access to air carrier flight decks.*
- Sec. 2302. Aircraft tracking and flight data.*
- Sec. 2303. Flight attendant duty period limitations and rest requirements.*
- Sec. 2304. Report on obsolete test equipment.*
- Sec. 2305. Plan for systems to provide direct warnings of potential runway incursions.*
- Sec. 2306. Helicopter air ambulance operations data and reports.*
- Sec. 2307. Part 135 accident and incident data.*
- Sec. 2308. Definition of human factors.*
- Sec. 2309. Sense of Congress; pilot in command authority.*
- Sec. 2310. Enhancing ASIAs.*
- Sec. 2311. Improving runway safety.*
- Sec. 2312. Safe air transportation of lithium cells and batteries.*
- Sec. 2313. Aircraft cabin evacuation procedures.*
- Sec. 2314. Annual safety incident report.*
- Sec. 2315. Airline safety enhancement.*
- Sec. 2316. Aircraft air quality.*
- Sec. 2317. Emergency medical equipment on passenger aircraft.*

Subtitle D—General Aviation Safety

- Sec. 2401. Automated weather observing systems policy.*
- Sec. 2402. Requirement to consult with stakeholders in defining scope and requirements for Future Flight Service Program.*
- Sec. 2403. Aviation fuel.*
- Sec. 2404. Applicability of medical certification standards to operators of air balloons.*
- Sec. 2405. Technical corrections.*
- Sec. 2406. Rotorcraft crash resistant fuel systems.*

Subtitle E—General Provisions

- Sec. 2501. FAA technical training.*
- Sec. 2502. Safety critical staffing.*
- Sec. 2503. Approach control radar.*
- Sec. 2504. Airspace management advisory committee.*
- Sec. 2505. Report on conspicuity needs for surface vehicles operating on the
airside of air carrier served airports.*
- Sec. 2506. Study on the effect of extreme weather on air travel.*
- Sec. 2507. Self-piloted aircraft introduction plan.*
- Sec. 2508. Portability of repairman certificates.*
- Sec. 2509. Revision of certain regulations relating to repair station certificates.*
- Sec. 2510. Critical airfield markings.*
- Sec. 2511. Report on aircraft rescue and firefighting training facilities.*

Subtitle F—General Aviation Pilot Protections

- Sec. 2601. Short title.*
- Sec. 2602. Expansion of Pilot's Bill of Rights.*
- Sec. 2603. Limitations on reexamination of certificate holders.*
- Sec. 2604. Expediting updates to NOTAM Program.*
- Sec. 2605. Accessibility of certain flight data.*
- Sec. 2606. Authority for legal counsel to issue certain notices.*

TITLE III—AIR SERVICE IMPROVEMENTS

- Sec. 3001. Definitions.*

Subtitle A—Passenger Air Service Improvements

- Sec. 3101. Causes of airline delays or cancellations.*
- Sec. 3102. Involuntary changes to itineraries.*
- Sec. 3103. Addressing the needs of families of passengers involved in aircraft acci-
dents.*
- Sec. 3104. Travelers with disabilities.*
- Sec. 3105. Extension of Advisory Committee for Aviation Consumer Protection.*
- Sec. 3106. Extension of competitive access reports.*
- Sec. 3107. Refunds for other fees that are not honored by a covered air carrier.*
- Sec. 3108. Disclosure of fees to consumers.*
- Sec. 3109. Seat assignments.*
- Sec. 3110. Advance boarding during pregnancy.*
- Sec. 3111. Consumer complaint process improvement.*
- Sec. 3112. Aviation Consumer Advocate.*
- Sec. 3113. Online access to aviation consumer protection information.*
- Sec. 3114. Study on in cabin wheelchair restraint systems.*
- Sec. 3115. Advisory committee on the air travel needs of passengers with disabil-
ities.*
- Sec. 3116. Improving wheelchair assistance for individuals with disabilities.*
- Sec. 3117. Regulations ensuring assistance for individuals with disabilities in air
transportation.*
- Sec. 3118. Civil penalties relating to harm to passengers with disabilities.*
- Sec. 3119. Airline Passengers with Disabilities Bill of Rights.*
- Sec. 3120. Enforcement of aviation consumer protection rules.*
- Sec. 3121. Dimensions for passenger seats.*
- Sec. 3122. Cell phone voice communications.*
- Sec. 3123. TICKETS Act.*
- Sec. 3124. Transparency for disabled passengers.*

- Sec. 3125. Report on availability of lavatories on commercial aircraft.*
- Sec. 3126. Training policies regarding racial, ethnic, and religious non-discrimination.*
- Sec. 3127. Consumer protection requirements relating to large ticket agents.*
- Sec. 3128. Sense of Congress Regarding Equal Access for Individuals with Disabilities.*
- Sec. 3129. Regulations prohibiting the imposition of fees that are not reasonable and proportional to the costs incurred.*

Subtitle B—Essential Air Service

- Sec. 3201. Essential air service.*
- Sec. 3202. Small community air service development program.*
- Sec. 3203. Small community program amendments.*
- Sec. 3204. Waivers.*

TITLE IV—NEXTGEN AND FAA ORGANIZATION

- Sec. 4001. Definitions.*

Subtitle A—NextGen Air Transportation System

- Sec. 4101. Return on investment report.*
- Sec. 4102. Ensuring FAA readiness to provide seamless oceanic operations.*
- Sec. 4103. Annual NextGen performance goals.*
- Sec. 4104. Air traffic control operational contingency plans.*
- Sec. 4105. 2020 ADS-B Out mandate plan.*
- Sec. 4106. NextGen interoperability.*
- Sec. 4107. NextGen transition management.*
- Sec. 4108. Implementation of NextGen operational improvements.*
- Sec. 4109. Securing aircraft avionics systems.*
- Sec. 4110. Defining NextGen.*
- Sec. 4111. Human factors.*
- Sec. 4112. Major acquisition reports.*
- Sec. 4113. Equipage mandates.*
- Sec. 4114. Workforce.*
- Sec. 4115. Programmatic risk management.*
- Sec. 4116. Program management.*
- Sec. 4117. System-wide improvements.*
- Sec. 4118. NextGen research.*
- Sec. 4119. Annual report on NextGen implementation.*

Subtitle B—Administration Organization and Employees

- Sec. 4201. Cost-saving initiatives.*
- Sec. 4202. Federal Aviation Administration performance measures and targets.*
- Sec. 4203. Treatment of essential employees during furloughs.*
- Sec. 4204. Controller candidate interviews.*
- Sec. 4205. Report on plans for air traffic control facilities in the New York City and Newark region.*
- Sec. 4206. Work plan for the New York/New Jersey/Philadelphia Metropolitan Area Airspace Project.*
- Sec. 4207. Air traffic services at aviation events.*
- Sec. 4208. Annual report on inclusion of disabled veteran leave in personnel management system.*
- Sec. 4209. Application of veterans' preference to Federal Aviation Administration personnel management system.*

Sec. 4210. Aircraft Registry Office.

TITLE V—MISCELLANEOUS

- Sec. 5001. National Transportation Safety Board investigative officers.*
Sec. 5002. Overflights of national parks.
Sec. 5003. Aeronautical studies for commercial space launch site runways.
Sec. 5004. Comprehensive aviation preparedness plan.
Sec. 5005. Advanced Materials Center of Excellence.
Sec. 5006. Interference with airline employees.
Sec. 5007. Secondary cockpit barriers.
Sec. 5008. Research and deployment of certain airfield pavement technologies.
Sec. 5009. Increase in duration of general aviation aircraft registration.
Sec. 5010. Modification of limitation of liability relating to aircraft.
Sec. 5011. Government Accountability Office study of illegal drugs seized at international airports in the United States.
Sec. 5012. Government Accountability Office review of unmanned aircraft systems.
Sec. 5013. Sense of Congress on preventing the transportation of disease-carrying mosquitoes and other insects on commercial aircraft.
Sec. 5014. Treatment of multi-year lessees of large and turbine-powered multiengine aircraft.
Sec. 5015. Student outreach report.
Sec. 5016. Authorization of certain flights by stage 2 aircraft.
Sec. 5017. Rulemaking on overland supersonic flight.
Sec. 5018. Terminal aerodrome forecast.
Sec. 5019. Technical and conforming amendments.
Sec. 5020. Aviation Weather Observations.
Sec. 5021. Role of national advisory committee on travel and tourism infrastructure.
Sec. 5022. Sense of Congress regarding women in aviation.
Sec. 5023. Spectrum availability.
Sec. 5024. Report on illegal charter flights.
Sec. 5025. Federal authority over interstate transportation.

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.

7 SEC. 3. DEFINITION OF APPROPRIATE COMMITTEES OF
8 CONGRESS.

9 In this Act, the term “appropriate committees of Con-
10 gress” means 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.*

4 **SEC. 4. EFFECTIVE DATE.**

5 *Except as otherwise expressly provided, this Act and*
 6 *the amendments made by this Act shall take effect on the*
 7 *date of enactment of this Act.*

8 **TITLE I—AUTHORIZATIONS**
 9 **Subtitle A—Funding of FAA**
 10 **Programs**

11 **SEC. 1001. AIRPORT PLANNING AND DEVELOPMENT AND**
 12 **NOISE COMPATIBILITY PLANNING AND PRO-**
 13 **GRAMS.**

14 *(a) AUTHORIZATION.—Section 48103(a) is amended*
 15 *by striking “section 47505(a)(2), and carrying out noise*
 16 *compatibility programs under section 47504(c)*
 17 *\$3,350,000,000 for each of fiscal years 2012 through 2017”*
 18 *and inserting “section 47505(a)(2), carrying out noise com-*
 19 *patibility programs under section 47504(c), an airport co-*
 20 *operative research program under section 44511, Airports*
 21 *Technology-Safety research, and Airports Technology-Effi-*
 22 *ciency research \$3,350,000,000 for fiscal year 2018 and*
 23 *\$3,750,000,000 for each of fiscal years 2019 through 2021”.*

1 (b) *OBLIGATIONAL AUTHORITY*.—Section 47104(c) is
 2 amended in the matter preceding paragraph (1) by striking
 3 “September 30, 2017” and inserting “September 30, 2021”.

4 **SEC. 1002. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

5 Section 48101(a) is amended by striking paragraphs
 6 (1) through (5) and inserting the following:

7 “(1) \$2,877,365,122 for fiscal year 2018.

8 “(2) \$2,889,379,240 for fiscal year 2019.

9 “(3) \$2,906,007,932 for fiscal year 2020.

10 “(4) \$2,921,493,286 for fiscal year 2021.”.

11 **SEC. 1003. FAA OPERATIONS.**

12 (a) *IN GENERAL*.—Section 106(k)(1) is amended by
 13 striking subparagraphs (A) through (E) and inserting the
 14 following:

15 “(A) \$10,123,257,311 for fiscal year 2018;

16 “(B) \$10,233,107,832 for fiscal year 2019;

17 “(C) \$10,341,034,956 for fiscal year 2020;

18 and

19 “(D) \$10,453,299,174 for fiscal year 2021.”.

20 (b) *AUTHORIZED EXPENDITURES*.—Section 106(k)(2)
 21 is amended by striking “for fiscal years 2012 through 2015”
 22 each place it appears and inserting “for fiscal years 2018
 23 through 2021”.

1 (c) *AUTHORITY TO TRANSFER FUNDS.*—Section
 2 106(k)(3) is amended by striking “2012 through 2017” and
 3 inserting “2018 through 2021”.

4 **SEC. 1004. FAA RESEARCH AND DEVELOPMENT.**

5 Section 48102 is amended—

6 (1) in subsection (a)—

7 (A) in the matter preceding paragraph

8 (1)—

9 (i) by striking “44511–44513” and in-
 10 serting “44512–44513”; and

11 (ii) by striking “and, for each of fiscal
 12 years 2012 through 2015, under subsection
 13 (g)”; and

14 (B) by striking paragraphs (1) through (9)
 15 and inserting the following:

16 “(1) \$175,000,000 for fiscal year 2018.

17 “(2) \$175,000,000 for fiscal year 2019.

18 “(3) \$175,000,000 for fiscal year 2020.

19 “(4) \$175,000,000 for fiscal year 2021.”; and

20 (2) in subsection (b), by striking paragraph (3).

21 **SEC. 1005. FUNDING FOR AVIATION PROGRAMS.**

22 (a) *AIRPORT AND AIRWAY TRUST FUND GUAR-*
 23 *ANTEE.*—Section 48114(a)(1)(A) is amended to read as fol-
 24 lows:

1 “(A) *IN GENERAL.*—*The total budget re-*
2 *sources made available from the Airport and*
3 *Airway Trust Fund each fiscal year under sec-*
4 *tions 48101, 48102, 48103, and 106(k)—*

5 “(i) *shall, in each of fiscal years 2018*
6 *through 2021, be equal to—*

7 “(I) *the sum of—*

8 “(aa) *90 percent of the esti-*
9 *mated level of receipts plus inter-*
10 *est credited to the Airport and*
11 *Airway Trust Fund for that fiscal*
12 *year; and*

13 “(bb) *the actual level of re-*
14 *ceipts plus interest credited to the*
15 *Airport and Airway Trust Fund*
16 *for the second preceding fiscal*
17 *year minus the total amount*
18 *made available for obligation*
19 *from the Airport and Airway*
20 *Trust Fund for the second pre-*
21 *ceding fiscal year; and*

22 “(II) *less the amount calculated*
23 *under subclause (I)(bb) for the fourth*
24 *preceding year; and*

1 “(ii) may be used only for the aviation
 2 investment programs listed in subsection
 3 (b)(1).”.

4 (b) *ENFORCEMENT OF GUARANTEES.*—Section
 5 48114(c)(2) is amended by striking “2017” and inserting
 6 “2021”.

7 **SEC. 1006. EXTENSION OF EXPIRING AUTHORITIES.**

8 (a) *MARSHALL ISLANDS, MICRONESIA, AND PALAU.*—
 9 Section 47115(j) is amended by striking “2017” and insert-
 10 ing “2021”.

11 (b) *EXTENSION OF COMPATIBLE LAND USE PLANNING*
 12 *AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.*—
 13 Section 47141(f) is amended by striking “September 30,
 14 2017” and inserting “September 30, 2021”.

15 (c) *EXTENSION OF PILOT PROGRAM FOR REDEVELOP-*
 16 *MENT OF AIRPORT PROPERTIES.*—Section 822(k) of the
 17 *FAA Modernization and Reform Act of 2012 (49 U.S.C.*
 18 *47141 note)* is amended by striking “September 30, 2017”
 19 and inserting “September 30, 2021”.

20 ***Subtitle B—Airport Improvement***
 21 ***Program Modifications***

22 **SEC. 1201. SMALL AIRPORT REGULATION RELIEF.**

23 Section 47114(c)(1) is amended by striking subpara-
 24 graph (F) and inserting the following:

1 “(F) *SPECIAL RULE FOR FISCAL YEARS 2017*
2 *THROUGH 2021.—Notwithstanding subparagraph*
3 *(A) and subject to subparagraph (G), the Sec-*
4 *retary shall apportion to a sponsor of an airport*
5 *under that subparagraph for each of fiscal years*
6 *2017 through 2021 an amount based on the*
7 *number of passenger boardings at the airport*
8 *during calendar year 2012 if the airport—*

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 *2017, 2018, 2019, 2020, or 2021, as appli-*
15 *cable, under subparagraph (A); and*

16 “(iii) *had scheduled air service at any*
17 *point in the calendar year used to calculate*
18 *the apportionment.*

19 “(G) *LIMITATIONS AND WAIVERS.—The au-*
20 *thority to make apportionments in the manner*
21 *prescribed in subparagraph (F) may be utilized*
22 *no more than 3 years in a row. The Secretary*
23 *may waive this limitation if the Secretary deter-*
24 *mines that an airport’s enplanements are sub-*
25 *stantially close to 10,000 enplanements and the*

1 *airport sponsor or affected communities are tak-*
 2 *ing reasonable steps to restore enplanements*
 3 *above 10,000.*

4 *“(H) MINIMUM APPORTIONMENT FOR COM-*
 5 *MERCIAL SERVICE AIRPORTS WITH MORE THAN*
 6 *8,000 PASSENGER BOARDINGS IN A CALENDAR*
 7 *YEAR.—Not less than \$600,000 may be appor-*
 8 *tioned under subparagraph (A) for each fiscal*
 9 *year to each sponsor of a commercial service air-*
 10 *port that had fewer than 10,000 passenger*
 11 *boardings, but at least 8,000 passenger*
 12 *boardings, during the prior calendar year.”.*

13 **SEC. 1202. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
 14 **IN COLD WEATHER STATES.**

15 *(a) IN GENERAL.—The Administrator of the Federal*
 16 *Aviation Administration, to the extent practicable, shall*
 17 *schedule the Administrator’s review of construction projects*
 18 *so that projects to be carried out in the States in which*
 19 *the weather during a typical calendar year prevents major*
 20 *construction projects from being carried out before May 1*
 21 *are reviewed as early as possible.*

22 *(b) REPORT.—The Administrator shall update the ap-*
 23 *propriate committees of Congress annually on the effective-*
 24 *ness of the review and prioritization.*

1 **SEC. 1203. STATE BLOCK GRANTS UPDATES.**

2 Section 47128(a) is amended by striking “9 qualified
3 States for fiscal years 2000 and 2001 and 10 qualified
4 States for each fiscal year thereafter” and inserting “15
5 qualified States for fiscal year 2018 and each fiscal year
6 thereafter”.

7 **SEC. 1204. CONTRACT TOWER PROGRAM UPDATES.**

8 (a) *SPECIAL RULE.*—Section 47124(b)(1)(B) is
9 amended by striking “after such determination is made”
10 and inserting “after the end of the period described in sub-
11 section (d)(6)(C)”.

12 (b) *CONTRACT AIR TRAFFIC CONTROL TOWER COST-*
13 *SHARE PROGRAM; FUNDING.*—Section 47124(b)(3)(E) is
14 amended to read as follows:

15 “(E) *FUNDING.*—Of the amounts appro-
16 priated under section 106(k)(1), such sums as
17 may be necessary may be used to carry out this
18 paragraph.”.

19 (c) *CAP ON FEDERAL SHARE OF COST OF CONSTRUC-*
20 *TION.*—Section 47124(b)(4)(C) is amended by striking
21 “\$2,000,000” and inserting “\$4,000,000”.

22 (d) *COST BENEFIT RATIO REVISION.*—Section 47124
23 is amended by adding at the end the following:

24 “(d) *COST BENEFIT RATIOS.*—

25 “(1) *CONTRACT AIR TRAFFIC CONTROL TOWER*
26 *PROGRAM AT COST-SHARE AIRPORTS.*—Beginning on

1 *the date of enactment of the Federal Aviation Admin-*
 2 *istration Reauthorization Act of 2017, if an air traf-*
 3 *fic control tower is operating under the Cost-share*
 4 *Program, the Secretary shall annually calculate a*
 5 *new benefit-to-cost ratio for the tower.*

6 “(2) *CONTRACT TOWER PROGRAM AT NON-COST-*
 7 *SHARE AIRPORTS.—Beginning on the date of enact-*
 8 *ment of the Federal Aviation Administration Reau-*
 9 *thorization Act of 2017, if a tower is operating under*
 10 *the Contract Tower Program and continued under*
 11 *subsection (b)(1), the Secretary shall not calculate a*
 12 *new benefit-to-cost ratio for the tower unless the an-*
 13 *nual aircraft traffic at the airport where the tower is*
 14 *located decreases by more than 25 percent from the*
 15 *previous year or by more than 60 percent over a 3-*
 16 *year period.*

17 “(3) *CONSIDERATIONS.—In establishing a ben-*
 18 *efit-to-cost ratio under paragraph (1) or paragraph*
 19 *(2), the Secretary may consider only the following*
 20 *costs:*

21 “(A) *The Federal Aviation Administration’s*
 22 *actual cost of wages and benefits of personnel*
 23 *working at the tower.*

24 “(B) *The Federal Aviation Administration’s*
 25 *actual telecommunications costs of the tower.*

1 “(C) *Relocation and replacement costs of*
2 *equipment of the Federal Aviation Administra-*
3 *tion associated with the tower, if paid for by the*
4 *Federal Aviation Administration.*

5 “(D) *Logistics, such as direct costs associ-*
6 *ated with establishing or updating the tower’s*
7 *interface with other systems and equipment of*
8 *the Federal Aviation Administration, if paid for*
9 *by the Federal Aviation Administration.*

10 “(4) *EXCLUSIONS.—In establishing a benefit-to-*
11 *cost ratio under paragraph (1) or paragraph (2), the*
12 *Secretary may not consider the following costs:*

13 “(A) *Airway facilities costs, including labor*
14 *and other costs associated with maintaining and*
15 *repairing the systems and equipment of the Fed-*
16 *eral Aviation Administration.*

17 “(B) *Costs for depreciating the building and*
18 *equipment owned by the Federal Aviation Ad-*
19 *ministration.*

20 “(C) *Indirect overhead costs of the Federal*
21 *Aviation Administration.*

22 “(D) *Costs for utilities, janitorial, and other*
23 *services paid for or provided by the airport or*
24 *the State or political subdivision of a State hav-*

1 *ing jurisdiction over the airport where the tower*
 2 *is located.*

3 “(E) *The cost of new or replacement equip-*
 4 *ment, or construction of a new or replacement*
 5 *tower, if the costs incurred were incurred by the*
 6 *airport or the State or political subdivision of a*
 7 *State having jurisdiction over the airport where*
 8 *the tower is or will be located.*

9 “(F) *Other expenses of the Federal Aviation*
 10 *Administration not directly associated with the*
 11 *actual operation of the tower.*

12 “(5) *MARGIN OF ERROR.—The Secretary shall*
 13 *add a 5 percent margin of error to a benefit-to-cost*
 14 *ratio determination to acknowledge and account for*
 15 *any direct or indirect factors that are not included in*
 16 *the criteria the Secretary used in calculating the ben-*
 17 *efit-to-cost ratio.*

18 “(6) *PROCEDURES.—The Secretary shall estab-*
 19 *lish procedures—*

20 “(A) *to allow an airport or the State or po-*
 21 *litical subdivision of a State having jurisdiction*
 22 *over the airport where the tower is located not*
 23 *less than 90 days following the receipt of an ini-*
 24 *tial benefit-to-cost ratio determination from the*
 25 *Secretary—*

1 “(i) to request the Secretary reconsider
2 that determination; and

3 “(ii) to submit updated or additional
4 data to the Secretary in support of the re-
5 consideration;

6 “(B) to allow the Secretary not more than
7 90 days to review the data submitted under sub-
8 paragraph (A)(ii) and respond to the request
9 under subparagraph (A)(i);

10 “(C) to allow the airport, State, or political
11 subdivision of a State, as applicable, 30 days fol-
12 lowing the date of the response under subpara-
13 graph (B) to review the response before any ac-
14 tion is taken based on a benefit-to-cost deter-
15 mination; and

16 “(D) to provide, after the end of the period
17 described in subparagraph (C), an 18-month
18 grace period before cost-share payments are due
19 from the airport, State, or political subdivision
20 of a State if as a result of the benefit-to-cost
21 ratio determination the airport, State, or polit-
22 ical subdivision, as applicable, is required to
23 transition to the Cost-share Program.

24 “(e) DEFINITIONS.—In this section:

1 “(1) *CONTRACT TOWER PROGRAM.*—*The term*
 2 *‘Contract Tower Program’ means the level I air traf-*
 3 *fic control tower contract program established under*
 4 *subsection (a) and continued under subsection (b)(1).*

5 “(2) *COST-SHARE PROGRAM.*—*The term ‘Cost-*
 6 *share Program’ means the cost-share program estab-*
 7 *lished under subsection (b)(3).’.*

8 (e) *REMOTE TOWER PROGRAM.*—*Section 47124(b) is*
 9 *amended—*

10 (1) *in paragraph (3)(B)(ii), by inserting “or re-*
 11 *mote airport traffic control tower certified by the Fed-*
 12 *eral Aviation Administration” after “operating air*
 13 *traffic control tower”; and*

14 (2) *in clauses (i)(III) and (ii)(III) of paragraph*
 15 *(4)(A), by inserting “, including remote airport traf-*
 16 *fic control tower equipment certified by the Federal*
 17 *Aviation Administration” after “1996” each place it*
 18 *appears.*

19 (f) *CONFORMING AMENDMENTS.*—*Section 47124(b) is*
 20 *amended—*

21 (1) *in paragraph (1)(C), by striking “the pro-*
 22 *gram established under paragraph (3)” and inserting*
 23 *“the Cost-share Program”;*

24 (2) *in paragraph (3)—*

1 (A) in the heading, by striking “*CONTRACT*
2 *AIR TRAFFIC CONTROL TOWER PROGRAM*” and
3 inserting “*COST-SHARE PROGRAM*”;

4 (B) in subparagraph (A), by striking “*con-*
5 *tract tower program established under subsection*
6 *(a) and continued under paragraph (1) (in this*
7 *paragraph referred to as the ‘Contract Tower*
8 *Program’)*” and inserting “*Contract Tower Pro-*
9 *gram*”;

10 (C) in subparagraph (B), by striking “*In*
11 *carrying out the program*” and inserting “*In*
12 *carrying out the Cost-share Program*”;

13 (D) in subparagraph (C), by striking “*par-*
14 *ticipate in the program*” and inserting “*partici-*
15 *pate in the Cost-share Program*”;

16 (E) in subparagraph (D), by striking
17 “*under the program*” and inserting “*under the*
18 *Cost-share Program*”; and

19 (F) in subparagraph (F), by striking “*the*
20 *program continued under paragraph (1)*” and
21 inserting “*the Contract Tower Program*”; and

22 (3) in paragraph (4)(B)(i)(I), by striking “*con-*
23 *tract tower program established under subsection (a)*
24 *and continued under paragraph (1) or the pilot pro-*
25 *gram established under paragraph (3)*” and inserting

1 *“Contract Tower Program or the Cost-share Pro-*
 2 *gram”.*

3 (g) *EXEMPTION.*—Section 47124(b)(3)(D) is amended
 4 by adding at the end the following: *“Airports with both*
 5 *Part 121 air service and more than 25,000 passenger*
 6 *enplanements in calendar year 2014 shall be exempt from*
 7 *any cost share requirement under the Cost-share Program.”.*

8 (h) *SAVINGS PROVISION.*—Notwithstanding the
 9 amendments made by this section, the towers for which as-
 10 sistance is being provided under section 41724 of title 49,
 11 United States Code, on the day before the date of enactment
 12 of this Act may continue to be provided such assistance
 13 under the terms of that section as in effect on that day.

14 **SEC. 1205. APPROVAL OF CERTAIN APPLICATIONS FOR THE**
 15 **CONTRACT TOWER PROGRAM.**

16 (a) *IN GENERAL.*—If the Administrator of the Federal
 17 Aviation Administration has not implemented a revised
 18 cost-benefit methodology for purposes of determining eligi-
 19 bility for the Contract Tower Program before the date that
 20 is 30 days after the date of enactment of this Act, any air
 21 traffic control tower with an application for participation
 22 in the Contract Tower Program pending as of January 1,
 23 2017, shall be approved for participation in the Contract
 24 Tower Program if the Administrator determines the tower
 25 is eligible under the criteria set forth in the Federal Avia-

tion Administration report entitled, “Establishment and Discontinuance Criteria for Airport Traffic Control Towers”, and dated August 1990 (FAA-APO-90-7).

(b) *REQUESTS FOR ADDITIONAL AUTHORITY.*—The Administrator shall respond not later than 30 days after the date the Administrator receives a formal request from an airport and air traffic control contractor for additional authority to expand contract tower operational hours and staff to accommodate flight traffic outside of current tower operational hours.

(c) *DEFINITION OF CONTRACT TOWER PROGRAM.*—In this section, the term “Contract Tower Program” has the meaning given the term in section 47124(e) of title 49, United States Code, as added by section 1204 of this Act.

SEC. 1206. REMOTE TOWERS.

(a) *PILOT PROGRAM.*—

(1) *ESTABLISHMENT.*—The Administrator of the Federal Aviation Administration shall establish—

(A) in consultation with airport operators and general aviation users, a pilot program at public-use airports to construct and operate remote towers;

(B) a selection process for participation in the pilot program; and

1 (C) a clear process for the safety and oper-
2 ational certification of the remote towers.

3 (2) *SAFETY CONSIDERATIONS.*—In establishing
4 the pilot program, the Administrator shall consult
5 with operators of remote towers in foreign countries
6 to design the pilot program in a manner that
7 leverages as many safety and airspace efficiency bene-
8 fits as possible.

9 (3) *REQUIREMENTS.*—In selecting the airports
10 for participation in the pilot program, the Adminis-
11 trator shall—

12 (A) to the extent practicable, ensure that at
13 least 2 different vendors of remote tower systems
14 participate;

15 (B) include at least 1 airport currently in
16 the Contract Tower Program and at least 1 air-
17 port that does not have an air traffic control
18 tower; and

19 (C) clearly identify the analysis relating to
20 the feasibility, safety, cost, and benefits of remote
21 towers that will be addressed at each airport.

22 (4) *SELECTION CRITERIA.*—In selecting an air-
23 port for participation in the pilot program, the Ad-
24 ministrators shall consider—

1 (A) how inclusion of that airport will add
2 value to assist the Administrator in evaluating
3 the feasibility, safety, costs, and benefits of re-
4 mote towers;

5 (B) the amount and variety of air traffic at
6 an airport; and

7 (C) the costs and benefits of including that
8 airport.

9 (5) *DATA.*—The Administrator shall clearly
10 identify and collect air traffic control information
11 and data from participating airports that will assist
12 the Administrator in evaluating the feasibility, safety,
13 costs, and benefits of remote towers.

14 (6) *REPORT.*—Not later than 1 year after the
15 date the first remote tower is operational, and annu-
16 ally thereafter, the Administrator shall submit to the
17 appropriate committees of Congress a report—

18 (A) detailing any benefits, costs, or safety
19 improvements associated with the use of the re-
20 mote towers; and

21 (B) evaluating the feasibility of using re-
22 mote towers, particularly in the Contract Tower
23 Program, for airports without an air traffic con-
24 trol tower, or to improve safety at airports with
25 towers.

1 (7) *DEADLINE.*—Not later than 1 year after the
 2 date of enactment of this Act, the Administrator shall
 3 select airports for participation in the pilot program.

4 (8) *DEFINITIONS.*—In this subsection:

5 (A) *CONTRACT TOWER PROGRAM.*—The
 6 term “Contract Tower Program” has the mean-
 7 ing given the term in section 47124(e) of title 49,
 8 United States Code, as added by section 1204 of
 9 this Act.

10 (B) *REMOTE TOWER.*—The term “remote
 11 tower” means a remotely operated air naviga-
 12 tion facility, including all necessary system com-
 13 ponents, that provides the functions and capa-
 14 bilities of an air traffic control tower whereby
 15 air traffic services are provided to operators at
 16 an airport from a location that may not be on
 17 or near the airport.

18 (b) *REMOTE TOWER PROGRAM.*—Not later than 30
 19 days after the date on which the first remote tower is com-
 20 missioned to operate under this section, the Administrator
 21 shall establish a process to authorize the construction and
 22 commissioning operation of additional remote towers, that
 23 are certificated under subsection (a)(1)(C), at other air-
 24 ports.

1 (c) *AIP FUNDING ELIGIBILITY.*—For purposes of the
 2 pilot program under subsection (a), and after certificated
 3 remote towers are available under subsection (b), con-
 4 structing a remote tower or acquiring and installing air
 5 traffic control, communications, or related equipment for
 6 a remote tower shall be considered airport development (as
 7 defined in section 47102 of title 49, United States Code)
 8 for purposes of subchapter I of chapter 471 of that title if
 9 components are installed and used at the airport, except,
 10 as needed, for off-airport sensors installed on leased towers.

11 **SEC. 1207. MIDWAY ISLAND AIRPORT.**

12 Section 186(d) of the Vision 100—Century of Aviation
 13 Reauthorization Act (Public Law 108–176; 117 Stat. 2518)
 14 is amended by striking “for fiscal years 2012 through 2017”
 15 and inserting “for fiscal years 2018 through 2021”.

16 **SEC. 1208. AIRPORT ROAD FUNDING.**

17 (a) *AIRPORT DEVELOPMENT GRANT ASSURANCES.*—
 18 Section 47107(b) is amended by adding at the end the fol-
 19 lowing:

20 “(4) This subsection does not prevent the use of
 21 airport revenue for the maintenance and improve-
 22 ment of the on-airport portion of a surface transpor-
 23 tation facility providing access to an airport and
 24 non-airport locations if the surface transportation fa-
 25 cility is owned or operated by the airport owner or

1 operator and the use of airport revenue is prorated to
 2 airport use and limited to portions of the facility lo-
 3 cated on the airport. The Secretary shall determine
 4 the maximum percentage contribution of airport rev-
 5 enue toward surface transportation facility mainte-
 6 nance or improvement, taking into consideration the
 7 current and projected use of the surface transpor-
 8 tation facility located on the airport for airport and
 9 non-airport purposes. The de minimus use, as deter-
 10 mined by the Secretary, of a surface transportation
 11 facility for non-airport purposes shall not require
 12 prorating.”.

13 (b) *RESTRICTIONS ON THE USE OF AIRPORT REV-*
 14 *ENUE.*—Section 47133(c) is amended—

15 (1) by inserting “(1)” before “Nothing” and in-
 16 denting appropriately; and

17 (2) by adding at the end the following:

18 “(2) Nothing in this section may be construed to
 19 prevent the use of airport revenue for the prorated
 20 maintenance and improvement costs of the on-airport
 21 portion of the surface transportation facility, subject
 22 to the provisions of section 47107(b)(4).”.

23 **SEC. 1209. REPEAL OF INHERENTLY LOW-EMISSION AIR-**
 24 **PORT VEHICLE PILOT PROGRAM.**

25 (a) *REPEAL.*—Section 47136 is repealed.

1 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 2 *The table of contents for chapter 471 is amended by striking*
 3 *the item relating to section 47136 and inserting the fol-*
 4 *lowing:*

“47136. [Reserved].”.

5 **SEC. 1210. MODIFICATION OF ZERO-EMISSION AIRPORT VE-**
 6 **HICLES AND INFRASTRUCTURE PILOT PRO-**
 7 **GRAM.**

8 Section 47136a is amended—

9 (1) *in subsection (a), by striking “, including”*
 10 *and inserting “used exclusively for transporting pas-*
 11 *sengers on-airport or for employee shuttle buses with-*
 12 *in the airport, including”; and*

13 (2) *in subsection (f), by inserting “, as in effect*
 14 *on the day before the date of enactment of the Federal*
 15 *Aviation Administration Reauthorization Act of*
 16 *2017,” after “section 47136”.*

17 **SEC. 1211. REPEAL OF AIRPORT GROUND SUPPORT EQUIP-**
 18 **MENT EMISSIONS RETROFIT PILOT PRO-**
 19 **GRAM.**

20 (a) *REPEAL.*—Section 47140 is repealed.

21 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—
 22 *The table of contents for chapter 471 is amended by striking*
 23 *the item relating to section 47140 and inserting the fol-*
 24 *lowing:*

“47140. [Reserved].”.

1 **SEC. 1212. FUNDING ELIGIBILITY FOR AIRPORT ENERGY EF-**
 2 **FICIENCY ASSESSMENTS.**

3 (a) *COST REIMBURSEMENTS.*—Section 47140a(a) is
 4 amended by striking “airport.” and inserting “airport, and
 5 to reimburse the airport sponsor for the costs incurred in
 6 conducting the assessment.”.

7 (b) *SAFETY PRIORITY.*—Section 47140a(b)(2) is
 8 amended by inserting “, including a certification that no
 9 safety projects would be deferred by prioritizing a grant
 10 under this section,” after “an application”.

11 **SEC. 1213. RECYCLING PLANS; SAFETY PROJECTS AT UN-**
 12 **CLASSIFIED AIRPORTS.**

13 Section 47106(a) is amended—

14 (1) in paragraph (5), by striking “; and” and
 15 inserting a semicolon;

16 (2) in paragraph (6)—

17 (A) in the matter preceding subparagraph
 18 (A), by striking “for an airport that has an air-
 19 port master plan, the master plan addresses”
 20 and inserting “a master plan project, it will ad-
 21 dress”; and

22 (B) in subparagraph (E), by striking the
 23 period at the end and inserting “; and”; and

24 (3) by adding at the end the following:

1 “(7) if the project is at an unclassified airport,
 2 the project will be funded with an amount appor-
 3 tioned under section 47114(d)(3)(B) and is—

4 “(A) for maintenance of the pavement of the
 5 primary runway;

6 “(B) for obstruction removal for the pri-
 7 mary runway;

8 “(C) for the rehabilitation of the primary
 9 runway; or

10 “(D) a project that the Secretary considers
 11 necessary for the safe operation of the airport.”.

12 **SEC. 1214. TRANSFERS OF INSTRUMENT LANDING SYSTEMS.**

13 Section 44502(e) is amended by striking the first sen-
 14 tence and inserting “An airport may transfer, without con-
 15 sideration, to the Administrator of the Federal Aviation Ad-
 16 ministration an instrument landing system consisting of a
 17 glide slope and localizer that conforms to performance speci-
 18 fications of the Administrator if an airport improvement
 19 project grant was used to assist in purchasing the system,
 20 and if the Federal Aviation Administration has determined
 21 that a satellite navigation system cannot provide a suitable
 22 approach.”.

1 **SEC. 1215. NON-MOVEMENT AREA SURVEILLANCE PILOT**
 2 **PROGRAM.**

3 (a) *IN GENERAL.*—Subchapter I of chapter 471 is
 4 amended by inserting after section 47142 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—*

“(A) provides the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point;

“(B) is on-airport; and

“(C) is airport operated.”.

(b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

The table of contents of chapter 471 is amended by inserting after the item relating to section 47142 the following:

“47143. Non-movement area surveillance surface display systems pilot program.”.

SEC. 1216. AMENDMENTS TO DEFINITIONS.

Section 47102 is amended—

(1) by redesignating paragraphs (10) through (28) as paragraphs (12) through (30), respectively;

(2) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(3) in paragraph (3)—

(A) in subparagraph (B)—

(i) by redesignating clauses (iii) through (x) as clauses (iv) through (xi), respectively; and

(ii) by striking clause (ii) and inserting the following:

“(ii) security equipment owned and operated by the airport, including explosive detection devices, universal access control

1 *systems, perimeter fencing, and emergency*
 2 *call boxes, which the Secretary may require*
 3 *by regulation for, or approve as contrib-*
 4 *uting significantly to, the security of indi-*
 5 *viduals and property at the airport;*

6 “(iii) *safety apparatus owned and op-*
 7 *erated by the airport, which the Secretary*
 8 *may require by regulation for, or approve*
 9 *as contributing significantly to, the safety*
 10 *of individuals and property at the airport,*
 11 *and integrated in-pavement lighting sys-*
 12 *tems for runways and taxiways and other*
 13 *runway and taxiway incursion prevention*
 14 *devices;”;*

15 *(B) in subparagraph (K), by striking*
 16 *“7505a) and if such project will result in an air-*
 17 *port receiving appropriate” and inserting*
 18 *“7505a)) and if the airport would be able to re-*
 19 *ceive”; and*

20 *(C) in subparagraph (L)—*

21 *(i) by striking “or conversion of vehi-*
 22 *cles and” and inserting “of vehicles used ex-*
 23 *clusively for transporting passengers on-air-*
 24 *port, employee shuttle buses within the air-*
 25 *port, or”;*

1 (ii) by striking “airport, to” and in-
 2 serting “airport and equipped with”; and

3 (iii) by striking “7505a) and if such
 4 project will result in an airport receiving
 5 appropriate” and inserting “7505a)) and if
 6 the airport would be able to receive”;

7 (4) in paragraph (5), by striking “regulations”
 8 and inserting “requirements”;

9 (5) by inserting after paragraph (6) the fol-
 10 lowing:

11 “(7) ‘categorized airport’ means a nonprimary
 12 airport that has an identified role in the most re-
 13 cently published National Plan of Integrated Airport
 14 Systems (NPIAS) report.”;

15 (6) in paragraph (9), as redesignated, by strik-
 16 ing “public” and inserting “public-use”;

17 (7) by inserting after paragraph (10), as redesign-
 18 ated, the following:

19 “(11) ‘joint use airport’ means an airport owned
 20 by the Department of Defense, at which both military
 21 and civilian aircraft make shared use of the air-
 22 field.”;

23 (8) in paragraph (24), as redesignated, by
 24 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 most recently pub-
17 lished National Plan of Integrated Airport Systems
18 (NPIAS) report that is not categorized by the Admin-
19 istrator of the Federal Aviation Administration in the
20 most current report entitled General Aviation Air-
21 ports: A National Asset.”.

22 **SEC. 1217. CLARIFICATION OF NOISE EXPOSURE MAP UP-**
23 **DATES.**

24 Section 47503(b) is amended—

1 (1) by striking “a change in the operation of the
2 airport would establish” and inserting “there is a
3 change in the operation of the airport that would es-
4 tablish”; and

5 (2) by inserting after “reduction” the following:
6 “if the change has occurred during the longer of—

7 “(1) the noise exposure map period forecast by
8 the airport operator under subsection (a); or

9 “(2) the implementation timeframe of the opera-
10 tor’s noise compatibility program”.

11 **SEC. 1218. PROVISION OF FACILITIES.**

12 Section 44502 is amended by adding at the end the
13 following:

14 “(f) AIRPORT SPACE.—

15 “(1) RESTRICTION.—The Administrator may not
16 require an airport owner or sponsor (as defined in
17 section 47102) to provide to the Federal Aviation Ad-
18 ministration without cost any of the following:

19 “(A) Building construction, maintenance,
20 utilities, or expenses for services relating to air
21 traffic control, air navigation, or weather report-
22 ing.

23 “(B) Space in a facility owned by the air-
24 port owner or sponsor for services relating to air

1 *traffic control, air navigation, or weather report-*
 2 *ing.*

3 “(2) *RULE OF CONSTRUCTION.*—*Nothing in this*
 4 *subsection may be construed to affect—*

5 “(A) *any agreement the Secretary may have*
 6 *or make with an airport owner or sponsor for*
 7 *the airport owner or sponsor to provide any of*
 8 *the items described in subparagraph (A) or sub-*
 9 *paragraph (B) of paragraph (1) at below-market*
 10 *rates; or*

11 “(B) *any grant assurance that requires an*
 12 *airport owner or sponsor to provide land to the*
 13 *Administration without cost for an air traffic*
 14 *control facility.”.*

15 **SEC. 1219. MORATORIUM ON CHANGES TO THE CONTRACT**
 16 **WEATHER OBSERVER PROGRAM.**

17 *The Administrator may not discontinue the Contract*
 18 *Weather Observer Program at any airport until October 1,*
 19 *2021.*

20 **SEC. 1220. FEDERAL SHARE ADJUSTMENT.**

21 *Section 47109(a)(5) is amended to read as follows:*

22 “(5) *95 percent for a project at an airport for*
 23 *which the United States Government’s share would*
 24 *otherwise be capped at 90 percent under paragraph*
 25 *(2) or paragraph (3) if the Administrator determines*

1 *that the project is a successive phase of a multi-*
 2 *phased construction project for which the sponsor re-*
 3 *ceived a grant in fiscal year 2011 or earlier.”.*

4 **SEC. 1221. MISCELLANEOUS TECHNICAL AMENDMENTS.**

5 (a) *AIRPORT SECURITY PROGRAM.*—Section 47137 is
 6 *amended—*

7 (1) *in subsection (a), by striking “Transpor-*
 8 *tation” and inserting “Homeland Security”;*

9 (2) *in subsection (e), by striking “Homeland Se-*
 10 *curity” and inserting “Transportation”; and*

11 (3) *in subsection (g), by inserting “of Transpor-*
 12 *tation” after “Secretary” the first place it appears.*

13 (b) *SECTION 516 PROPERTY CONVEYANCE RE-*
 14 *LEASES.*—Section 817(a) of the *FAA Modernization and*
 15 *Reform Act of 2012 (49 U.S.C. 47125 note) is amended—*

16 (1) *by striking “or section 23” and inserting “,*
 17 *section 23”;* and

18 (2) *by inserting before the period at the end the*
 19 *following: “, or section 47125 of title 49, United*
 20 *States Code”.*

21 **SEC. 1222. MOTHERS’ ROOMS AT AIRPORTS.**

22 (a) *LACTATION AREA DEFINED.*—Section 47102, as
 23 *amended by section 1216 of this Act, is further amended—*

1 (1) *by redesignating paragraphs (12) through*
 2 (31) *as paragraphs (13) through (32), respectively;*
 3 *and*

4 (2) *by inserting after paragraph (11) the fol-*
 5 *lowing:*

6 “(12) ‘lactation area’ means a room or similar
 7 accommodation that—

8 “(A) provides a location for an individual
 9 to express breast milk that is shielded from view
 10 and free from intrusion;

11 “(B) has a door that can be locked by the
 12 individual;

13 “(C) includes a place to sit, a table or other
 14 flat surface, and an electrical outlet;

15 “(D) is readily accessible to and usable by
 16 individuals with disabilities, including individ-
 17 uals who use wheelchairs; and

18 “(E) is not located in a restroom.”.

19 (b) *PROJECT GRANTS WRITTEN ASSURANCES FOR*
 20 *LARGE AND MEDIUM HUB AIRPORTS.—*

21 (1) *IN GENERAL.—Section 47107(a) is amend-*
 22 *ed—*

23 (A) *in paragraph (20), by striking “and”*
 24 *at the end;*

1 (B) in paragraph (21), by striking the pe-
2 riod at the end and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(22) with respect to a medium hub airport or
5 large hub airport, the airport owner or operator will
6 maintain a lactation area in each passenger terminal
7 building of the commercial service airport in the ster-
8 ile area (as defined in section 1540.5 of title 49, Code
9 of Federal Regulations) of the building.”.

10 (2) *APPLICABILITY.*—

11 (A) *IN GENERAL.*—The amendment made
12 by paragraph (1) shall apply to a project grant
13 application submitted for a fiscal year beginning
14 on or after the date that is 2 years after the date
15 of enactment of this Act.

16 (B) *SPECIAL RULE.*—The requirement in
17 the amendments made by paragraph (1) that a
18 lactation area be located in the sterile area of a
19 passenger terminal building shall not apply with
20 respect to a project grant application for a pe-
21 riod of time, determined by the Secretary of
22 Transportation, if the Secretary determines that
23 construction or maintenance activities make it
24 impracticable or unsafe for the lactation area to
25 be located in the sterile area of the building.

1 (c) *TERMINAL DEVELOPMENT COSTS.*—Section
2 47119(a) is amended by adding at the end the following:

3 “(3) *LACTATION AREAS.*—In addition to the
4 projects described in paragraph (1), the Secretary
5 may approve a project for terminal development for
6 the construction or installation of a lactation area in
7 1 or more passenger terminal buildings at a commer-
8 cial service airport.”.

9 (d) *PRE-EXISTING FACILITIES.*—On application by an
10 airport sponsor, the Secretary of Transportation may deter-
11 mine that a lactation area in existence on the date of enact-
12 ment of this Act complies with the requirement of section
13 47107(a)(22) of title 49, United States Code, as added by
14 subsection (b), notwithstanding the absence of one of the fa-
15 cilities or characteristics referred to in the definition of the
16 term “lactation area” in section 47102 of that title, as
17 added by subsection (a).

18 **SEC. 1223. DEFINITION OF SMALL BUSINESS CONCERN.**

19 Section 47113(a)(1) is amended to read as follows:

20 “(1) ‘small business concern’—

21 “(A) has the meaning given the term in sec-
22 tion 3 of the Small Business Act (15 U.S.C.
23 632); but

24 “(B) in the case of a concern in the con-
25 struction industry, a concern shall be considered

1 *a small business concern if the concern meets the*
 2 *size standard for the North American Industry*
 3 *Classification System Code 237310, as adjusted*
 4 *by the Small Business Administration;”.*

5 **SEC. 1224. STATE STANDARDS FOR AIRPORT PAVEMENTS.**

6 *Section 47105(c) is amended—*

7 (1) *by inserting “(1) IN GENERAL.—” before*
 8 *“The Secretary” the first place it appears; and*

9 (2) *by adding at the end the following:*

10 “(2) *PAVEMENT STANDARDS.—*

11 “(A) *TECHNICAL ASSISTANCE.—At the re-*
 12 *quest of a State, the Secretary shall, not later*
 13 *than 30 days after the date of the request, pro-*
 14 *vide technical assistance to the State in devel-*
 15 *oping standards, acceptable to the Secretary*
 16 *under subparagraph (B), for pavement on non-*
 17 *primary public-use airports in the State.*

18 “(B) *REQUIREMENTS.—The Secretary*
 19 *shall—*

20 “(i) *continue to provide technical as-*
 21 *sistance under subparagraph (A) until the*
 22 *standards are approved under paragraph*
 23 *(1); and*

24 “(ii) *clearly indicate to the State the*
 25 *standards that are acceptable to the Sec-*

1 retary, considering, at a minimum, local
2 conditions and locally available materials.”.

3 **SEC. 1225. ELIGIBILITY OF CCTV PROJECTS FOR AIRPORT**
4 **IMPROVEMENT PROGRAM.**

5 Section 47119(a)(1)(B) is amended—

6 (1) by striking “directly related to moving pas-
7 sengers” and inserting the following: “directly related
8 to—

9 “(i) moving passengers”;

10 (2) by striking “; and” at the end and inserting
11 “; or”; and

12 (3) by adding at the end the following:

13 “(ii) installing security cameras in the
14 public area of the interior and exterior of
15 the terminal; and”.

16 **SEC. 1226. CLARIFICATION OF REIMBURSABLE ALLOWED**
17 **COSTS OF FAA MEMORANDA OF AGREEMENT.**

18 Section 47504(c)(2) is amended—

19 (1) in subparagraph (D), by striking “and” at
20 the end;

21 (2) in subparagraph (E), by striking the period
22 at the end and inserting “; and”; and

23 (3) by adding at the end the following:

24 “(F) to an airport operator of a congested
25 airport (as defined in section 47175) and a unit

1 *of local government referred to in paragraph*
2 *(1)(B) to carry out a project to mitigate noise,*
3 *if the project—*

4 *“(i) consists of—*

5 *“(I) replacement windows, doors,*
6 *and the installation of through-the-wall*
7 *air-conditioning units; or*

8 *“(II) acquisition or installation of*
9 *windows, doors, or other noise mitiga-*
10 *tion elements to be used in a school re-*
11 *construction, if reconstruction is the*
12 *preferred local solution;*

13 *“(ii) is located at a school near the*
14 *airport; and*

15 *“(iii) is included in a memorandum of*
16 *agreement entered into before September 30,*
17 *2002, even if the airport has not met the re-*
18 *quirements of part 150 of title 14, Code of*
19 *Federal Regulations, and only if the finan-*
20 *cial limitations of the memorandum are ap-*
21 *plied.”.*

1 **SEC. 1227. LIMITED REGULATION OF NON-FEDERALLY**
2 **SPONSORED PROPERTY.**

3 (a) *IN GENERAL.*—*Except as provided in subsection*
4 *(b), the Secretary of Transportation may not directly or*
5 *indirectly regulate—*

6 (1) *the acquisition, use, lease, encumbrance,*
7 *transfer, or disposal of land by an airport owner or*
8 *operator;*

9 (2) *any facility upon such land; or*

10 (3) *any portion of such land or facility.*

11 (b) *EXCEPTIONS.*—*Subsection (a) does not apply to*
12 *any regulation—*

13 (1) *ensuring—*

14 (A) *the safe and efficient operation of air-*
15 *craft;*

16 (B) *that an airport owner or operator re-*
17 *ceives not less than fair market value in the con-*
18 *text of a commercial transaction for the use,*
19 *lease, encumbrance, transfer, or disposal of land,*
20 *any facilities on such land, or any portion of*
21 *such land or facilities; or*

22 (C) *that the airport pays not more than*
23 *fair market value in the context of a commercial*
24 *transaction for the acquisition of land or facili-*
25 *ties on such land; or*

1 (2) *imposed with respect to land or a facility ac-*
 2 *quired using Federal funding.*

3 (c) *RULE OF CONSTRUCTION.—Nothing in this section*
 4 *shall be construed to affect the applicability of section*
 5 *47107(b) or 47113 of title 49, United States Code, to reve-*
 6 *nues generated by the use, lease, encumbrance, transfer, or*
 7 *disposal of land under subsection (a), facilities upon such*
 8 *land, or any portion of such land or facilities.*

9 **SEC. 1228. PILOT PROGRAM FOR USE OF SOCIAL AND ECO-**
 10 **NOMIC CONTRACTING REQUIREMENTS**
 11 **UNDER FEDERAL AVIATION ADMINISTRATION**
 12 **GRANTS.**

13 (a) *IN GENERAL.—The Secretary of Transportation*
 14 *shall establish a pilot program under which a sponsor that*
 15 *receives a grant from the Federal Aviation Administration*
 16 *to carry out a project may use social or economic con-*
 17 *tracting requirements, such as local or other geographic*
 18 *labor hiring preferences, economic-based labor hiring pref-*
 19 *erences, or hiring preferences for veterans, in entering into*
 20 *contracts to carry out that project.*

21 (b) *MODEL.—The pilot program established under sub-*
 22 *section (a) shall be modeled after the pilot program an-*
 23 *nounced by the Department of Transportation in the Fed-*
 24 *eral Register on March 6, 2015 (80 Fed. Reg. 12257) under*
 25 *which recipients of grants from the Federal Highway Ad-*

1 *ministration or the Federal Transit Administration may*
 2 *use social or economic contracting requirements.*

3 *(c) TERMINATION.—*

4 *(1) IN GENERAL.—The pilot program established*
 5 *under subsection (a) shall terminate on the date that*
 6 *is 3 years after the date of enactment of this Act.*

7 *(2) APPLICABILITY TO CONTRACTS.—Contracting*
 8 *requirements authorized under the pilot program es-*
 9 *tablished under subsection (a) shall continue to apply*
 10 *to a contract awarded under the pilot program before*
 11 *the termination date specified in paragraph (1) until*
 12 *the termination date of the contract.*

13 *(d) REPORT REQUIRED.—Not later than 180 days*
 14 *after the termination of the pilot program under subsection*
 15 *(c)(1), the Secretary shall submit to Congress a report as-*
 16 *sessing—*

17 *(1) the effects of the use of contracting require-*
 18 *ments described in subsection (a) under the pilot pro-*
 19 *gram on the competitive bidding process for contracts*
 20 *to carry out projects for which the Federal Aviation*
 21 *Administration provided grants; and*

22 *(2) the advisability of authorizing the use of such*
 23 *requirements on an ongoing basis.*

24 *(e) GUIDELINES.—A sponsor using contracting re-*
 25 *quirements described in subsection (a) for a project under*

1 *the pilot program established under that subsection shall*
 2 *submit to the Secretary information necessary for the report*
 3 *required by subsection (d), including—*

4 *(1) information on the effects of using such con-*
 5 *tracting requirements on—*

6 *(A) the competitive bidding process for con-*
 7 *tracts to carry out the project; and*

8 *(B) the costs of the project;*

9 *(2) information on the social and economic ef-*
 10 *fects of using such contracting requirements;*

11 *(3) information on the effects of using such con-*
 12 *tracting requirements on veterans; and*

13 *(4) such other information relating to the pilot*
 14 *program as the Secretary may request.*

15 ***Subtitle C—FLIGHT Act of 2017***

16 ***SEC. 1301. SHORT TITLE.***

17 *(a) SHORT TITLE.—This subtitle may be cited as the*
 18 *“Forward Looking Investment in General Aviation, Hang-*
 19 *ars, and Tarmacs Act of 2017” or the “FLIGHT Act of*
 20 *2017”.*

21 ***SEC. 1302. GENERAL AVIATION AIRPORT ENTITLEMENT RE-*** 22 ***FORM.***

23 *(a) APPORTIONMENT.—Section 47114(d)(3) is amend-*
 24 *ed—*

1 (1) by redesignating subparagraphs (A) and (B)
2 as subparagraphs (B) and (C), respectively;

3 (2) by inserting before subparagraph (B), as re-
4 designated, the following:

5 “(A) Not less than \$25,000,000 to airports
6 designated as disaster relief airports under sec-
7 tion 47132 to enhance the ability of such air-
8 ports to aid in disaster relief, including through
9 funding for airport development described in sec-
10 tion 47102(3)(P).”; and

11 (3) in subparagraph (B), as redesignated, by
12 striking “To each airport” and inserting “Subject to
13 subparagraph (A), to each airport”.

14 (b) *PERIOD OF AVAILABILITY*.—Section 47117(b) is
15 amended by striking “3” and inserting “4”.

16 (c) *UNITED STATES SHARE OF PROJECT COSTS*.—Sec-
17 tion 47109 is amended by adding at the end the following:

18 “(g) *COST SHARE*.—

19 “(1) *IN GENERAL*.—Subject to paragraph (2), the
20 Government’s share of allowable project costs may be
21 increased by the Administrator to 95 percent for a
22 project at an airport that is categorized as a basic or
23 unclassified airport in the most recently published
24 National Plan of Integrated Airport Systems
25 (NPIAS) report.

1 “(2) *MULTI-YEAR PROJECTS.*—If an airport
 2 sponsor has an approved multi-year project, approved
 3 by the Administrator, and the airport is recategorized
 4 above basic category, the cost share for that project
 5 shall remain at the cost share specified in paragraph
 6 (1) for the duration of the project.”.

7 (d) *USE OF APPORTIONED AMOUNTS.*—Section
 8 47117(e)(1) is amended by adding at the end the following:

9 “(D) All amounts subject to apportionment
 10 for a fiscal year that are not apportioned under
 11 section 47114(d), for grants to sponsors of gen-
 12 eral aviation airports, reliever airports, or non-
 13 primary commercial service airports.”.

14 **SEC. 1303. EXTENDING AVIATION DEVELOPMENT STREAM-**
 15 **LINING.**

16 (a) *IN GENERAL.*—Section 47171 is amended—

17 (1) in subsection (a), in the matter preceding
 18 paragraph (1), by inserting “general aviation airport
 19 construction or improvement projects,” after “con-
 20 gested airports,”;

21 (2) in subsection (b)—

22 (A) by redesignating paragraph (2) as
 23 paragraph (3); and

24 (B) by inserting after paragraph (1) the fol-
 25 lowing:

1 “(2) *GENERAL AVIATION AIRPORT CONSTRUCTION*
 2 *OR IMPROVEMENT PROJECT.*—*A general aviation air-*
 3 *port construction or improvement project shall be sub-*
 4 *ject to the coordinated and expedited environmental*
 5 *review process requirements set forth in this section.”;*

6 (3) *in subsection (c)(1), by striking “(b)(2)” and*
 7 *inserting “(b)(3)”;*

8 (4) *in subsection (d), by striking “(b)(2)” and*
 9 *inserting “(b)(3)”;*

10 (5) *in subsection (h), by striking “(b)(2)” and*
 11 *inserting “(b)(3)”;* *and*

12 (6) *in subsection (k), by striking “(b)(2)” and*
 13 *inserting “(b)(3)”.*

14 (b) *DEFINITIONS.*—*Section 47175 is amended—*

15 (1) *by redesignating paragraphs (1), (2), (3),*
 16 (4), *and (5) as paragraphs (2), (5), (1), (3), and (4),*
 17 *respectively, and by rearranging such paragraphs so*
 18 *that they appear in numerical order;*

19 (2) *by redesignating paragraph (7) as para-*
 20 *graph (8); and*

21 (3) *by inserting after paragraph (6) the fol-*
 22 *lowing:*

23 “(7) *GENERAL AVIATION AIRPORT CONSTRUCTION*
 24 *OR IMPROVEMENT PROJECT.*—*The term ‘general avia-*

1 *tion airport construction or improvement project'*
 2 *means—*

3 *“(A) a project for the construction or exten-*
 4 *sion of a runway, including any land acquisi-*
 5 *tion, helipad, taxiway, safety area, apron, or*
 6 *navigational aids associated with the runway or*
 7 *runway extension, at a general aviation airport,*
 8 *a reliever airport, or a commercial service air-*
 9 *port that is not a primary airport (as such*
 10 *terms are defined in section 47102); and*

11 *“(B) any other airport development project*
 12 *that the Secretary designates as facilitating*
 13 *aviation capacity building projects at a general*
 14 *aviation airport.”.*

15 **SEC. 1304. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNER-**
 16 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
 17 **PORTS.**

18 *(a) IN GENERAL.—Chapter 481 of title 49, United*
 19 *States Code, is amended by adding at the end the following:*
 20 **“§48115. General aviation public-private partnership**
 21 **program**

22 *“(a) SMALL AIRPORT PUBLIC-PRIVATE PARTNERSHIP*
 23 *PROGRAM.—The Secretary of Transportation shall establish*
 24 *a program that meets the requirements under this section*
 25 *for improving facilities at—*

1 “(1) *general aviation airports; and*

2 “(2) *privately owned airports used or intended*
3 *to be used for public purposes that do not have sched-*
4 *uled air service.*

5 “(b) *APPLICATION REQUIRED.—The operator or spon-*
6 *sor of an airport, or the community in which an airport*
7 *is located, seeking, on behalf of the airport, to participate*
8 *in the program established under subsection (a) shall sub-*
9 *mit an application to the Secretary in such form, at such*
10 *time, and containing such information as the Secretary*
11 *may require, including—*

12 “(1) *an assessment of the needs of the airport for*
13 *additional or improved hangars, airport businesses,*
14 *or other facilities;*

15 “(2) *the ability of the airport to leverage private*
16 *sector investments on the airport or develop public-*
17 *private partnerships to build or improve facilities at*
18 *the airport; and*

19 “(3) *if the application is submitted by a commu-*
20 *nity, evidence that the airport supports the applica-*
21 *tion.*

22 “(c) *LIMITATION.—*

23 “(1) *STATE LIMIT.—Not more than 4 airports in*
24 *the same State may be selected to participate in the*

1 *program established under subsection (a) in any fis-*
2 *cal year.*

3 “(2) *DOLLAR AMOUNT LIMIT.*—*Not more than*
4 *\$500,000 shall be made available for any one-time*
5 *grant to an airport in any fiscal year under the pro-*
6 *gram established under subsection (a).*

7 “(d) *PRIORITIES.*—*In selecting airports for participa-*
8 *tion in the program established under subsection (a), the*
9 *Secretary shall give priority to airports at which—*

10 “(1) *the operator or sponsor of the airport, or the*
11 *community in which the airport is located—*

12 “(A) *will provide a portion of the cost of the*
13 *project for which assistance is sought under the*
14 *program from local sources;*

15 “(B) *will employ best business practices in*
16 *developing or implementing a public-private*
17 *partnership; or*

18 “(C) *has established, or will establish, a*
19 *public-private partnership to build or improve*
20 *facilities at the airport; or*

21 “(2) *the assistance will be used in a timely fash-*
22 *ion.*

23 “(e) *TYPES OF ASSISTANCE.*—*The Secretary may use*
24 *amounts made available under this section—*

1 “(1) to provide assistance to market an airport
 2 to private entities or individuals in order to leverage
 3 private sector investments or develop public-private
 4 partnerships for the purposes of building or improv-
 5 ing hangars, businesses, or other facilities at the air-
 6 port;

7 “(2) to fund studies that consider what measures
 8 an airport should take to attract private sector invest-
 9 ment at the airport; or

10 “(3) to participate in a partnership described in
 11 paragraph (1) or an investment described in para-
 12 graph (2).

13 “(f) *AUTHORITY TO MAKE AGREEMENTS.*—The Sec-
 14 retary may enter into agreements with airports and entities
 15 entering into partnerships with airports under this section
 16 to provide assistance under this section.

17 “(g) *AVAILABILITY OF AMOUNTS FROM AIRPORT AND*
 18 *AIRWAY TRUST FUND.*—

19 “(1) *IN GENERAL.*—There is authorized to be ap-
 20 propriated, out of the Airport and Airway Trust
 21 Fund established under section 9502 of the Internal
 22 Revenue Code of 1986, \$5,000,000 for each of the fis-
 23 cal years 2018 through 2021 to carry out this section.
 24 Amounts appropriated pursuant to this paragraph
 25 shall remain available until expended.

1 “(2) *AVAILABILITY.*—Amounts appropriated
2 pursuant to paragraph (1)—

3 “(A) shall remain available until expended;
4 and

5 “(B) shall be in addition to any amounts
6 made available pursuant to section 48103.”.

7 (b) *TABLE OF CONTENTS.*—The table of contents for
8 chapter 481 is amended by adding at the end the following:
 “48115. General aviation public-private partnership program.”.

9 **SEC. 1305. DISASTER RELIEF AIRPORTS.**

10 (a) *DESIGNATION OF DISASTER RELIEF AIRPORTS.*—

11 (1) *IN GENERAL.*—Subchapter I of chapter 471
12 is amended by inserting after section 47131 the fol-
13 lowing:

14 **“§ 47132. Disaster relief airports**

15 “(a) *DESIGNATION.*—

16 “(1) *IN GENERAL.*—The Secretary of Transpor-
17 tation shall designate as a disaster relief airport an
18 airport that—

19 “(A) is categorized as a regional reliever
20 airport in the most recently published National
21 Plan of Integrated Airport Systems (NPIAS) re-
22 port;

23 “(B) is within a reasonable distance, as de-
24 termined by the Secretary, of a hospital or trans-
25 plant or trauma center;

1 “(C) is in a region that the Secretary deter-
 2 mines under subsection (b) is prone to natural
 3 disasters;

4 “(D) has at least 1 paved runway with not
 5 less than 3,400 feet of useable length capable of
 6 supporting aircraft up to 12,500 pounds;

7 “(E) has aircraft maintenance or servicing
 8 facilities at the airport able to provide aircraft
 9 fueling and light maintenance services; and

10 “(F) has adequate taxiway and ramp space
 11 to accommodate single engine or light multi-en-
 12 gine aircraft simultaneously for loading and un-
 13 loading of supplies.

14 “(2) DESIGNATION IN STATES WITHOUT QUALI-
 15 FYING AIRPORTS.—If fewer than 3 airports described
 16 in paragraph (1) are located in a State, the Sec-
 17 retary, in consultation with aviation officials of that
 18 State, shall designate not more than 3 general avia-
 19 tion airports in that State as a disaster relief airport
 20 under this section.

21 “(b) PRONE TO NATURAL DISASTERS.—

22 “(1) IN GENERAL.—For the purposes of sub-
 23 section (a)(1)(C), a region is prone to natural disas-
 24 ters if—

1 “(A) *in the case of earthquakes, there is not*
 2 *less than a 50 percent probability that an earth-*
 3 *quake of magnitude 6 or above will occur in the*
 4 *region within 30 years, according to the United*
 5 *States Geological Survey; or*

6 “(B) *in the case of other types of natural*
 7 *disasters, the President has declared more than 5*
 8 *major disasters in the region under section 401*
 9 *of the Robert T. Stafford Disaster Relief and*
 10 *Emergency Assistance Act (42 U.S.C. 5170), ac-*
 11 *cording to the most recent map of the Federal*
 12 *Emergency Management Agency.*

13 “(2) *NATURAL DISASTER DEFINED.—For the*
 14 *purposes of this section, the term ‘natural disaster’*
 15 *includes a hurricane, tornado, severe storm, high*
 16 *water, wind-driven water, tidal wave, tsunami, earth-*
 17 *quake, volcanic eruption, landslide, mudslide, snow-*
 18 *storm, drought, or wildfire.*

19 “(c) *REQUIREMENTS.—*

20 “(1) *OPERATION AND MAINTENANCE.—*

21 “(A) *IN GENERAL.—A disaster relief airport*
 22 *and the facilities and fixed-based operators on or*
 23 *connected with the airport shall be operated and*
 24 *maintained in a manner the Secretary consider*
 25 *suitable for disaster relief.*

1 “(B) *EXCLUSION.*—A disaster relief airport
 2 shall not be considered to be in violation of sub-
 3 paragraph (A) if a runway is unuseable because
 4 the runway is under scheduled maintenance or is
 5 in need of necessary repairs.

6 “(2) *COMPLIANCE WITH ASSURANCES ON AIR-*
 7 *PORT OPERATIONS.*—A disaster relief airport shall
 8 comply with the provisions of section 47107 without
 9 regard whether the airport has received a project
 10 grant under this subchapter.

11 “(3) *NATURAL DISASTER MANAGEMENT PLAN.*—
 12 A disaster relief airport shall develop an emergency
 13 natural disaster management plan in coordination
 14 with local emergency response teams and first re-
 15 sponders.

16 “(d) *CIVIL PENALTY.*—A public agency that knowingly
 17 violates this section shall be liable to the United States Gov-
 18 ernment for a civil penalty of not more than \$10,000 for
 19 each day of the violation.

20 “(e) *CONSIDERATION FOR PROJECT GRANTS.*—The
 21 Secretary shall give consideration to the role an airport
 22 plays in disaster relief when determining whether to pro-
 23 vide a grant for the airport under this subchapter.

1 “(f) *APPLICABILITY OF OTHER LAWS.*—*This section*
 2 *shall apply notwithstanding any other law, including regu-*
 3 *lations and agreements.*”.

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 5 *chapter 471 is amended by inserting after the item relating*
 6 *to section 47131 the following:*

 “47132. *Disaster relief airports.*”.

7 **SEC. 1306. AIRPORT DEVELOPMENT RELATING TO DIS-**
 8 **ASTER RELIEF.**

9 Section 47102(3), as amended by sections 1216 and
 10 1222, is further amended by adding at the end the fol-
 11 lowing:

12 “(P) *planning, acquiring, or constructing*
 13 *at an airport designated as a disaster relief air-*
 14 *port under section 47132, including—*

15 “(i) *planning for disaster preparedness*
 16 *associated with maintaining airport oper-*
 17 *ations during a natural disaster;*

18 “(ii) *airport communication equip-*
 19 *ment and fixed emergency generators that*
 20 *are not able to be acquired by programs*
 21 *funded under the Department of Homeland*
 22 *Security; and*

23 “(iii) *constructing, expanding, and im-*
 24 *proving airfield infrastructure to include*
 25 *aprons and terminal buildings the Sec-*

1 retary determines will facilitate disaster re-
2 sponse at the airport.”.

3 **SEC. 1307. INCLUSION OF COVERED AIRCRAFT CONSTRUC-**
4 **TION IN DEFINITION OF AERONAUTICAL AC-**
5 **TIVITY FOR PURPOSES OF AIRPORT IMPROVE-**
6 **MENT GRANTS.**

7 Section 47107 is amended by adding at the end the
8 following:

9 “(u) CONSTRUCTION, REPAIR, AND RESTORATION OF
10 RECREATIONAL AIRCRAFT.—

11 “(1) IN GENERAL.—The construction of a covered
12 aircraft shall be treated as an aeronautical activity
13 for purposes of—

14 “(A) determining an airport sponsor’s com-
15 pliance with a grant assurance made under this
16 section or any other provision of law; and

17 “(B) the receipt of Federal financial assist-
18 ance for airport development.

19 “(2) COVERED AIRCRAFT DEFINED.—In this sub-
20 section, the term ‘covered aircraft’ means an air-
21 craft—

22 “(A) used or intended to be used exclusively
23 for recreational purposes to be operated under
24 appropriate regulations under title 14 of the
25 Code of Federal Regulations; and

1 “(B) constructed or under construction, re-
 2 pair, or restoration by a private individual at a
 3 general aviation airport.”.

4 ***Subtitle D—Passenger Facility***
 5 ***Charges***

6 ***SEC. 1401. PFC STREAMLINING.***

7 (a) *PASSENGER FACILITY CHARGES; GENERAL AU-*
 8 *THORITY.*—Section 40117(b)(4) is amended—

9 (1) *in the matter preceding subparagraph (A),*
 10 *by striking “, if the Secretary finds—” and inserting*
 11 *a period; and*

12 (2) *by striking subparagraphs (A) and (B).*

13 (b) *PILOT PROGRAM FOR PASSENGER FACILITY*
 14 *CHARGE AUTHORIZATIONS AT NONHUB AIRPORTS.*—Sec-
 15 *tion 40117(l) is amended—*

16 (1) *in the heading by striking “NONHUB” and*
 17 *inserting “CERTAIN”;*

18 (2) *in paragraph (1), by striking “nonhub” and*
 19 *inserting “nonhub, small hub, medium hub, and large*
 20 *hub”;* and

21 (3) *in paragraph (6), by striking “Not later than*
 22 *180 days after the date of enactment of this sub-*
 23 *section, the” and inserting “The”.*

1 **SEC. 1402. INTERMODAL ACCESS PROJECTS.**

2 *Section 40117 is amended by adding at the end the*
 3 *following:*

4 *“(n) PFC ELIGIBILITY FOR INTERMODAL GROUND AC-*
 5 *CESS PROJECTS.—*

6 *“(1) IN GENERAL.—The Secretary may authorize*
 7 *a passenger facility charge imposed under subsection*
 8 *(b)(1) to be used to finance the eligible capital costs*
 9 *of an intermodal ground access project.*

10 *“(2) DEFINITION OF INTERMODAL GROUND AC-*
 11 *CESS PROJECT.—In this subsection, the term ‘inter-*
 12 *modal ground access project’ means a project for con-*
 13 *structing a local facility owned or operated by an eli-*
 14 *gible agency that—*

15 *“(A) is located on airport property; and*

16 *“(B) is directly and substantially related to*
 17 *the movement of passengers or property traveling*
 18 *in air transportation.*

19 *“(3) ELIGIBLE CAPITAL COSTS.—The eligible*
 20 *capital costs of an intermodal ground access project*
 21 *shall be the lesser of—*

22 *“(A) the total capital cost of the project*
 23 *multiplied by the ratio that the number of indi-*
 24 *viduals projected to use the project to gain access*
 25 *to or depart from the airport bears to the total*

1 *number of individuals projected to use the local*
 2 *facility; or*

3 “(B) *the total cost of the capital improve-*
 4 *ments that are located on airport property.*

5 “(4) *DETERMINATIONS.—The Secretary shall de-*
 6 *termine the projected use and cost of a project for*
 7 *purposes of paragraph (3) at the time the project is*
 8 *approved under this subsection, except that, in the*
 9 *case of a project to be financed in part using funds*
 10 *administered by the Federal Transit Administration,*
 11 *the Secretary shall use the travel forecasting model for*
 12 *the project at the time the project is approved by the*
 13 *Federal Transit Administration to enter preliminary*
 14 *engineering to determine the projected use and cost of*
 15 *the project for purposes of paragraph (3).*

16 “(5) *NONATTAINMENT AREAS.—For airport*
 17 *property, any area of which is located in a non-*
 18 *attainment area (as defined under section 171 of the*
 19 *Clean Air Act (42 U.S.C. 7501)) for 1 or more cri-*
 20 *teria pollutant, the airport emissions reductions from*
 21 *less airport surface transportation and parking as a*
 22 *direct result of the development of an intermodal*
 23 *project on the airport property would be eligible for*
 24 *air quality emissions credits.”.*

1 **SEC. 1403. FUTURE AVIATION INFRASTRUCTURE AND FI-**
 2 **NANCING STUDY.**

3 (a) *FUTURE AVIATION INFRASTRUCTURE AND FINANC-*
 4 *ING STUDY.*—Not later than 60 days after the date of enact-
 5 ment of this Act, the Secretary of Transportation shall enter
 6 into an agreement with a qualified organization to conduct
 7 a study and make recommendations on the actions needed
 8 to upgrade and restore the national aviation infrastructure
 9 system to its role as a premier system that meets the grow-
 10 ing and shifting demands of the 21st century, including air-
 11 port infrastructure needs and existing financial resources
 12 for commercial service airports.

13 (b) *CONSULTATION.*—In carrying out the study, the
 14 qualified organization shall convene and consult with a
 15 panel of national experts, including representatives of—

- 16 (1) *nonhub airports;*
- 17 (2) *small hub airports;*
- 18 (3) *medium hub airports;*
- 19 (4) *large hub airports;*
- 20 (5) *airports with international service;*
- 21 (6) *non-primary airports;*
- 22 (7) *local elected officials;*
- 23 (8) *relevant labor organizations;*
- 24 (9) *passengers;*
- 25 (10) *air carriers; and*
- 26 (11) *the tourism industry.*

1 (c) *CONSIDERATIONS.—In carrying out the study, the*
2 *qualified organization shall consider—*

3 (1) *the ability of airport infrastructure to meet*
4 *current and projected passenger volumes;*

5 (2) *the available financial tools and resources for*
6 *airports of different sizes;*

7 (3) *the available financing tools and resources*
8 *for airports in rural areas;*

9 (4) *the current debt held by airports, and its im-*
10 *impact on future construction and capacity needs;*

11 (5) *the impact of capacity constraints on pas-*
12 *sengers and ticket prices;*

13 (6) *the purchasing power of the passenger facil-*
14 *ity charge from the last increase in 2000 to the year*
15 *of enactment of this Act;*

16 (7) *the impact to passengers and airports of in-*
17 *dexing the passenger facility charge for inflation;*

18 (8) *how long airports are constrained with cur-*
19 *rent passenger facility charge collections;*

20 (9) *the impact of passenger facility charges on*
21 *promoting competition;*

22 (10) *the additional resources or options to fund*
23 *terminal construction projects;*

24 (11) *the resources eligible for use toward noise*
25 *reduction and emission reduction projects;*

1 (12) *the gap between the cost of projects eligible*
 2 *for the airport improvement program and the annual*
 3 *Federal funding provided;*

4 (13) *the impact of regulatory requirements on*
 5 *airport infrastructure financing needs;*

6 (14) *airline competition;*

7 (15) *airline ancillary fees and their impact on*
 8 *ticket pricing and taxable revenue; and*

9 (16) *the ability of airports to finance necessary*
 10 *safety, security, capacity, and environmental projects*
 11 *identified in capital improvement plans.*

12 (d) *REPORT.*—*Not later than 15 months after the date*
 13 *of enactment of this Act, the qualified organization shall*
 14 *submit to the Secretary and the appropriate committees of*
 15 *Congress a report on its findings and recommendations.*

16 (e) *FUNDING.*—*The Secretary is authorized to use such*
 17 *sums as are necessary to carry out the requirements of this*
 18 *section.*

19 (f) *DEFINITION OF QUALIFIED ORGANIZATION.*—*In*
 20 *this section, the term “qualified organization” means an*
 21 *independent nonprofit organization that recommends solu-*
 22 *tions to public policy challenges through objective research*
 23 *and analysis.*

24 **SEC. 1404. AIRPORT VEHICLE EMISSIONS.**

25 *Section 40117(a)(3)(G) is amended to read as follows:*

“(G) A project to reduce emissions under subchapter I of chapter 471 or to use cleaner burning conventional fuels, or for acquiring for use at a commercial service airport vehicles or ground support equipment that include low-emission technology or to use cleaner burning fuels, or if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), a project to retrofit any such vehicles or equipment that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if such project would be able to receive emission credits for the project from the governing State or Federal environmental agency as described in section 47139.”.

**SEC. 1405. USE OF PASSENGER FACILITY CHARGE REVENUE
TO ENHANCE SECURITY AT AIRPORTS.**

Section 40117(a)(3) is amended by adding at the end the following:

“(H) A project for the construction, repair, or improvement of facilities at an airport, or for

1 *the acquisition or installation of equipment at*
 2 *an airport, to enhance the security of any area*
 3 *of the airport directly and substantially related*
 4 *to the movement of passengers and baggage in*
 5 *air transportation. Such a project shall not in-*
 6 *clude the acquisition, installation, operation or*
 7 *maintenance of screening equipment and tech-*
 8 *nology or the functions or activities of the Trans-*
 9 *portation Security Administration under sub-*
 10 *sections (d) and (e) of section 114.”.*

11 ***TITLE II—SAFETY***
 12 ***Subtitle A—Unmanned Aircraft***
 13 ***Systems Reform***

14 ***SEC. 2001. DEFINITIONS.***

15 (a) *IN GENERAL.*—*Unless expressly provided other-*
 16 *wise, the terms used in this subtitle have the meanings given*
 17 *the terms in section 44801 of title 49, United States Code,*
 18 *as added by section 2121 of this Act.*

19 (b) *DEFINITION OF CIVIL AIRCRAFT.*—*The term “civil*
 20 *aircraft” has the meaning given the term in section 40102*
 21 *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 *tention, 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. COMMERCIAL AND GOVERNMENTAL OPERATORS.**

9 *(a) IN GENERAL.—Except for model aircraft under*
10 *section 44808 of title 49, United States Code, in authorizing*
11 *the operation of any public unmanned aircraft system or*
12 *the operation of any unmanned aircraft system by a person*
13 *conducting civil aircraft operations, the Administrator of*
14 *the Federal Aviation Administration, to the extent prac-*
15 *ticable and consistent with applicable law and without*
16 *compromising national security, homeland defense, or law*
17 *enforcement, shall make the identifying information in sub-*
18 *section (b) available to the public via an easily searchable*
19 *online database. The Administrator shall place a clear and*
20 *conspicuous link to the database on the home page of the*
21 *Federal Aviation Administration’s website.*

22 *(b) CONTENTS.—The database described in subsection*
23 *(a) shall contain the following:*

24 *(1) The name of each individual, or agency, as*
25 *applicable, authorized to conduct civil or public un-*

1 *manned aircraft systems operations described in sub-*
2 *section (a).*

3 (2) *The name of each owner of an unmanned*
4 *aircraft system described in paragraph (1).*

5 (3) *The expiration date of any authorization re-*
6 *lated to a person identified in paragraph (1) or para-*
7 *graph (2).*

8 (4) *The contact information for each person*
9 *identified in paragraphs (1) and (2), including a*
10 *telephone number and an electronic mail address, in*
11 *accordance with applicable privacy laws.*

12 (5) *The tail number or specific identification*
13 *number of all unmanned aircraft authorized for use*
14 *that links each unmanned aircraft to the owner of*
15 *that aircraft.*

16 (6) *For any unmanned aircraft system, except*
17 *those operated for news gathering activities protected*
18 *by the First Amendment to the Constitution of the*
19 *United States, that will collect personally identifiable*
20 *information about individuals, including the use of*
21 *facial recognition—*

22 (A) *the circumstance under which the sys-*
23 *tem will be used;*

1 (B) the specific kinds of personally identifi-
2 able information that the system will collect
3 about individuals; and

4 (C) how the information referred to in sub-
5 paragraph (B), and the conclusions drawn from
6 such information, will be used, disclosed, and
7 otherwise handled, including—

8 (i) how the collection or retention of
9 such information that is unrelated to the
10 specific use will be minimized;

11 (ii) under what circumstances such in-
12 formation might be sold, leased, or otherwise
13 provided to third parties;

14 (iii) the period during which such in-
15 formation will be retained;

16 (iv) when and how such information,
17 including information no longer relevant to
18 the specified use, will be destroyed; and

19 (v) steps that will be used to protect
20 against the unauthorized disclosure of any
21 information or data, such as the use of
22 encryption methods and other security fea-
23 tures.

24 (7) With respect to public unmanned aircraft
25 systems—

1 (A) the locations where the unmanned air-
2 craft system will operate;

3 (B) the time during which the unmanned
4 aircraft system will operate;

5 (C) the general purpose of the flight; and

6 (D) the technical capabilities that the un-
7 manned aircraft system possesses.

8 (c) *RECORDS.*—Each person described in subsection
9 (b)(1), to the extent practicable without compromising na-
10 tional security, homeland defense, or law enforcement shall
11 maintain and make available to the Administrator for not
12 less than 1 year a record of the name and contact informa-
13 tion of each person on whose behalf the unmanned aircraft
14 system has been operated.

15 (d) *DEADLINE.*—The Administrator shall make the
16 database available not later than 1 year after the date of
17 enactment of this Act.

18 (e) *TERMINATION.*—The Administrator may cease the
19 operation of such database on the earlier of—

20 (1) the date of publication of a final rule or
21 guidance regarding identification standards under
22 section 2202 of the FAA Extension Safety and Secu-
23 rity Act of 2016 (Public Law 114-190; 130 Stat.
24 615); or

25 (2) September 30, 2021.

1 **SEC. 2105. 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 2017, 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 test sites to facili-*
 17 *tate the safe integration of unmanned aircraft systems into*
 18 *the national airspace system.*

19 “(2) *TERMINATION.*—*The program shall termi-*
 20 *nate on September 30, 2024.*

21 “(b) *PROGRAM REQUIREMENTS.*—*In establishing the*
 22 *program under subsection (a), the Administrator shall—*

23 “(1) *designate airspace for safely testing the in-*
 24 *tegration of unmanned flight operations in the na-*
 25 *tional airspace system;*

1 “(2) develop operational standards and air traf-
2 fic requirements for unmanned flight operations at
3 test sites, including test ranges;

4 “(3) coordinate with and leverage the resources
5 of the National Aeronautics and Space Administra-
6 tion and the Department of Defense;

7 “(4) address both civil and public unmanned
8 aircraft systems;

9 “(5) ensure that the program is coordinated with
10 relevant aspects of the Next Generation Air Transpor-
11 tation System;

12 “(6) provide for verification of the safety of un-
13 manned aircraft systems and related navigation pro-
14 cedures as it relates to continued development of
15 standards for integration into the national airspace
16 system;

17 “(7) engage each test site operator in projects for
18 research, development, testing, and evaluation of un-
19 manned aircraft systems to facilitate the Federal
20 Aviation Administration’s development of standards
21 for the safe integration of unmanned aircraft into the
22 national airspace system, which may include solu-
23 tions for—

24 “(A) developing and enforcing geographic
25 and altitude limitations;

1 “(B) classifications of airspace where man-
2 ufacturers must prevent flight of an unmanned
3 aircraft system;

4 “(C) classifications of airspace where manu-
5 facturers of unmanned aircraft systems must
6 alert the operator to hazards or limitations on
7 flight;

8 “(D) sense and avoid capabilities;

9 “(E) beyond visual line of sight operations,
10 nighttime operations, operations over people, and
11 unmanned aircraft systems traffic management,
12 or other critical research priorities; and

13 “(F) improving privacy protections through
14 the use of advances in unmanned aircraft sys-
15 tems technology;

16 “(8) coordinate periodically with all test site op-
17 erators to ensure test site operators know which data
18 should be collected, what procedures should be fol-
19 lowed, and what research would advance efforts to
20 safely integrate unmanned aircraft systems into the
21 national airspace system;

22 “(9) allow a test site to develop multiple test
23 ranges within the test site;

24 “(10) streamline the approval process for test
25 sites when processing unmanned aircraft certificates

1 *of waiver or authorization for operations at the test*
2 *sites;*

3 “(11) *require each test site operator to protect*
4 *proprietary technology, sensitive data, or sensitive re-*
5 *search of any civil or private entity when using that*
6 *test site without the need to obtain an experimental*
7 *or special airworthiness certificate;*

8 “(12) *evaluate options for the operation of 1 or*
9 *more small unmanned aircraft systems beyond the*
10 *visual line of sight of the operator, or at night, for*
11 *testing under controlled conditions that ensure the*
12 *safety of persons and property, including on the*
13 *ground; and*

14 “(13) *allow test site operators to receive Federal*
15 *funding, other than from the Federal Aviation Ad-*
16 *ministration, including in-kind contributions, from*
17 *test site participants in the furtherance of research,*
18 *development, and testing objectives.*

19 “(c) *TEST SITE LOCATIONS.—In determining the loca-*
20 *tion of a test site under subsection (a), the Administrator*
21 *shall—*

22 “(1) *take into consideration geographic and cli-*
23 *matic diversity;*

24 “(2) *take into consideration the location of*
25 *ground infrastructure and research needs; and*

1 “(3) *consult with the Administrator of the Na-*
2 *tional Aeronautics and Space Administration and the*
3 *Secretary of Defense.*

4 “(d) *REPORT TO CONGRESS.—*

5 “(1) *IN GENERAL.—Not later than 1 year after*
6 *the date of enactment of the Federal Aviation Admin-*
7 *istration Reauthorization Act of 2017, the Adminis-*
8 *trator shall submit to the appropriate committees of*
9 *Congress a report on the establishment and implemen-*
10 *tation of the program under subsection (a).*

11 “(2) *BRIEFINGS.—Beginning 180 days after the*
12 *date of enactment of the Federal Aviation Adminis-*
13 *tration Reauthorization Act of 2017, and every 180*
14 *days thereafter until September 30, 2024, the Admin-*
15 *istrator shall provide to the appropriate committees of*
16 *Congress a briefing that includes—*

17 “(A) *a current summary of unmanned air-*
18 *craft systems operations at the test sites since the*
19 *last briefing to Congress;*

20 “(B) *a description of all of the data gen-*
21 *erated from the operations described in subpara-*
22 *graph (A), and shared with the Federal Aviation*
23 *Administration through a cooperative research*
24 *and development agreement authorized in sub-*
25 *section (g), that relate to unmanned aircraft sys-*

1 *tems research priorities, including beyond visual*
2 *line of sight operations, nighttime operations,*
3 *operations over people, sense and avoid tech-*
4 *nology, and unmanned aircraft systems traffic*
5 *management;*

6 *“(C) a description of how the data described*
7 *in subparagraph (B) will be or is used—*

8 *“(i) to advance Federal Aviation Ad-*
9 *ministration priorities;*

10 *“(ii) to validate the safety of un-*
11 *manned aircraft systems and related tech-*
12 *nology; and*

13 *“(iii) to inform future rulemaking re-*
14 *lated to the integration of unmanned air-*
15 *craft systems into the national airspace;*

16 *“(D) an evaluation of the activities and*
17 *specific outcomes from activities at the test sites*
18 *that support the safe integration of unmanned*
19 *aircraft systems under this chapter; and*

20 *“(E) recommendations for future Federal*
21 *Aviation Administration test site operations that*
22 *would generate data necessary to inform future*
23 *rulemaking related to unmanned aircraft sys-*
24 *tems.*

1 “(e) *REVIEW OF OPERATIONS BY TEST SITE OPERA-*
2 *TIONS.—The operator of each test site under subsection (a)*
3 *shall—*

4 “(1) *review the operations of unmanned aircraft*
5 *systems conducted at the test site, including—*

6 “(A) *ongoing or completed research; and*

7 “(B) *data regarding operations by private*
8 *and public operators; and*

9 “(2) *submit to the Administrator, in such form*
10 *and manner as specified by the Administrator, the re-*
11 *sults of the review, including recommendations to fur-*
12 *ther enable private research and development oper-*
13 *ations at the test sites that contribute to the Federal*
14 *Aviation Administration’s safe integration of un-*
15 *manned aircraft systems into the national airspace*
16 *system, on a quarterly basis until the program termi-*
17 *nates.*

18 “(f) *TESTING.—The Secretary may authorize an oper-*
19 *ator of a test site described in subsection (a) to administer*
20 *testing requirements established by the Administrator for*
21 *unmanned aircraft systems operations.*

22 “(g) *COLLABORATIVE RESEARCH AND DEVELOPMENT*
23 *AGREEMENTS.—The Administrator may use the other*
24 *transaction authority under section 106(l)(6) and enter*
25 *into collaborative research and development agreements, to*

1 *direct research related to unmanned aircraft systems, in-*
 2 *cluding at any test site under subsection (a), and in coordi-*
 3 *nation with the Center of Excellence for Unmanned Aircraft*
 4 *Systems.*

5 “(h) *USE OF CENTER OF EXCELLENCE FOR UN-*
 6 *MANNED AIRCRAFT SYSTEMS.*—*The Administrator, in car-*
 7 *rying out research necessary to establish the consensus safe-*
 8 *ty standards requirements in section 44803 shall, to the*
 9 *maximum extent practicable, leverage the research and test-*
 10 *ing capacity and capabilities of the Center of Excellence*
 11 *for Unmanned Aircraft Systems and the test sites.”.*

12 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

13 (1) *TABLE OF CONTENTS.*—*The table of contents*
 14 *for chapter 448, as added by section 2121 of this Act,*
 15 *is further amended by inserting after the item relat-*
 16 *ing to section 44801 the following:*

“44802. Unmanned aircraft system test sites.”.

17 (2) *PILOT PROJECTS.*—*Section 332 of the FAA*
 18 *Modernization and Reform Act of 2012 (49 U.S.C.*
 19 *40101 note) is amended by striking subsection (c).*

20 **SEC. 2123. SMALL UNMANNED AIRCRAFT SAFETY STAND-**
 21 **ARDS.**

22 (a) *IN GENERAL.*—*Chapter 448, as amended by sec-*
 23 *tion 2122 of this Act, is further amended by inserting after*
 24 *section 44802 the following:*

1 **“§ 44803. *Small unmanned aircraft safety standards***

2 “(a) *CONSENSUS SAFETY STANDARDS.*—

3 “(1) *IN GENERAL.*—Not later than 60 days after
4 the date of enactment of the Federal Aviation Admin-
5 istration Reauthorization Act of 2017, the Adminis-
6 trator of the Federal Aviation Administration shall
7 charter an aviation rulemaking advisory committee to
8 develop recommendations for the following:

9 “(A) *Risk-based, consensus safety standards*
10 *related to the safe integration of small un-*
11 *manned aircraft systems into the national air-*
12 *space system (referred to in this section as ‘con-*
13 *sensus safety standards’)* that can evolve or be
14 updated as appropriate.

15 “(B) *A Federal Aviation Administration*
16 *process for permitting, authorizing, or approving*
17 *small unmanned aircraft systems and their oper-*
18 *ations based on the safety standards to be accept-*
19 *ed by the Administrator under this section.*

20 “(2) *FACA.*—The Federal Advisory Committee
21 Act (5 U.S.C. App.) shall not apply to an aviation
22 rulemaking advisory committee chartered under this
23 subsection.

24 “(b) *CONSIDERATIONS.*—In developing recommended
25 consensus safety standards under subsection (a) the mem-

1 *bers of the aviation rulemaking advisory committee shall*
2 *consider the following:*

3 “(1) *Technologies or standards related to geo-*
4 *graphic limitations, altitude limitations, and sense*
5 *and avoid capabilities.*

6 “(2) *Using performance-based standards.*

7 “(3) *Predetermined action to maintain safety in*
8 *the event that a communications link between a small*
9 *unmanned aircraft and its operator is lost or com-*
10 *promised.*

11 “(4) *Detectability and identifiability to pilots,*
12 *the Federal Aviation Administration, and air traffic*
13 *controllers, as appropriate.*

14 “(5) *Means to prevent tampering with or modi-*
15 *fication of any system, limitation, or other safety*
16 *mechanism or standard under this section or any*
17 *other provision of law, including a means to identify*
18 *any tampering or modification that has been made.*

19 “(6) *Consensus identification standards under*
20 *section 2202 of the FAA Extension Safety and Secu-*
21 *rity Act of 2016 (Public Law 114–190; 130 Stat.*
22 *615), including for model aircraft operations author-*
23 *ized under section 44808.*

24 “(7) *Cost-benefit and risk analyses regarding up-*
25 *dates to or modifications of small unmanned aircraft*

1 *systems that were commercially distributed prior to*
 2 *the development of the consensus safety standards so*
 3 *that, to the greatest extent practicable, such systems*
 4 *meet consensus safety standards that may be accepted*
 5 *pursuant to subsection (d).*

6 *“(8) Cost-benefit and risk analyses of consensus*
 7 *safety standards that may be accepted pursuant to*
 8 *subsection (d) for newly designed small unmanned*
 9 *aircraft systems.*

10 *“(9) Applicability of consensus safety standards*
 11 *to small unmanned aircraft systems that are not com-*
 12 *mercially distributed, including home-built small un-*
 13 *manned aircraft systems.*

14 *“(10) Any technology or standard related to*
 15 *small unmanned aircraft systems that promotes avia-*
 16 *tion safety.*

17 *“(11) Any category of unmanned aircraft sys-*
 18 *tems that should be exempt from the consensus safety*
 19 *standards based on risk factors.*

20 *“(c) CONSULTATION.—In developing recommendations*
 21 *for consensus safety standards under subsection (a), the*
 22 *Aviation Rulemaking Committee shall consult with—*

23 *“(1) unmanned aircraft systems stakeholders, in-*
 24 *cluding manufacturers of varying sizes of unmanned*
 25 *aircraft;*

1 “(2) *community-based aviation organizations;*

2 “(3) *the Center of Excellence for Unmanned Air-*
3 *craft Systems;*

4 “(4) *each operator of a test site under section*
5 *44802;*

6 “(5) *the Administrator of the National Aero-*
7 *navitics and Space Administration;*

8 “(6) *the Secretary of Defense; and*

9 “(7) *the leaders of appropriate standards devel-*
10 *opment organizations, including the President of*
11 *RTCA, Inc. and the Director of the National Institute*
12 *for Standards and Technology.*

13 “(d) *FAA PROCESS FOR ACCEPTANCE AND AUTHOR-*
14 *IZATION.—Not later than 180 days after the date of receipt*
15 *of the recommendations under subsection (a)(2), the Admin-*
16 *istrator of the Federal Aviation Administration shall estab-*
17 *lish a process based on those recommendations for—*

18 “(1) *the acceptance by the Federal Aviation Ad-*
19 *ministration of consensus safety standards rec-*
20 *ommended under subsection (a)(1);*

21 “(2) *permitting, authorizing, or the approving*
22 *small unmanned aircraft systems makes and models*
23 *based upon the consensus safety standards accepted*
24 *under paragraph (1);*

1 “(3) the certification of a manufacturer of small
2 unmanned aircraft systems that has demonstrated
3 compliance with consensus safety standards accepted
4 under subsection (d)(1), which shall allow the Admin-
5 istrator to enable the self-certification by a manufac-
6 turer of small unmanned aircraft systems to the
7 standards; and

8 “(4) the certification of a manufacturer of small
9 unmanned aircraft systems, or an employee of such
10 manufacturer, that has demonstrated compliance with
11 the consensus safety standards developed under sub-
12 section (a) and accepted under subsection (d)(1) and
13 met any other qualifying criteria, as determined by
14 the Administrator, to alternatively satisfy the require-
15 ments of paragraph (2).

16 “(e) *NONAPPLICABILITY OF OTHER LAWS.*—The proc-
17 ess for permitting, authorizing, or approving the operation
18 of small unmanned aircraft systems under subsection (d)
19 shall allow for operation of any applicable small unmanned
20 aircraft systems within the national airspace system with-
21 out requiring—

22 “(1) airworthiness certification requirements
23 under section 44704 of this title; and

24 “(2) type certification under parts 21 or 23 of
25 title 14, Code of Federal Regulations.

1 “(f) *MODEL AIRCRAFT.*—*The standards accepted*
 2 *under subsection (d) shall be applicable to model aircraft*
 3 *operations authorized under section 44808.*

4 “(g) *REVOCATION.*—*The Administrator may revoke the*
 5 *permission, authorization, or approval in subsection (d) if*
 6 *the Administrator determines that the manufacturer is no*
 7 *longer in compliance with the standards accepted by the*
 8 *Administrator under subsection (d)(1).*

9 “(h) *REQUIREMENTS.*—*With regard to a permit, au-*
 10 *thorization, or approval under the process in subsection (d),*
 11 *the Administrator may require a manufacturer of small un-*
 12 *manned aircraft systems to provide the FAA with the fol-*
 13 *lowing:*

14 “(1) *The aircraft system’s operating instructions.*

15 “(2) *The aircraft system’s recommended mainte-*
 16 *nance and inspection procedures.*

17 “(3) *The manufacturer’s statement of compliance*
 18 *described in subsection (i).*

19 “(4) *Upon request, a sample aircraft to be in-*
 20 *spected by the Federal Aviation Administration to en-*
 21 *sure compliance with the consensus safety standards*
 22 *accepted by the Administrator under subsection (d).*

23 “(i) *MANUFACTURER’S STATEMENT OF COMPLIANCE*
 24 *FOR SMALL UAS.*—*A manufacturer’s statement of compli-*
 25 *ance shall—*

1 “(1) identify the aircraft make and model, and
2 any applicable consensus safety standards used;

3 “(2) state that the aircraft make and model
4 meets the provisions of the consensus safety standards
5 identified in paragraph (1);

6 “(3) state that the aircraft make and model con-
7 forms to the manufacturer’s design data and is manu-
8 factured in a way that ensures consistency across
9 units in the production process in order to meet the
10 applicable consensus safety standards accepted by the
11 Administrator;

12 “(4) state that the manufacturer will make
13 available to any interested person—

14 “(A) the aircraft’s operating instructions,
15 that meet the consensus safety standards identi-
16 fied in paragraph (1); and

17 “(B) the aircraft’s recommended mainte-
18 nance and inspection procedures, that meet the
19 consensus safety standards identified in para-
20 graph (1);

21 “(5) state that the manufacturer will monitor
22 safety-of-flight issues to ensure it meets the consensus
23 safety standards identified in paragraph (1);

24 “(6) state that at the request of the Adminis-
25 trator, the manufacturer will provide reasonable ac-

1 *cess for the Administrator to its facilities for the pur-*
 2 *poses of overseeing compliance with this section; and*

3 *“(7) state that the manufacturer, in accordance*
 4 *with testing requirements identified by the Federal*
 5 *Aviation Administration, has—*

6 *“(A) ground and flight tested random sam-*
 7 *ples of the aircraft;*

8 *“(B) found the sample aircraft performance*
 9 *acceptable; and*

10 *“(C) determined that the make and model of*
 11 *aircraft is suitable for safe operation.*

12 *“(j) PROHIBITIONS.—*

13 *“(1) FALSE STATEMENTS OF COMPLIANCE.—It*
 14 *shall be unlawful for any person to knowingly submit*
 15 *a statement of compliance described in subsection (i)*
 16 *that is materially false.*

17 *“(2) INTRODUCTION INTO INTERSTATE COM-*
 18 *MERCE.—It shall be unlawful for any person to know-*
 19 *ingly introduce or deliver for introduction into inter-*
 20 *state commerce any small unmanned aircraft system*
 21 *for which standards developed under subsection (d)*
 22 *are accepted and are applicable, and are manufac-*
 23 *tured after the date that the Administrator accepts*
 24 *any applicable safety standards under this section*
 25 *unless—*

1 “(A) the make and model has been per-
 2 mitted, authorized, or approved for operation
 3 under subsection (d); or

4 “(B) the aircraft has alternatively received
 5 type, design, and production approval issued by
 6 the Federal Aviation Administration.

7 “(k) *EXCLUSIONS.*—The Administrator shall exempt
 8 from the requirements of this section small unmanned air-
 9 craft systems that are not capable of navigating beyond the
 10 visual line of sight of the operator through advanced flight
 11 systems and technology, if the Administrator determines
 12 that such an exemption does not pose a risk to the safety
 13 of the national airspace system.”.

14 (b) *UNMANNED AIRCRAFT SYSTEMS RESEARCH FACIL-*
 15 *ITY.*—The Center of Excellence for Unmanned Aircraft Sys-
 16 tems shall establish an unmanned aircraft systems research
 17 facility to study appropriate safety standards for un-
 18 manned aircraft systems and to validate such standards,
 19 as directed by the Administrator of the Federal Aviation
 20 Administration, consistent with section 44803 of title 49,
 21 United States Code, as added by this section.

22 (c) *TABLE OF CONTENTS.*—The table of contents for
 23 chapter 448, as amended by section 2122 of this Act, is fur-
 24 ther amended by inserting after the item relating to section
 25 44802 the following:

“44803. Small unmanned aircraft safety standards.”.

1 **SEC. 2124. SMALL UNMANNED AIRCRAFT IN THE ARCTIC.**

2 (a) *IN GENERAL.*—Chapter 448, as amended by sec-
3 tion 2123 of this Act, is further amended by inserting after
4 section 44803 the following:

5 **“§ 44804. Small unmanned aircraft in the Arctic**

6 “(a) *IN GENERAL.*—The Secretary of Transportation
7 shall develop a plan and initiate a process to work with
8 relevant Federal agencies and national and international
9 communities to designate permanent areas in the Arctic
10 where small unmanned aircraft may operate 24 hours per
11 day for research and commercial purposes.

12 “(b) *PLAN CONTENTS.*—The plan under subsection (a)
13 shall include the development of processes to facilitate the
14 safe operation of small unmanned aircraft beyond the vis-
15 ual line of sight.

16 “(c) *REQUIREMENTS.*—Each permanent area des-
17 ignated under subsection (a) shall enable over-water flights
18 from the surface to at least 2,000 feet in altitude, with in-
19 gress and egress routes from selected coastal launch sites.

20 “(d) *AGREEMENTS.*—To implement the plan under
21 subsection (a), the Secretary may enter into an agreement
22 with relevant national and international communities.

23 “(e) *AIRCRAFT APPROVAL.*—

24 “(1) *IN GENERAL.*—Subject to paragraph (2),
25 not later than 1 year after the entry into force of an
26 agreement necessary to effectuate the purposes of this

1 *section, the Secretary shall work with relevant na-*
 2 *tional and international communities to establish and*
 3 *implement a process for approving the use of a small*
 4 *unmanned aircraft in the designated permanent areas*
 5 *in the Arctic without regard to whether the small un-*
 6 *manned aircraft is used as a public aircraft, a civil*
 7 *aircraft, or a model aircraft.*

8 *“(2) EXISTING PROCESS.—The Secretary may*
 9 *implement an existing process to meet the require-*
 10 *ments under paragraph (1).”.*

11 *(b) TECHNICAL AND CONFORMING AMENDMENTS.—*

12 *(1) TABLE OF CONTENTS.—The table of contents*
 13 *for chapter 448, as amended by section 2123 of this*
 14 *Act, is further amended by inserting after the item re-*
 15 *lating to section 44803 the following:*

“44804. Small unmanned aircraft in the Arctic.”.

16 *(2) EXPANDING USE OF UNMANNED AIRCRAFT*
 17 *SYSTEMS IN ARCTIC.—Section 332 of the FAA Mod-*
 18 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
 19 *note) is amended by striking subsection (d).*

20 **SEC. 2125. SPECIAL AUTHORITY FOR CERTAIN UNMANNED**
 21 **AIRCRAFT SYSTEMS.**

22 *(a) IN GENERAL.—Chapter 448, as amended by sec-*
 23 *tion 2124 of this Act, is further amended by inserting after*
 24 *section 44804 the following:*

1 **“§ 44805. Special authority for certain unmanned air-**
 2 **craft systems**

3 “(a) *IN GENERAL.*—Notwithstanding any other re-
 4 quirement of this chapter, the Secretary of Transportation
 5 shall use a risk-based approach to determine if certain un-
 6 manned aircraft systems may operate safely in the national
 7 airspace system notwithstanding completion of the com-
 8 prehensive plan and rulemaking required by section 332 of
 9 the FAA Modernization and Reform Act of 2012 (49 U.S.C.
 10 40101 note) or the guidance required by section 44807.

11 “(b) *ASSESSMENT OF UNMANNED AIRCRAFT SYS-*
 12 *TEMS.*—In making the determination under subsection (a),
 13 the Secretary shall determine, at a minimum—

14 “(1) *which types of unmanned aircraft systems,*
 15 *if any, as a result of their size, weight, speed, oper-*
 16 *ational capability, proximity to airports and popu-*
 17 *lated areas, operation over people, and operation*
 18 *within or beyond the visual line of sight, or operation*
 19 *during the day or night, do not create a hazard to*
 20 *users of the national airspace system or the public;*
 21 *and*

22 “(2) *whether a certificate under section 44703 or*
 23 *section 44704 of this title, or a certificate of waiver*
 24 *or certificate of authorization, is required for the op-*
 25 *eration of unmanned aircraft systems identified*
 26 *under paragraph (1) of this subsection.*

1 “(c) *REQUIREMENTS FOR SAFE OPERATION.*—If the
 2 Secretary determines under this section that certain un-
 3 manned aircraft systems may operate safely in the national
 4 airspace system, the Secretary shall establish requirements
 5 for the safe operation of such aircraft systems in the na-
 6 tional airspace system, including operation related to re-
 7 search, development, and testing of proprietary systems.

8 “(d) *PILOT CERTIFICATION EXEMPTION.*—If the Sec-
 9 retary proposes, under this section, to require an operator
 10 of an unmanned aircraft system to hold an airman certifi-
 11 cate, a medical certificate, or to have a minimum number
 12 of hours operating a manned aircraft, the Secretary shall
 13 set forth the reasoning for such proposal and seek public
 14 notice and comment before imposing any such require-
 15 ments.

16 “(e) *SUNSET.*—The authority under this section for the
 17 Secretary to determine if certain unmanned aircraft sys-
 18 tems may operate safely in the national airspace system
 19 terminates effective September 30, 2021.”.

20 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

21 (1) *TABLE OF CONTENTS.*—The table of contents
 22 for chapter 448, as amended by section 2124 of this
 23 Act, is further amended by inserting after the item re-
 24 lating to section 44804 the following:

“44805. Special authority for certain unmanned aircraft systems.”.

1 (2) *SPECIAL RULES FOR CERTAIN UNMANNED*
 2 *AIRCRAFT SYSTEMS.*—*Section 333 of the FAA Mod-*
 3 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
 4 *note) and the item relating to that section in the table*
 5 *of contents under section 1(b) of that Act (126 Stat.*
 6 *13) are repealed.*

7 **SEC. 2126. ADDITIONAL RULEMAKING AUTHORITY.**

8 (a) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 9 *that—*

10 (1) *beyond visual line of sight operations, night-*
 11 *time operations, and operations over people of un-*
 12 *manned aircraft systems have tremendous potential—*

13 (A) *to enhance both commercial and aca-*
 14 *demic use;*

15 (B) *to spur economic growth and develop-*
 16 *ment through innovative applications of this*
 17 *emerging technology; and*

18 (C) *to improve emergency response efforts as*
 19 *it relates to assessing damage to critical infra-*
 20 *structure such as roads, bridges, and utilities, in-*
 21 *cluding water and power, ultimately speeding re-*
 22 *sponse time;*

23 (2) *advancements in miniaturization of safety*
 24 *technologies, including for aircraft weighing under*
 25 *4.4 pounds, have increased economic opportunities for*

1 *using unmanned aircraft systems while reducing ki-*
2 *netic energy and risk compared to unmanned aircraft*
3 *that may weigh 4.4 pounds or more, but less than 55*
4 *pounds;*

5 *(3) advancements in unmanned technology will*
6 *have the capacity to ultimately improve manned air-*
7 *craft safety; and*

8 *(4) integrating unmanned aircraft systems safely*
9 *into the national airspace, including beyond visual*
10 *line of sight operations, nighttime operations on a*
11 *routine basis, and operations over people should re-*
12 *main a top priority for the Federal Aviation Admin-*
13 *istration as it pursues additional rulemakings under*
14 *the amendments made by this section.*

15 *(b) IN GENERAL.—Chapter 448, as amended by section*
16 *2125 of this Act, is further amended by inserting after sec-*
17 *tion 44805 the following:*

18 **“§ 44806. Additional rulemaking authority**

19 *“(a) IN GENERAL.—Notwithstanding the rulemaking*
20 *required by section 332 of the FAA Modernization and Re-*
21 *form Act of 2012 (49 U.S.C. 40101 note) or the guidance*
22 *required by section 44807 of this title and subject to sub-*
23 *section (b)(2) of this section and section 44808, the Admin-*
24 *istrator may issue regulations under which a person may*

1 *operate certain unmanned aircraft systems (as determined*
2 *by the Administrator) in the United States—*

3 *“(1) without an airman certificate;*

4 *“(2) without an airworthiness certificate for the*
5 *associated unmanned aircraft; or*

6 *“(3) that are not registered with the Federal*
7 *Aviation Administration.*

8 *“(b) MICRO UNMANNED AIRCRAFT SYSTEMS OPER-*
9 *ATIONAL RULES.—*

10 *“(1) IN GENERAL.—Notwithstanding the rule-*
11 *making required by section 332 of the FAA Mod-*
12 *ernization and Reform Act of 2012 (49 U.S.C. 40101*
13 *note), the Administrator shall issue regulations not*
14 *later than 270 days after the date of enactment of the*
15 *Federal Aviation Administration Reauthorization Act*
16 *of 2017 under which any person may operate a micro*
17 *unmanned aircraft system classification of unmanned*
18 *aircraft systems, the aircraft component of which*
19 *weighs 4.4 pounds or less, including payload, without*
20 *the person operating the system being required to pass*
21 *any airman certification requirement, including any*
22 *requirements under section 44703 of this title, part 61*
23 *of title 14, Code of Federal Regulations, or any other*
24 *rule or regulation relating to airman certification.*

1 “(2) *OPERATIONAL RULES.—The rulemaking re-*
2 *quired by paragraph (1) relating to micro unmanned*
3 *aircraft systems shall consider the following rules, or*
4 *any appropriate modifications thereof concerning al-*
5 *titude, airspeed, geographic location, and time of day*
6 *as the Administrator considers appropriate, for oper-*
7 *ation of such systems:*

8 “(A) *Operation at an altitude of less than*
9 *400 feet above ground level.*

10 “(B) *Operation with an airspeed of not*
11 *greater than 40 knots.*

12 “(C) *Operation within the visual line of*
13 *sight of the operator.*

14 “(D) *Operation during the hours between*
15 *sunrise and sunset.*

16 “(E) *Operation not less than 5 statute miles*
17 *from the geographic center of an airport with an*
18 *operational air traffic control tower or an air-*
19 *port denoted on a current aeronautical chart*
20 *published by the Federal Aviation Administra-*
21 *tion, except that a micro unmanned aircraft sys-*
22 *tem may be operated within 5 statute miles of*
23 *such an airport if the operator of the system—*

24 “(i) *provides notice to the airport oper-*
25 *ator; and*

1 “(ii) *in the case of an airport with an*
2 *operational air traffic control tower, re-*
3 *ceives approval from the air traffic control*
4 *tower.*

5 “(c) *SCOPE OF REGULATIONS.—*

6 “(1) *IN GENERAL.—In determining whether a*
7 *person may operate an unmanned aircraft system*
8 *under 1 or more of the circumstances described under*
9 *paragraphs (1) through (3) of subsection (a), the Ad-*
10 *ministrator shall use a risk-based approach and con-*
11 *sider, at a minimum, the physical and functional*
12 *characteristics of the micro unmanned aircraft sys-*
13 *tem.*

14 “(2) *LIMITATION.—The Administrator may only*
15 *issue regulations under this section for micro un-*
16 *manned aircraft systems that the Administrator de-*
17 *termines may be operated safely in the national air-*
18 *space system.*

19 “(d) *RULES OF CONSTRUCTION.—Nothing in this sec-*
20 *tion may be construed—*

21 “(1) *to prohibit a person from operating a micro*
22 *unmanned aircraft system under a circumstance de-*
23 *scribed under paragraphs (1) through (3) of sub-*
24 *section (a) if—*

1 “(A) the circumstance is allowed by regula-
2 tions issued under this section; and

3 “(B) the person operates the micro un-
4 manned aircraft system in a manner prescribed
5 by the regulations; and

6 “(2) to limit or affect in any way the Adminis-
7 trator’s authority to conduct a rulemaking, make a
8 determination, or carry out any activity related to
9 unmanned aircraft or unmanned aircraft systems
10 under any other provision of law.”.

11 (c) *TABLE OF CONTENTS.*—The table of contents for
12 chapter 448, as amended by section 2125 of this Act, is fur-
13 ther amended by inserting after the item relating to section
14 44805 the following:

“44806. Additional rulemaking authority.”.

15 **SEC. 2127. GOVERNMENTAL UNMANNED AIRCRAFT SYS-**
16 **TEMS.**

17 (a) *IN GENERAL.*—Chapter 448, as amended by sec-
18 tion 2126 of this Act, is further amended by inserting after
19 section 44806 the following:

20 **“§44807. Public unmanned aircraft systems**

21 “(a) *GUIDANCE.*—The Secretary of Transportation
22 shall issue guidance regarding the operation of a public un-
23 manned aircraft system—

1 “(1) to streamline the process for the issuance of
2 a certificate of authorization or a certificate of waiv-
3 er;

4 “(2) to provide for a collaborative process with
5 public agencies to allow for an incremental expansion
6 of access to the national airspace system as technology
7 matures and the necessary safety analyses and data
8 become available, and until standards are completed
9 and technology issues are resolved;

10 “(3) to facilitate the capability of public agencies
11 to develop and use test ranges, subject to operating re-
12 strictions required by the Federal Aviation Adminis-
13 tration, to test and operate public unmanned aircraft
14 systems; and

15 “(4) to provide guidance on a public agency’s re-
16 sponsibilities when operating an unmanned aircraft
17 without a civil airworthiness certificate issued by the
18 Administration.

19 “(b) *STANDARDS FOR OPERATION AND CERTIFI-*
20 *CATION.—The Administrator of the Federal Aviation Ad-*
21 *ministration shall develop and implement an operations*
22 *and certification program for the operators of public un-*
23 *manned aircraft systems in the national airspace system.*

24 “(c) *AGREEMENTS WITH GOVERNMENT AGENCIES.—*

1 “(1) *IN GENERAL.*—*The Secretary shall enter*
 2 *into an agreement with each appropriate public agen-*
 3 *cy to simplify the process for issuing a certificate of*
 4 *waiver or a certificate of authorization with respect*
 5 *to an application for authorization to operate a pub-*
 6 *lic unmanned aircraft system in the national air-*
 7 *space system.*

8 “(2) *CONTENTS.*—*An agreement under para-*
 9 *graph (1) shall—*

10 “(A) *with respect to an application de-*
 11 *scribed in paragraph (1)—*

12 “(i) *provide for an expedited review of*
 13 *the application;*

14 “(ii) *require a decision by the Admin-*
 15 *istrator on approval or disapproval not*
 16 *later than 60 business days after the date of*
 17 *submission of the application;*

18 “(iii) *allow for an expedited appeal if*
 19 *the application is disapproved; and*

20 “(iv) *if applicable, include verification*
 21 *of the data minimization policy required*
 22 *under subsection (d);*

23 “(B) *allow for a one-time approval of simi-*
 24 *lar operations carried out during a fixed period*
 25 *of time; and*

1 “(C) allow a government public safety agen-
 2 cy to operate an unmanned aircraft weighing 25
 3 pounds or less if that unmanned aircraft is oper-
 4 ated—

5 “(i) within or beyond the visual line of
 6 sight of the operator;

7 “(ii) less than 400 feet above the
 8 ground;

9 “(iii) during daylight conditions;

10 “(iv) within Class G airspace; and

11 “(v) outside of 5 statute miles from
 12 any airport, heliport, seaplane base, space-
 13 port, or other location with aviation activi-
 14 ties.

15 “(d) *DATA MINIMIZATION FOR CERTAIN PUBLIC UN-*
 16 *MANNED AIRCRAFT SYSTEM OPERATORS.*—Not later than
 17 180 days after the date of enactment of the Federal Aviation
 18 Administration Reauthorization Act of 2017 each Federal
 19 agency authorized by the Secretary to operate an unmanned
 20 aircraft system shall develop and update a data minimiza-
 21 tion policy that requires, at a minimum, that—

22 “(1) prior to the deployment of any new un-
 23 manned aircraft system technology, and at least every
 24 3 years, existing policies and procedures relating to
 25 the collection, use, retention, and dissemination of in-

1 *formation obtained by an unmanned aircraft system*
2 *must be examined to ensure that privacy, civil rights,*
3 *and civil liberties are protected;*

4 “(2) if the unmanned aircraft system is the plat-
5 *form for information collection, information must be*
6 *collected, used, retained, and disseminated consistent*
7 *with the Constitution, Federal law, and other appli-*
8 *cable regulations and policies, such as section 552a of*
9 *title 5 (commonly known as the Privacy Act of 1974);*

10 “(3) the Federal agency, or person operating on
11 *its behalf, only collect information using the un-*
12 *manned aircraft system, or use unmanned aircraft*
13 *system-collected information, to the extent that the*
14 *collection or use is consistent with and relevant to an*
15 *authorized purpose as determined by the head of the*
16 *Federal agency and consistent with the law;*

17 “(4) any information collected, using an un-
18 *manned aircraft or an unmanned aircraft system,*
19 *that may contain personal information will not be re-*
20 *tained by any Federal agency for more than 180 days*
21 *after the date of collection unless—*

22 “(A) the head of the Federal agency deter-
23 *mines that retention of the information is di-*
24 *rectly relevant and necessary to accomplish the*

1 *specific purpose for which the Federal agency*
2 *used the unmanned aircraft system;*

3 “(B) *that Federal agency maintains the in-*
4 *formation in a system of records under section*
5 *552a of title 5; or*

6 “(C) *the information is required to be re-*
7 *tained for a longer period under other applicable*
8 *law, including regulations;*

9 “(5) *any information collected, using an un-*
10 *manned aircraft or unmanned aircraft system, that is*
11 *not maintained in a system of records under section*
12 *552a of title 5, will not be disseminated outside of*
13 *that Federal agency unless—*

14 “(A) *dissemination is required by law; or*

15 “(B) *dissemination satisfies an authorized*
16 *purpose and complies with that Federal agency’s*
17 *disclosure requirements;*

18 “(6) *to the extent it does not compromise law en-*
19 *forcement or national security a Federal agency*
20 *shall—*

21 “(A) *provide notice to the public regarding*
22 *where in the national airspace system the Fed-*
23 *eral agency is authorized to operate the un-*
24 *manned aircraft system;*

1 “(B) keep the public informed about the
2 Federal agency’s unmanned aircraft system pro-
3 gram, including any changes to that program
4 that would significantly affect privacy, civil
5 rights, or civil liberties;

6 “(C) make available to the public, on an
7 annual basis, a general summary of the Federal
8 agency’s unmanned aircraft system operations
9 during the previous fiscal year, including—

10 “(i) a brief description of types or cat-
11 egories of missions flown; and

12 “(ii) the number of times the Federal
13 agency provided assistance to other agencies
14 or to State, local, tribal, or territorial gov-
15 ernments; and

16 “(D) make available on a public and
17 searchable Internet website the data minimiza-
18 tion policy of the Federal agency;

19 “(7) ensures oversight of the Federal agency’s un-
20 manned aircraft system use, including—

21 “(A) the use of audits or assessments that
22 comply with existing Federal agency policies and
23 regulations;

24 “(B) the verification of the existence of rules
25 of conduct and training for Federal Government

1 *personnel and contractors who work on pro-*
2 *grams, and procedures for reporting suspected*
3 *cases of misuse or abuse of unmanned aircraft*
4 *system technologies;*

5 *“(C) the establishment of policies and proce-*
6 *dures, or confirmation that policies and proce-*
7 *dures are in place, that provide meaningful over-*
8 *sight of individuals who have access to sensitive*
9 *information, including personal information,*
10 *collected using an unmanned aircraft system;*

11 *“(D) ensuring that any data-sharing agree-*
12 *ments or policies, data use policies, and record*
13 *management policies applicable to an unmanned*
14 *aircraft system conform to applicable laws, in-*
15 *cluding regulations and policies;*

16 *“(E) the establishment of policies and proce-*
17 *dures, or confirmation that policies and proce-*
18 *dures exist, to authorize the use of an unmanned*
19 *aircraft system in response to a request for un-*
20 *manned aircraft system assistance in support of*
21 *Federal, State, local, tribal, or territorial govern-*
22 *ment operations; and*

23 *“(F) a requirement that State, local, tribal,*
24 *and territorial government recipients of Federal*
25 *grant funding for the purchase or use of un-*

1 *manned aircraft systems for their own oper-*
 2 *ations have in place policies and procedures to*
 3 *safeguard individuals’ privacy, civil rights, and*
 4 *civil liberties prior to expending such funds; and*
 5 *“(8) ensures the protection of civil rights and*
 6 *civil liberties, including—*

7 *“(A) ensuring that policies are in place to*
 8 *prohibit the collection, use, retention, or dissemi-*
 9 *nation of data in any manner that would violate*
 10 *the First Amendment or in any manner that*
 11 *would discriminate against persons based upon*
 12 *their ethnicity, race, gender, national origin, re-*
 13 *ligion, sexual orientation, or gender identity, in*
 14 *violation of law;*

15 *“(B) ensuring that unmanned aircraft sys-*
 16 *tem activities are performed in a manner con-*
 17 *sistent with the Constitution and applicable*
 18 *laws, including Executive orders and other Pres-*
 19 *idential directives; and*

20 *“(C) ensuring that adequate procedures are*
 21 *in place to receive, investigate, and address, as*
 22 *appropriate, privacy, civil rights, and civil lib-*
 23 *erties complaints.*

24 *“(e) FEDERAL AGENCY COORDINATION TO ENHANCE*
 25 *THE PUBLIC HEALTH AND SAFETY CAPABILITIES OF PUB-*

1 *LIC UNMANNED AIRCRAFT SYSTEMS.—The Administrator*
 2 *shall assist and enable, without undue interference, Federal*
 3 *civilian government agencies that operate unmanned air-*
 4 *craft systems within civil-controlled airspace, in operation-*
 5 *ally deploying and integrating sense and avoid capabilities,*
 6 *as necessary to operate unmanned aircraft systems safely*
 7 *and effectively within the National Air Space.*

8 “(f) *LAW ENFORCEMENT AND NATIONAL SECURITY.—*
 9 *Each Federal agency shall effectuate a requirement under*
 10 *subsection (d) only to the extent it does not compromise law*
 11 *enforcement or national security.*

12 “(g) *DEFINITION OF FEDERAL AGENCY.—In sub-*
 13 *sections (e) and (g), the term ‘Federal agency’ has the mean-*
 14 *ing given the term ‘agency’ in section 552(f) of title 5.”.*

15 (b) *TECHNICAL AND CONFORMING AMENDMENTS.—*

16 (1) *TABLE OF CONTENTS.—The table of contents*
 17 *for chapter 448, as amended by section 2126 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 (3) *FACILITATING INTERAGENCY COOPERATION*
 2 *FOR UNMANNED AIRCRAFT AUTHORIZATION IN SUP-*
 3 *PORT OF FIREFIGHTING OPERATIONS AND UTILITY*
 4 *RESTORATION.*—Section 2204(a) of the *FAA Exten-*
 5 *sion Safety and Security Act of 2016 (Public Law*
 6 *114-190; 130 Stat. 615)* is amended by striking “sec-
 7 *tion 334(c) of the FAA Modernization and Reform*
 8 *Act of 2012 (49 U.S.C. 40101 note)”* and inserting
 9 “section 44807 of title 49, United States Code”.

10 **SEC. 2128. SPECIAL RULES FOR MODEL AIRCRAFT.**

11 (a) *IN GENERAL.*—Chapter 448, as amended by sec-
 12 *tion 2127 of this Act, is further amended by inserting after*
 13 *section 44807 the following:*

14 **“§ 44808. Special rules for model aircraft**

15 “(a) *IN GENERAL.*—Except as provided in subsection
 16 (d), and notwithstanding any other provision of law relat-
 17 ing to the incorporation of unmanned aircraft systems into
 18 *Federal Aviation Administration plans and policies, in-*
 19 *cluding this chapter, the Administrator of the Federal Avia-*
 20 *tion Administration may not promulgate any new rule or*
 21 *regulation regarding an unmanned aircraft operating as*
 22 *a model aircraft or an unmanned aircraft being developed*
 23 *as a model aircraft if—*

24 “(1) the aircraft is flown strictly for hobby or
 25 recreational use;

1 “(2) the aircraft is operated in accordance with
2 a community-based set of safety guidelines and with-
3 in the programming of a nationwide community-
4 based organization;

5 “(3) not flown beyond the visual line of sight of
6 persons co-located with the operator or in direct com-
7 munication with the operator;

8 “(4) the aircraft is operated in a manner that
9 does not interfere with and gives way to any manned
10 aircraft;

11 “(5) when flown within 5 miles of an airport,
12 the operator of the aircraft provides the airport oper-
13 ator, where applicable, and the airport air traffic
14 control tower (when an air traffic facility is located
15 at the airport) with prior notice of the operation
16 (model aircraft operators flying from a permanent lo-
17 cation within 5 miles of an airport should establish
18 a mutually agreed upon operating procedure with the
19 airport operator and the airport air traffic control
20 tower (when an air traffic facility is located at the
21 airport)), unless the Administrator determines ap-
22 proval should be required;

23 “(6) the aircraft is flown from the surface to not
24 more than 400 feet in altitude, except under special

1 *conditions and programs established by a community-*
 2 *based organization; and*

3 “(7) *the operator has passed an aeronautical*
 4 *knowledge and safety test administered by the Federal*
 5 *Aviation Administration online for the operation of*
 6 *unmanned aircraft systems subject to the require-*
 7 *ments of section 44809 or developed and administered*
 8 *by the community-based organization and maintains*
 9 *proof of test passage to be made available to the Ad-*
 10 *ministrator or law enforcement upon request.*

11 “(b) *UPDATES.—*

12 “(1) *IN GENERAL.—The Administrator, in col-*
 13 *laboration with government and industry stake-*
 14 *holders, including nationwide community-based orga-*
 15 *nizations, shall initiate a process to update the oper-*
 16 *ational parameters under subsection (a), as appro-*
 17 *priate.*

18 “(2) *CONSIDERATIONS.—In updating an oper-*
 19 *ational parameter under paragraph (1), the Adminis-*
 20 *trator shall consider—*

21 “(A) *appropriate operational limitations to*
 22 *mitigate aviation safety risk and risk to the un-*
 23 *involved public;*

1 “(B) operations outside the membership,
2 guidelines, and programming of a nationwide
3 community-based organization;

4 “(C) physical characteristics, technical
5 standards, and classes of aircraft operating
6 under this section;

7 “(D) trends in use, enforcement, or inci-
8 dents involving unmanned aircraft systems; and

9 “(E) ensuring, to the greatest extent prac-
10 ticable, that updates to the operational param-
11 eters correspond to, and leverage, advances in
12 technology.

13 “(3) SAVINGS CLAUSE.—Nothing in this sub-
14 section shall be construed as expanding the authority
15 of the Administrator to require operators of model
16 aircraft under the exemption of this subsection to be
17 required to seek permissive authority of the Adminis-
18 trator prior to operation in the national airspace sys-
19 tem.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to limit the authority of the Admin-
22 istrator to pursue enforcement action against persons oper-
23 ating model aircraft.

1 “(d) *EXCEPTIONS.*—*The Administrator may promul-*
 2 *gate rules relating to the registration and marking of model*
 3 *aircraft.*

4 “(e) *MODEL AIRCRAFT DEFINED.*—*In this section, the*
 5 *term ‘model aircraft’ means an unmanned aircraft that—*

6 “(1) *is capable of sustained flight in the atmos-*
 7 *phere; and*

8 “(2) *is limited to weighing less than 55 pounds,*
 9 *including the weight of anything attached to or car-*
 10 *ried by the aircraft, unless otherwise approved*
 11 *through a design, construction, inspection, flight test,*
 12 *and operational safety program administered by a*
 13 *community-based organization.”.*

14 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

15 (1) *TABLE OF CONTENTS.*—*The table of contents*
 16 *for chapter 448, as amended by section 2127 of this*
 17 *Act, is further amended by inserting after the item re-*
 18 *lating to section 44807 the following:*

“44808. *Special rules for model aircraft.*”.

19 (2) *SPECIAL RULE FOR MODEL AIRCRAFT.*—*Sec-*
 20 *tion 336 of the FAA Modernization and Reform Act*
 21 *of 2012 (49 U.S.C. 40101 note) and the item relating*
 22 *to that section in the table of contents under section*
 23 *1(b) of that Act (126 Stat. 13) are repealed.*

1 **SEC. 2129. AUTHORITY.**

2 *The rules adopted by the Administrator of the Federal*
 3 *Aviation Administration in the matter of registration and*
 4 *marking requirements for small unmanned aircraft (FAA–*
 5 *2015–7396; published on December 16, 2015) that were va-*
 6 *cated by the United States Court of Appeals for the District*
 7 *of Columbia Circuit in Taylor v. Huerta (No. 15–1495; de-*
 8 *cided on May 19, 2017) shall be restored to effect on the*
 9 *date of enactment of this Act.*

10 **SEC. 2130. UNMANNED AIRCRAFT SYSTEMS AERONAUTICAL**
 11 **KNOWLEDGE AND SAFETY.**

12 *(a) IN GENERAL.—Chapter 448, as amended by sec-*
 13 *tion 2128 of this Act, is further amended by inserting after*
 14 *section 44808 the following:*

15 **“§44809. Aeronautical knowledge and safety test**

16 *“(a) IN GENERAL.—An individual may not operate an*
 17 *unmanned aircraft system unless—*

18 *“(1) the individual has successfully completed an*
 19 *aeronautical knowledge and safety test under sub-*
 20 *section (c);*

21 *“(2) the individual has authority to operate an*
 22 *unmanned aircraft under other Federal law;*

23 *“(3) the individual is a holder of an airmen cer-*
 24 *tificate issued under section 44703; or*

25 *“(4) the individual is operating a model aircraft*
 26 *or an unmanned aircraft being developed as a model*

1 *aircraft under section 44808 and has successfully*
 2 *completed an aeronautical knowledge and safety test*
 3 *in accordance with the community-based organiza-*
 4 *tions safety program described in that section.*

5 *“(b) EXCEPTION.—This section shall not apply to the*
 6 *operation of an unmanned aircraft system that has been*
 7 *authorized by the Federal Aviation Administration under*
 8 *section 44802, 44805, 44806, or 44807. The Administrator*
 9 *may waive the requirements of this section for operators*
 10 *of aircraft weighing less than 0.55 pounds or for operators*
 11 *under the age of 13 operating the unmanned aircraft system*
 12 *under the supervision of an adult as determined by the Ad-*
 13 *ministrator.*

14 *“(c) AERONAUTICAL KNOWLEDGE AND SAFETY*
 15 *TEST.—Not later than 180 days after the date of enactment*
 16 *of the Federal Aviation Administration Reauthorization*
 17 *Act of 2017, the Administrator of the Federal Aviation Ad-*
 18 *ministration, in consultation with manufacturers of un-*
 19 *manned aircraft systems, other industry stakeholders, and*
 20 *community-based aviation organizations, shall develop an*
 21 *aeronautical knowledge and safety test that can be adminis-*
 22 *tered electronically.*

23 *“(d) REQUIREMENTS.—The Administrator shall en-*
 24 *sure that the aeronautical knowledge and safety test is de-*
 25 *signed to adequately demonstrate an operator’s—*

1 “(1) *understanding of aeronautical safety knowl-*
2 *edge, as applicable; and*

3 “(2) *knowledge of Federal Aviation Administra-*
4 *tion regulations and requirements pertaining to the*
5 *operation of an unmanned aircraft system in the na-*
6 *tional airspace system.*

7 “(e) *RECORD OF COMPLIANCE.—*

8 “(1) *IN GENERAL.—Each operator of an un-*
9 *manned aircraft system described under subsection*
10 *(a) shall maintain and make available for inspection,*
11 *upon request by the Administrator or a Federal,*
12 *State, or local law enforcement officer, a record of*
13 *compliance with this section through—*

14 “(A) *an identification number, issued by*
15 *the Federal Aviation Administration certifying*
16 *passage of the aeronautical knowledge and safety*
17 *test;*

18 “(B) *if the individual has authority to op-*
19 *erate an unmanned aircraft system under other*
20 *Federal law, the requisite proof of authority*
21 *under that law; or*

22 “(C) *an airmen certificate issued under sec-*
23 *tion 44703.*

24 “(2) *COORDINATION.—The Administrator may*
25 *coordinate the identification number under para-*

1 graph (1)(A) with an operator’s registration number
2 to the extent practicable.

3 “(3) *LIMITATION.*—No fine or penalty may be
4 imposed for the initial failure of an operator of an
5 unmanned aircraft system to comply with paragraph
6 (1) unless the Administrator finds that the conduct of
7 the operator actually posed a risk to the national air-
8 space system.”.

9 (b) *TABLE OF CONTENTS.*—The table of contents for
10 chapter 448, as amended by section 2128 of this Act, is fur-
11 ther amended by inserting after the item relating to section
12 44808 the following:

“44809. *Aeronautical knowledge and safety test.*”.

13 **SEC. 2131. TREATMENT OF UNMANNED AIRCRAFT OPER-**
14 **ATING UNDERGROUND.**

15 *An unmanned aircraft system that is operated under-*
16 *ground for mining purposes shall not be subject to regula-*
17 *tion or enforcement by the Federal Aviation Administration*
18 *under chapter 448 of title 49, United States Code.*

19 **SEC. 2132. ENFORCEMENT.**

20 (a) *UAS SAFETY ENFORCEMENT.*—The Administrator
21 of the Federal Aviation Administration shall establish a
22 program to utilize available remote detection and identi-
23 fication technologies for safety oversight, including enforce-
24 ment actions against operators of unmanned aircraft sys-

1 *tems that are not in compliance with applicable Federal*
 2 *aviation laws, including regulations.*

3 *(b) CIVIL PENALTIES.—*

4 *(1) IN GENERAL.—Section 46301 is amended—*

5 *(A) in subsection (a)(1)(A), by inserting*
 6 *“chapter 448,” after “chapter 447 (except sec-*
 7 *tions 44717 and 44719–44723),”;*

8 *(B) in subsection (a)(5), by inserting*
 9 *“chapter 448,” after “chapter 447 (except sec-*
 10 *tions 44717–44723),”;*

11 *(C) in subsection (d)(2), by inserting “chap-*
 12 *ter 448,” after “chapter 447 (except sections*
 13 *44717 and 44719–44723),”;* and

14 *(D) in subsection (f), by inserting “chapter*
 15 *448,” after “chapter 447 (except 44717 and*
 16 *44719–44723),”.*

17 *(2) RULE OF CONSTRUCTION.—Nothing in this*
 18 *subsection shall be construed to limit the authority of*
 19 *the Administrator to pursue an enforcement action*
 20 *for a violation of this Act, a regulation prescribed or*
 21 *order or authority issued under this Act, or any other*
 22 *applicable provision of aviation safety law or regula-*
 23 *tion.*

24 *(c) REPORTING.—As part of the program, the Admin-*
 25 *istrator shall establish and publicize a mechanism for the*

1 *public and Federal, State, and local law enforcement to re-*
 2 *port a suspected abuse or a violation of chapter 448 of title*
 3 *49, United States Code, for enforcement action.*

4 *(d) AUTHORIZATION OF APPROPRIATIONS.—To carry*
 5 *out this section, there is authorized to be appropriated*
 6 *\$5,000,000 for each of the fiscal years 2018 through 2021.*

7 **SEC. 2133. AIRPORT SAFETY AND AIRSPACE HAZARD MITI-**
 8 **GATION AND ENFORCEMENT.**

9 *(a) IN GENERAL.—Chapter 448, as amended by sec-*
 10 *tion 2130 of this Act, is further amended by inserting after*
 11 *section 44809 the following:*

12 **“§44810. Airport safety and airspace hazard mitiga-**
 13 **tion and enforcement**

14 *“(a) AUTHORITY.—The Administrator of the Federal*
 15 *Aviation Administration shall work with the Secretary of*
 16 *Defense, the Secretary of Homeland Security, and the heads*
 17 *of other relevant Federal departments and agencies for the*
 18 *purpose of ensuring that technologies or systems that are*
 19 *developed, tested, or deployed by Federal departments and*
 20 *agencies to detect and mitigate potential threats posed by*
 21 *errant or hostile unmanned aircraft system operations do*
 22 *not adversely impact or interfere with safe airport oper-*
 23 *ations, navigation, air traffic services, or the safe and effi-*
 24 *cient operation of the national airspace system.*

25 *“(b) PLAN.—*

1 “(1) *IN GENERAL.*—Not later than 180 days
2 after the date of enactment of the Federal Aviation
3 Administration Reauthorization Act of 2017, the Ad-
4 ministrator shall develop a plan for the certification,
5 permitting, authorizing, or allowing of the deploy-
6 ment of technologies or systems for the detection and
7 mitigation of unmanned aircraft systems.

8 “(2) *CONTENTS.*—The plan shall include the de-
9 velopment of policies, procedures, or protocols that
10 will allow appropriate officials of Federal, State, or
11 local agencies requesting to utilize such technologies or
12 systems to take steps to detect and mitigate potential
13 airspace safety threats posed by unmanned aircraft
14 system operations.

15 “(3) *AVIATION RULEMAKING ADVISORY COM-*
16 *MITTEE.*—The Administrator may charter an avia-
17 tion rulemaking advisory committee to make rec-
18 ommendations for such a plan and any standards
19 that the Administrator determines may need to be de-
20 veloped with respect to such technologies or systems.
21 The Federal Advisory Committee Act (5 U.S.C. App.)
22 shall not apply to an aviation rulemaking advisory
23 committee chartered under this paragraph.

24 “(c) *AIRSPACE HAZARD MITIGATION PROGRAM.*—In
25 order to test and evaluate technologies or systems to detect

1 *and mitigate potential airspace safety threats posed by un-*
 2 *manned aircraft system operations, the Administrator shall*
 3 *deploy such technologies or systems at 5 airports.*

4 “(d) *AUTHORITY.—Under the testing and evaluation*
 5 *in subsection (c), the Administrator may use unmanned*
 6 *aircraft detection and mitigation systems to detect and*
 7 *mitigate the unauthorized operation of an unmanned air-*
 8 *craft that poses a risk to airspace safety. Utilization of such*
 9 *technologies or systems, and the communications sent using*
 10 *such technologies and systems to unmanned aircraft sys-*
 11 *tems, shall be regarded as equivalent to separation instruc-*
 12 *tions to pilots of manned aircraft.*

13 “(e) *AIP FUNDING ELIGIBILITY.—Upon the certifi-*
 14 *cation, permitting, authorizing, or allowing of such tech-*
 15 *nologies and systems that have been successfully tested*
 16 *under this section, an airport sponsor may apply for a*
 17 *grant under subchapter I of chapter 471 to purchase an*
 18 *unmanned aircraft detection and mitigation system. For*
 19 *purposes of this subsection, purchasing an unmanned air-*
 20 *craft detection and mitigation system shall be considered*
 21 *airport development (as defined in section 47102).*

22 “(f) *REPORT.—*

23 “(1) *IN GENERAL.—Not later than 1 year after*
 24 *the date of enactment of the Federal Aviation Admin-*
 25 *istration Reauthorization Act of 2017, and annually*

1 *thereafter, the Administrator shall submit to the ap-*
2 *propriate committees of Congress a report on the im-*
3 *plementation of this section, including the testing and*
4 *evaluation of detection and mitigation systems under*
5 *this section.*

6 “(2) CONTENTS.—*The report under paragraph*
7 *(1) shall include the following:*

8 “(A) *The number of unauthorized un-*
9 *manned aircraft operations detected, together*
10 *with a description of such operations.*

11 “(B) *The number of instances in which un-*
12 *authorized unmanned aircraft were mitigated,*
13 *together with a description of such instances.*

14 “(C) *The number of enforcement cases*
15 *brought by the Federal Aviation Administration*
16 *for unauthorized operation of unmanned aircraft*
17 *detected through the program, together with a de-*
18 *scription of such cases.*

19 “(D) *The number of any technical failures*
20 *in the program, together with a description of*
21 *such failures.*

22 “(E) *Recommendations for safety and oper-*
23 *ational standards for unmanned aircraft detec-*
24 *tion and mitigation systems.*

1 “(3) *FORMAT.*—*To the extent practicable, the re-*
 2 *port prepared under paragraph (1) shall be submitted*
 3 *in a classified format. If appropriate, the report may*
 4 *include an unclassified summary.*

5 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 6 *authorized to be appropriated from the Airport and Airway*
 7 *Trust Fund to carry out this section \$6,000,000 for each*
 8 *of fiscal years 2018 through 2021, to remain available until*
 9 *expended.*

10 “(h) *APPLICABILITY OF OTHER LAWS.*—*Section 32 of*
 11 *title 18, United States Code (commonly known as the Air-*
 12 *craft Sabotage Act), section 1031 of title 18, United States*
 13 *Code (commonly known as the Computer Fraud and Abuse*
 14 *Act of 1986), sections 2510–2522 of title 18, United States*
 15 *Code (commonly known as the Wiretap Act), and sections*
 16 *3121–3127 of title 18, United States Code (commonly*
 17 *known as the Pen/Trap Statute), shall not apply to any*
 18 *activity authorized by the Administrator pursuant to this*
 19 *section.*

20 “(i) *SUNSET.*—*This section ceases to be effective Sep-*
 21 *tember 30, 2021.”.*

22 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

23 (1) *TABLE OF CONTENTS.*—*The table of contents*
 24 *for chapter 448, as amended by section 2130 of this*

1 *Act, is further amended by inserting after the item re-*
 2 *lating to section 44809 the following:*

“44810. Airport safety and airspace hazard mitigation and enforcement.”.

3 *(2) PILOT PROJECT FOR AIRPORT SAFETY AND*
 4 *AIRSPACE HAZARD MITIGATION.—Section 2206 of the*
 5 *FAA Extension Safety and Security Act of 2016*
 6 *(Public Law 114–190; 130 Stat. 615) and the item*
 7 *relating to that section in the table of contents under*
 8 *section 1(b) of that Act are repealed.*

9 **SEC. 2134. AVIATION EMERGENCY SAFETY PUBLIC SERV-**
 10 **ICES DISRUPTION.**

11 *Section 46320(a) is amended by inserting “, including*
 12 *helicopter air ambulance operations,” after “emergency re-*
 13 *sponse effort”.*

14 **SEC. 2135. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
 15 **MENTS.**

16 *(a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-*
 17 *MENTS.—Section 40102(a)(41) is amended by adding at the*
 18 *end the following:*

19 *“(F) An unmanned aircraft that is owned*
 20 *and operated by or exclusively leased for at least*
 21 *90 consecutive days by an Indian tribal govern-*
 22 *ment (as defined in section 102 of the Robert T.*
 23 *Stafford Disaster Relief and Emergency Assist-*
 24 *ance Act (42 U.S.C. 5122)), except as provided*
 25 *in section 40125(b).”.*

1 (b) *CONFORMING AMENDMENT.*—Section 40125(b) is
 2 amended by striking “or (D)” and inserting “(D), or (F)”.

3 **SEC. 2136. CARRIAGE OF PROPERTY BY SMALL UNMANNED**
 4 **AIRCRAFT SYSTEMS FOR COMPENSATION OR**
 5 **HIRE.**

6 (a) *IN GENERAL.*—Chapter 448, as amended by sec-
 7 tion 2133 of this Act, is further amended by adding after
 8 section 44810 the following:

9 **“§44811. Carriage of property by small unmanned**
 10 **aircraft systems for compensation or hire**

11 “(a) *IN GENERAL.*—Not later than 1 year after the
 12 date of enactment of the Federal Aviation Administration
 13 Reauthorization Act of 2017, the Secretary of Transpor-
 14 tation shall issue a final rule authorizing the carriage of
 15 property by operators of small unmanned aircraft systems
 16 for compensation or hire within the United States.

17 “(b) *CONTENTS.*—The final rule required under sub-
 18 section (a) shall provide for the following:

19 “(1) *SMALL UAS AIR CARRIER CERTIFICATE.*—
 20 The Administrator of the Federal Aviation Adminis-
 21 tration, at the direction of the Secretary, shall estab-
 22 lish a certificate (to be known as a ‘small UAS air
 23 carrier certificate’) for persons that undertake di-
 24 rectly, by lease, or other arrangement the operation of
 25 small unmanned aircraft systems to carry property

1 *in air transportation, including commercial fleet op-*
 2 *erations with highly automated unmanned aircraft*
 3 *systems. The requirements to operate under a small*
 4 *UAS air carrier certificate shall—*

5 *“(A) consider the unique characteristics of*
 6 *highly automated, small unmanned aircraft sys-*
 7 *tems; and*

8 *“(B) include requirements for the safe oper-*
 9 *ation of small unmanned aircraft systems that,*
 10 *at a minimum, address—*

11 *“(i) airworthiness of small unmanned*
 12 *aircraft systems;*

13 *“(ii) qualifications for operators and*
 14 *the type and nature of the operations; and*

15 *“(iii) operating specifications gov-*
 16 *erning the type and nature of the un-*
 17 *manned aircraft system air carrier oper-*
 18 *ations.*

19 *“(2) SMALL UAS AIR CARRIER CERTIFICATION*
 20 *PROCESS.—The Administrator, at the direction of the*
 21 *Secretary, shall establish a process for the issuance of*
 22 *small UAS air carrier certificates established pursu-*
 23 *ant to paragraph (1) that is performance-based and*
 24 *ensures required safety levels are met. Such certifi-*
 25 *cation process shall consider—*

1 “(A) *safety risks and the mitigation of those*
2 *risks associated with the operation of highly*
3 *automated, small unmanned aircraft around*
4 *other manned and unmanned aircraft, and over*
5 *persons and property on the ground;*

6 “(B) *the competencies and compliance pro-*
7 *grams of manufacturers, operators, and compa-*
8 *nies that manufacture, operate, or both small un-*
9 *manned aircraft systems and components; and*

10 “(C) *compliance with the requirements es-*
11 *tablished pursuant to paragraph (1).*

12 “(3) *SMALL UAS AIR CARRIER CLASSIFICA-*
13 *TION.—The Secretary shall amend part 298 of title*
14 *14, Code of Federal Regulations, to establish an addi-*
15 *tional class of air carrier for persons issued small*
16 *UAS air carrier certificates pursuant to this sub-*
17 *section to establish economic authority for the car-*
18 *riage of property by small unmanned aircraft systems*
19 *for compensation or hire. Such classification shall*
20 *only require—*

21 “(A) *registration with the Department of*
22 *Transportation; and*

23 “(B) *a valid small UAS air carrier certifi-*
24 *cate issued pursuant to this subsection.*

1 “(4) *AVAILABILITY OF CURRENT CERTIFICATION*
 2 *PROCESSES.*—Pending completion of the rulemaking
 3 required in subsection (a) of this section, a person
 4 may seek an air carrier operating certificate and cer-
 5 tificate of public convenience and necessity, or an ex-
 6 emption from such certificate, using existing proc-
 7 esses.”.

8 (b) *TABLE OF CONTENTS.*—The table of contents for
 9 chapter 448, as amended by section 2133 of this Act, is fur-
 10 ther amended by adding after the item relating to section
 11 44810 the following:

 “44811. Carriage of property by small unmanned aircraft systems for compensa-
 tion or hire.”.

12 **SEC. 2137. COLLEGIATE TRAINING INITIATIVE PROGRAM**
 13 **FOR UNMANNED AIRCRAFT SYSTEMS.**

14 (a) *IN GENERAL.*—Not later than 180 days after the
 15 date of enactment of this Act, the Administrator of the Fed-
 16 eral Aviation Administration shall establish a Collegiate
 17 Training Initiative program relating to unmanned aircraft
 18 systems by making new agreements or continuing existing
 19 agreements with institutions of higher education (as defined
 20 by the Administrator) under which the institutions prepare
 21 students for careers involving unmanned aircraft systems.
 22 The Administrator may establish standards for the entry
 23 of such institutions into the program and for their contin-
 24 ued participation in the program.

1 (b) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—*In this*
 2 *section, the term “unmanned aircraft system” has the*
 3 *meaning given that term by section 44801 of title 49,*
 4 *United States Code, as added by section 2121 of this Act.*

5 **SEC. 2138. INCORPORATION OF FEDERAL AVIATION ADMIN-**
 6 **ISTRATION OCCUPATIONS RELATING TO UN-**
 7 **MANNED AIRCRAFT INTO VETERANS EMPLOY-**
 8 **MENT PROGRAMS OF THE ADMINISTRATION.**

9 *Not later than 180 days after the date of the enactment*
 10 *of this Act, the Administrator of the Federal Aviation Ad-*
 11 *ministration, in consultation with the Secretary of Veterans*
 12 *Affairs, the Secretary of Defense, and the Secretary of*
 13 *Labor, shall determine whether occupations of the Adminis-*
 14 *tration relating to unmanned aircraft systems technology*
 15 *and regulations can be incorporated into the Veterans’ Em-*
 16 *ployment Program of the Administration, particularly in*
 17 *the interaction between such program and the New Sights*
 18 *Work Experience Program and the Vet-Link Cooperative*
 19 *Education Program.*

20 **SEC. 2139. REPORT ON UAS AND CHEMICAL AERIAL APPLI-**
 21 **CATION.**

22 *Not later than 1 year after the date of enactment of*
 23 *this Act, the Administrator of the Federal Aviation Admin-*
 24 *istration shall submit to the appropriate committees of Con-*
 25 *gress a report evaluating which aviation safety require-*

1 *ments under part 137 of title 14, Code of Federal Regula-*
 2 *tions, should apply to unmanned aircraft system operations*
 3 *engaged in aerial spraying of chemicals for agricultural*
 4 *purposes.*

5 **SEC. 2140. PART 107 IMPLEMENTATION IMPROVEMENTS.**

6 (a) *TRANSPARENCY.*—Not later than 30 days after the
 7 *date of enactment of this Act, the Administrator of the Fed-*
 8 *eral Aviation Administration shall publish on the Federal*
 9 *Aviation Administration website a representative sample of*
 10 *the safety justifications offered by applicants for waivers*
 11 *or air traffic control authorizations that have been ap-*
 12 *proved by the Administration for each regulation waived*
 13 *or class of airspace authorized, except that any published*
 14 *justification shall not reveal proprietary or commercially*
 15 *sensitive information.*

16 (b) *TECHNOLOGY IMPROVEMENTS.*—Not later than 60
 17 *days after the date of enactment of this Act, the Adminis-*
 18 *trator shall revise the online waiver and air traffic control*
 19 *authorization processes—*

20 (1) *to provide real time confirmation that an*
 21 *application filed online has been received by the Ad-*
 22 *ministration; and*

23 (2) *to provide an applicant with an opportunity*
 24 *to review the status of the applicant's application.*

1 **SEC. 2141. EXPANSION OF PART 107 WAIVER AUTHORITY.**

2 (a) *IN GENERAL.*—Not later than 30 days after the
3 date of enactment of this Act, the Administrator of the Fed-
4 eral Aviation Administration shall issue a final rule—

5 (1) *revising subsections (a) and (c) of section*
6 *107.205 of title 14, Code of Federal Regulations, to*
7 *remove the prohibitions on the issuance of waivers for*
8 *the carriage of property of another by aircraft for*
9 *compensation or hire; and*

10 (2) *revising section 107.25 of that title to remove*
11 *the prohibition on the operation of a small unmanned*
12 *aircraft system from a moving vehicle to transport*
13 *another person's property for compensation or hire.*

14 (b) *DETERMINATIONS.*—In determining whether to
15 grant a waiver under part 107 of title 14, Code of Federal
16 Regulations, to authorize the transportation by an un-
17 manned aircraft system of the property of another for com-
18 pensation or hire beyond the visual line of sight of the re-
19 mote pilot, from a moving vehicle or aircraft, or over people,
20 the Administrator shall consider the technological capabili-
21 ties of the unmanned aircraft system, the qualifications of
22 the remote pilot, and the environment in which the oper-
23 ation is conducted.

24 **SEC. 2142. REDESIGNATION.**

25 (a) *SAFETY STATEMENTS.*—

1 (1) *IN GENERAL.*—Section 2203 of the *FAA Ex-*
 2 *tension Safety and Security Act of 2016 (Public Law*
 3 *114–190; 130 Stat. 615)* is redesignated as section
 4 44812 of chapter 448 of title 49, United States Code,
 5 and transferred so as to appear after section 44811
 6 of title 49, United States Code, as added by section
 7 2136 of this Act.

8 (2) *TECHNICAL AND CONFORMING AMEND-*
 9 *MENTS.*—Section 44812(b), as redesignated, is amend-
 10 ed—

11 (A) in paragraph (1), by striking “this Act”
 12 and inserting “the *FAA Extension Safety and*
 13 *Security Act of 2016*”; and

14 (B) in clauses (i), (ii), and (iii) of para-
 15 graph (2)(D), by striking “section 336 of the
 16 *FAA Modernization and Reform Act of 2012* 949
 17 *U.S.C. 40101 note)*” and inserting “section
 18 44808”.

19 (b) *EMERGENCY EXEMPTION PROCESS.*—

20 (1) *IN GENERAL.*—Section 2207 of the *FAA Ex-*
 21 *tension Safety and Security Act of 2016 (Public Law*
 22 *114–190; 130 Stat. 615)* is redesignated as section
 23 44813 of chapter 448 of title 49, United States Code,
 24 and transferred so as to appear after section 44812

1 of title 49, United States Code, as redesignated by
2 subsection (a)(1) of this section.

3 (2) *TECHNICAL AND CONFORMING AMEND-*
4 *MENTS.*—Section 44813(a), as redesignated, is
5 amended by striking “this Act” and inserting “the
6 *FAA Extension Safety and Security Act of 2016*”.

7 (c) *APPLICATIONS FOR DESIGNATION.*—

8 (1) *IN GENERAL.*—Section 2209 of the *FAA Ex-*
9 *tension Safety and Security Act of 2016* (Public Law
10 114–190; 130 Stat. 615) is redesignated as section
11 44814 of chapter 448 of title 49, United States Code,
12 and transferred so as to appear after section 44813
13 of title 49, United States Code, as redesignated by
14 subsection (b)(1) of this section.

15 (2) *TECHNICAL AND CONFORMING AMEND-*
16 *MENTS.*—Section 44814(a), as redesignated, is
17 amended by striking “this Act” and inserting “the
18 *FAA Extension Safety and Security Act of 2016*”.

19 (d) *OPERATIONS ASSOCIATED WITH CRITICAL INFRA-*
20 *STRUCTURE.*—

21 (1) *IN GENERAL.*—Section 2210 of the *FAA Ex-*
22 *tension Safety and Security Act of 2016* (Public Law
23 114–190; 130 Stat. 615) is redesignated as section
24 44815 of chapter 448 of title 49, United States Code,
25 and transferred so as to appear after section 44814

1 of title 49, United States Code, as redesignated by
2 subsection (c)(1) of this section.

3 (2) *TECHNICAL AND CONFORMING AMEND-*
4 *MENTS.*—Section 44815, as redesignated, is amend-
5 ed—

6 (A) in subsections (a), (d)(2), and (e), by
7 striking “section 333 of the *FAA Modernization*
8 *and Reform Act of 2012 (49 U.S.C. 40101 note)*”
9 and inserting “section 44805”;

10 (B) in subsection (c)(2), by striking “,
11 *United States Code*”; and

12 (C) in subsection (d)(1), by striking “*this*
13 *Act*” and inserting “*the FAA Extension Safety*
14 *and Security Act of 2016*”.

15 **SEC. 2143. SENSE OF CONGRESS ON EMERGENCY EXEMP-**
16 **TION PROCESS.**

17 *It is the sense of Congress that the Administrator of*
18 *the Federal Aviation Administration should comply as soon*
19 *as possible, and not later than 60 days after the date of*
20 *enactment of this Act, with the requirement under section*
21 *44813 of title 49, United States Code (as redesignated by*
22 *section 2141(b)), to publish guidance for applications for,*
23 *and procedures for the processing of, on an emergency basis,*
24 *exemptions or certificates of authorization or waiver for the*
25 *use of unmanned aircraft systems by or on behalf of civil*

1 *or public operators in response to a catastrophe, disaster,*
 2 *or other emergency to facilitate emergency response oper-*
 3 *ations, such as firefighting, search and rescue, post-cata-*
 4 *strophic response operations, such as utility and infrastruc-*
 5 *ture restoration efforts, and the safe and prompt processing,*
 6 *adjustment, and payment of insurance claims.*

7 **SEC. 2144. UNMANNED AIRCRAFT SYSTEMS IN RESTRICTED**
 8 **BUILDINGS OR GROUNDS.**

9 *(a) IN GENERAL.—Chapter 448, as amended by sec-*
 10 *tion 2142 of this Act, is further amended by inserting after*
 11 *section 44815 the following:*

12 **“§44816. Unmanned Aircraft Systems in Restricted**
 13 **Buildings or Grounds**

14 *“(a) IN GENERAL.—It shall be unlawful to knowingly*
 15 *operate an unmanned aircraft system with the intent for*
 16 *such unmanned aircraft system to enter or operate within*
 17 *or above a restricted building or grounds (as defined in sec-*
 18 *tion 1752 of title 18) and to impede or disrupt the orderly*
 19 *conduct of Government business or official functions.*

20 *“(b) PENALTY.—Any person who violates subsection*
 21 *(a) shall be—*

22 *“(1) fined under title 18, imprisoned for not*
 23 *more than 10 years, or both, if—*

1 “(A) a deadly or dangerous weapon or fire-
 2 arm is affixed to the unmanned aircraft system;
 3 or

4 “(B) the offense results in significant bodily
 5 injury, as defined in section 2118 of title 18; or

6 “(2) fined under title 18, imprisoned for not
 7 more than 1 year, or both, in any other case.”.

8 (b) *TABLE OF CONTENTS.*—The table of contents for
 9 chapter 448, as added by section 2121 of this Act, is further
 10 amended by inserting after the item relating to section
 11 44815 the following:

“44816. Unmanned aircraft systems in restricted buildings or grounds.”.

12 **PART III—OTHER MATTERS**

13 **SEC. 2151. FEDERAL AND LOCAL AUTHORITIES.**

14 (a) *IN GENERAL.*—Not later than 180 days after the
 15 date of enactment of this Act, the Comptroller General of
 16 the United States shall—

17 (1) conduct a study on the relative roles of the
 18 Federal Government and State and local governments
 19 in regulating the national airspace system, including
 20 unmanned aircraft systems operations; and

21 (2) submit to the appropriate committees of Con-
 22 gress a report on the study, including the Comptroller
 23 General’s findings, conclusions, and recommenda-
 24 tions.

1 (b) *CONTENTS.*—*The study under subsection (a) shall*
2 *review the following:*

3 (1) *The current state of the law with respect to*
4 *Federal authority over airspace in the United States*
5 *and the operations of aircraft in that airspace.*

6 (2) *The current state of the law with respect to*
7 *state and local authority over airspace in the United*
8 *States and the operations of aircraft in that airspace;*

9 (3) *Potential gaps between authorities under*
10 *paragraphs (1) and (2), particularly with respect to*
11 *unmanned aircraft systems operations at low alti-*
12 *tudes;*

13 (4) *The effectiveness of the Federal Government's*
14 *efforts to resolve differences between different stake-*
15 *holders on the issue.*

16 (5) *Potential ways to structure the roles and re-*
17 *sponsibilities between the Federal Government and*
18 *State and local governments to ensure the highest level*
19 *of safety for all aviation operations and in consider-*
20 *ation of State and local interests on issues such as*
21 *nuisance, voyeurism, privacy, trespass, harassment,*
22 *reckless endangerment, wrongful death, personal in-*
23 *jury, property damage, or other illegal acts arising*
24 *from the use of unmanned aircraft systems.*

1 **SEC. 2152. SPECTRUM.**

2 (a) *IN GENERAL.*—Small unmanned aircraft systems
3 may use spectrum for wireless control link, tracking,
4 diagnostics, payload communication, and collaborative-col-
5 lision avoidance, such as vehicle-to-vehicle communication,
6 and other uses, consistent with the Communications Act of
7 1934 (47 U.S.C. 151 et seq.), Federal Communications
8 Commission rules, and the safety-of-life determination
9 made by the Federal Aviation Administration, and through
10 voluntary commercial arrangements with service providers,
11 whether they are operating within a UTM system under
12 section 2208 of the FAA Extension Safety and Security Act
13 of 2016 (Public Law 114–190; 130 Stat. 615) or outside
14 such a system.

15 (b) *REPORT.*—Not later than 270 days after the date
16 of enactment of this Act, and after consultation with rel-
17 evant stakeholders, the Administrator of the Federal Avia-
18 tion Administration, the National Telecommunications and
19 Information Administration, and the Federal Communica-
20 tions Commission, shall submit to the Committee on Com-
21 merce, Science, and Transportation of the Senate, the Com-
22 mittee on Transportation and Infrastructure of the House
23 of Representatives, and the Committee on Energy and Com-
24 merce of the House of Representatives a report—

25 (1) *on whether small unmanned aircraft systems*
26 *operations should be permitted to operate on spectrum*

1 *designated for aviation use, on an unlicensed, shared,*
 2 *or exclusive basis, for operations within the UTM sys-*
 3 *tem or outside of such a system;*

4 *(2) that addresses any technological, statutory,*
 5 *regulatory, and operational barriers to the use of such*
 6 *spectrum; and*

7 *(3) that, if it is determined that spectrum des-*
 8 *ignated for aviation use is not suitable for operations*
 9 *by small unmanned aircraft systems, includes rec-*
 10 *ommendations of other spectrum frequencies that may*
 11 *be appropriate for such operations.*

12 **SEC. 2153. USE OF UNMANNED AIRCRAFT SYSTEMS AT IN-**
 13 **STITUTIONS OF HIGHER EDUCATION.**

14 *(a) IN GENERAL.—Not later than 270 days after the*
 15 *date of enactment of this Act, the Administrator of the Fed-*
 16 *eral Aviation Administration shall establish procedures and*
 17 *standards, as applicable, to further facilitate the safe oper-*
 18 *ation of unmanned aircraft systems by institutions of high-*
 19 *er education, including faculty, students, and staff.*

20 *(b) STANDARDS.—The procedures and standards re-*
 21 *quired under subsection (a) shall grant institutions of high-*
 22 *er education (including faculty, students, and staff) addi-*
 23 *tional ability, beyond that permitted by law on the day be-*
 24 *fore such date of enactment, to operate unmanned aircraft*
 25 *systems by outlining risk-based operational parameters to*

1 *ensure the safety of the national airspace system and the*
 2 *uninvolved public that facilitates the use of unmanned air-*
 3 *craft systems for educational or research purposes.*

4 (c) *UNMANNED AIRCRAFT SYSTEM APPROVAL.—The*
 5 *procedures required under subsection (a) shall allow un-*
 6 *manned aircraft systems operated under this section to be*
 7 *modified for research purposes without iterative approval*
 8 *from the Administrator.*

9 (d) *ADDITIONAL PROCEDURES.—The Administrator*
 10 *shall establish a procedure to provide for streamlined, risk-*
 11 *based operational approval for unmanned aircraft systems*
 12 *operated by institutions of higher education, including fac-*
 13 *ulty, students, and staff, outside of the parameters or pur-*
 14 *poses set forth in subsection (b).*

15 (e) *DEADLINES.—*

16 (1) *IN GENERAL.—If, by the date that is 270*
 17 *days after the date of enactment of this Act, the Ad-*
 18 *ministrator has not set forth standards and proce-*
 19 *dures required under subsections (a), (b), and (c), an*
 20 *institution of higher education may—*

21 (A) *continue to operate small unmanned*
 22 *aircraft at model aircraft fields approved by the*
 23 *Academy of Model Aeronautics and with the per-*
 24 *mission of the local club of the Academy of Model*
 25 *Aeronautics; and*

1 (B) continue to operate small unmanned
 2 aircraft as permitted under part 107 of title 14,
 3 Code of Federal Regulations, or any subsequent
 4 regulation that is equally or more permissive;
 5 and

6 (C) operate small unmanned aircraft for
 7 educational or research purposes in a manner
 8 beyond that permitted by law on the day before
 9 such date of enactment at one or more outdoor
 10 flight fields designated by the institution, pro-
 11 vided that the institution first submits to the
 12 Federal Aviation Administration applications
 13 for approval of—

14 (i) the institution's designated outdoor
 15 flight fields; and

16 (ii) the institution's standards for op-
 17 eration at that field.

18 (2) CONSEQUENCE OF FAILURE TO APPROVE.—If
 19 the Administrator does not take action with respect to
 20 an application submitted under paragraph (1)(C)
 21 within 30 days of the submission of the application,
 22 the failure to do so shall be treated as approval of the
 23 application.

24 (f) DEFINITIONS.—In this section:

1 (1) *INSTITUTION OF HIGHER EDUCATION.*—*The*
2 *term “institution of higher education” has the mean-*
3 *ing given that term by section 101(a) of the Higher*
4 *Education Act of 1965 (20 U.S.C. 1001(a)).*

5 (2) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
6 *“unmanned aircraft system” has the meaning given*
7 *the term in section 44801 of title 49, United States*
8 *Code, as added by section 2121 of this Act.*

9 (3) *EDUCATIONAL OR RESEARCH PURPOSES.*—
10 *The term “educational or research purposes”, with re-*
11 *spect to the operation of an unmanned aircraft sys-*
12 *tem by an institution of higher education, includes—*

13 (A) *instruction of students at the institu-*
14 *tion;*

15 (B) *academic or research related use of un-*
16 *manned aircraft systems by student organiza-*
17 *tions recognized by the institution, if such use*
18 *has been approved by the institution;*

19 (C) *activities undertaken by the institution*
20 *as part of research projects, including research*
21 *projects sponsored by the Federal Government;*
22 *and*

23 (D) *other academic activities at the institu-*
24 *tion, including general research, engineering,*
25 *and robotics.*

1 **SEC. 2154. TRANSITION LANGUAGE.**

2 (a) *REGULATIONS.*—Notwithstanding the repeals
 3 under sections 2122(b)(2), 2124(b)(2), 2125(b)(2),
 4 2127(b)(2), 2128(b)(2), and 2133(b)(2) of this Act, all or-
 5 ders, determinations, rules, regulations, permits, grants,
 6 and contracts, which have been issued under any law de-
 7 scribed under subsection (b) of this section on or before the
 8 effective date of this Act shall continue in effect until modi-
 9 fied or revoked by the Secretary of Transportation, acting
 10 through the Administrator of the Federal Aviation Admin-
 11 istration, as applicable, by a court of competent jurisdic-
 12 tion, or by operation of law other than this Act.

13 (b) *LAWS DESCRIBED.*—The laws described under this
 14 subsection are as follows:

15 (1) *Section 332(c) of the FAA Modernization*
 16 *and Reform Act of 2012 (49 U.S.C. 40101 note).*

17 (2) *Section 332(d) of the FAA Modernization*
 18 *and Reform Act of 2012 (49 U.S.C. 40101 note).*

19 (3) *Section 333 of the FAA Modernization and*
 20 *Reform Act of 2012 (49 U.S.C. 40101 note).*

21 (4) *Section 334 of the FAA Modernization and*
 22 *Reform Act of 2012 (49 U.S.C. 40101 note).*

23 (5) *Section 336 of the FAA Modernization and*
 24 *Reform Act of 2012 (49 U.S.C. 40101 note).*

1 (6) *Section 2206 of the FAA Extension Safety*
 2 *and Security Act of 2016 (Public Law 114–190; 130*
 3 *Stat. 615).*

4 (c) *EFFECT ON PENDING PROCEEDINGS.—This Act*
 5 *shall not affect administrative or judicial proceedings pend-*
 6 *ing on the effective date of this Act.*

7 **SEC. 2155. COMMUNITY AND TECHNICAL COLLEGE CEN-**
 8 **TERS OF EXCELLENCE IN SMALL UNMANNED**
 9 **AIRCRAFT SYSTEM TECHNOLOGY TRAINING.**

10 (a) *DESIGNATION.—Not later than 180 days after the*
 11 *date of enactment of this Act, the Secretary of Transpor-*
 12 *tation, in consultation with the Secretary of Education and*
 13 *the Secretary of Labor, shall establish a process to designate*
 14 *consortia of public, 2-year institutions of higher education*
 15 *as Community and Technical College Centers of Excellence*
 16 *in Small Unmanned Aircraft System Technology Training*
 17 *(in this section referred to as the “Centers of Excellence”).*

18 (b) *FUNCTIONS.—A Center of Excellence designated*
 19 *under subsection (a) shall have the capacity to train stu-*
 20 *dents for career opportunities in industry and government*
 21 *service related to the use of small unmanned aircraft sys-*
 22 *tems.*

23 (c) *EDUCATION AND TRAINING REQUIREMENTS.—In*
 24 *order to be designated as a Center of Excellence under sub-*
 25 *section (a), a consortium shall be able to address education*

1 *and training requirements associated with various types of*
2 *small unmanned aircraft systems, components, and related*
3 *equipment, including with respect to—*

4 (1) *multi-rotor and fixed-wing small unmanned*
5 *aircraft;*

6 (2) *flight systems, radio controllers, components,*
7 *and characteristics of such aircraft;*

8 (3) *routine maintenance, uses and applications,*
9 *privacy concerns, safety, and insurance for such air-*
10 *craft;*

11 (4) *hands-on flight practice using small un-*
12 *manned aircraft systems and computer simulator*
13 *training;*

14 (5) *use of small unmanned aircraft systems in*
15 *various industry applications and local, State, and*
16 *Federal government programs and services, including*
17 *in agriculture, law enforcement, monitoring oil and*
18 *gas pipelines, natural disaster response and recovery,*
19 *fire and emergency services, and other emerging*
20 *areas;*

21 (6) *Federal policies concerning small unmanned*
22 *aircraft;*

23 (7) *dual credit programs to deliver small un-*
24 *manned aircraft training opportunities to secondary*
25 *school students; or*

1 (8) *training with respect to sensors and the proc-*
 2 *essing, analyzing, and visualizing of data collected by*
 3 *small unmanned aircraft.*

4 (d) *COLLABORATION.—Each Center of Excellence shall*
 5 *seek to collaborate with institutions participating in the Al-*
 6 *liance for System Safety of UAS through Research Excel-*
 7 *lence of the Federal Aviation Administration and with the*
 8 *test ranges designated under section 332(c) of the FAA Mod-*
 9 *ernization and Reform Act of 2012 (Public Law 112–95;*
 10 *49 U.S.C. 40101 note).*

11 (e) *INSTITUTION OF HIGHER EDUCATION.—In this*
 12 *section, the term “institution of higher education” has the*
 13 *meaning given the term in section 101 of the Higher Edu-*
 14 *cation Act of 1965 (20 U.S.C. 1001).*

15 **SEC. 2156. AUTHORIZATION OF APPROPRIATIONS FOR**
 16 **KNOW BEFORE YOU FLY CAMPAIGN.**

17 *There are authorized to be appropriated to the Admin-*
 18 *istrator of the Federal Aviation Administration \$1,000,000*
 19 *for each of fiscal years 2018 through 2021 for the Know*
 20 *Before You Fly educational campaign or similar public in-*
 21 *formational efforts intended to broaden unmanned aircraft*
 22 *systems safety awareness.*

1 **SEC. 2157. STRATEGY FOR RESPONDING TO PUBLIC SAFETY**
2 **THREATS AND ENFORCEMENT UTILITY OF**
3 **UNMANNED AIRCRAFT SYSTEMS.**

4 (a) *IN GENERAL.*—Not later than 1 year after the date
5 of enactment of this Act, the Administrator of the Federal
6 Aviation Administration shall develop a comprehensive
7 strategy to provide outreach to State and local governments
8 and provide guidance for local law enforcement agencies
9 and first responders with respect to—

10 (1) *how to identify and respond to public safety*
11 *threats posed by unmanned aircraft systems; and*

12 (2) *how to identify and take advantage of oppor-*
13 *tunities to use unmanned aircraft systems to enhance*
14 *the effectiveness of local law enforcement agencies and*
15 *first responders.*

16 (b) *RESOURCES.*—Not later than 180 days after the
17 date of enactment of this Act, the Administrator shall estab-
18 lish a publicly available Internet website that contains re-
19 sources for State and local law enforcement agencies and
20 first responders seeking—

21 (1) *to respond to public safety threats posed by*
22 *unmanned aircraft systems; and*

23 (2) *to identify and take advantage of opportuni-*
24 *ties to use unmanned aircraft systems to enhance the*
25 *effectiveness of local law enforcement agencies and*
26 *public safety response efforts.*

1 (c) *UNMANNED AIRCRAFT SYSTEM DEFINED.*—*In this*
 2 *section, the term “unmanned aircraft system” has the*
 3 *meaning given that term in section 44801 of title 49,*
 4 *United States Code, as added by section 2121.*

5 **PART IV—OPERATOR SAFETY**

6 **SEC. 2161. SHORT TITLE.**

7 *This part may be cited as the “Drone Operator Safety*
 8 *Act”.*

9 **SEC. 2162. FINDINGS; SENSE OF CONGRESS.**

10 (a) *FINDING.*—*Congress finds that educating operators*
 11 *of unmanned aircraft about Federal law, including regula-*
 12 *tions, relating to unmanned aircraft will promote the safe*
 13 *operation of such aircraft.*

14 (b) *SENSE OF CONGRESS.*—*It is the sense of Congress*
 15 *that the Administrator of the Federal Aviation Administra-*
 16 *tion should continue to prioritize the education of operators*
 17 *of unmanned aircraft through public outreach efforts like*
 18 *the “Know Before You Fly” campaign.*

19 **SEC. 2163. UNSAFE OPERATION OF UNMANNED AIRCRAFT.**

20 (a) *IN GENERAL.*—*Chapter 2 of title 18, United States*
 21 *Code, is amended—*

22 (1) *in section 31—*

23 (A) *in subsection (a)—*

24 (i) *by redesignating paragraph (10) as*
 25 *paragraph (11); and*

1 (ii) by inserting after paragraph (9)
2 the following:

3 “(10) *UNMANNED AIRCRAFT.*—The term ‘un-
4 manned aircraft’ has the meaning given such term in
5 section 44801 of title 49.”; and

6 (B) in subsection (b), by inserting “‘air-
7 port,’” before “‘appliance’”; and

8 (2) by inserting after section 39A the following:

9 **“§ 39B. Unsafe operation of unmanned aircraft**

10 “(a) *OFFENSE.*—Any person who operates an un-
11 manned aircraft and, in so doing, knowingly or recklessly
12 interferes with, or disrupts the operation of, an aircraft car-
13 rying 1 or more occupants operating in the special aircraft
14 jurisdiction of the United States, in a manner that poses
15 an imminent safety hazard to such occupants, shall be pun-
16 ished as provided in subsection (b).

17 “(b) *PENALTY.*—

18 “(1) *IN GENERAL.*—Except as provided in para-
19 graph (2), the punishment for an offense under sub-
20 section (a) shall be a fine under this title, imprison-
21 ment for not more than 1 year, or both.

22 “(2) *SERIOUS BODILY INJURY OR DEATH.*—Any
23 person who attempts to cause, or knowingly or reck-
24 lessly causes, serious bodily injury or death during
25 the commission of an offense under subsection (a)

1 *shall be fined under this title, imprisoned for any*
 2 *term of years or for life, or both.*

3 “(c) *OPERATION OF UNMANNED AIRCRAFT IN CLOSE*
 4 *PROXIMITY TO AIRPORTS.*—

5 “(1) *IN GENERAL.*—*The operation of an un-*
 6 *manned aircraft within a runway exclusion zone*
 7 *shall be considered a violation of subsection (a) unless*
 8 *such operation is approved by the airport’s air traffic*
 9 *control facility or is the result of a circumstance, such*
 10 *as a malfunction, that could not have been reasonably*
 11 *foreseen or prevented by the operator.*

12 “(2) *RUNWAY EXCLUSION ZONE DEFINED.*—*In*
 13 *this subsection, the term ‘runway exclusion zone’*
 14 *means a rectangular area—*

15 “(A) *centered on the centerline of an active*
 16 *runway of an airport immediately around which*
 17 *the airspace is designated as class B, class C, or*
 18 *class D airspace at the surface under part 71 of*
 19 *title 14, Code of Federal Regulations; and*

20 “(B) *the length of which extends parallel to*
 21 *the runway’s centerline to points that are 1 stat-*
 22 *ute mile from each end of the runway and the*
 23 *width of which is ½ statute mile.”.*

24 “(b) *TABLE OF CONTENTS.*—*The table of contents for*
 25 *chapter 2 of title 18, United States Code, is amended by*

1 *inserting after the item relating to section 39A the fol-*
 2 *lowing:*

“39B. Unsafe operation of unmanned aircraft.”.

3 ***Subtitle B—FAA Safety***
 4 ***Certification Reform***

5 ***PART I—GENERAL PROVISIONS***

6 ***SEC. 2211. DEFINITIONS.***

7 *In this subtitle:*

8 (1) *ADMINISTRATOR.*—*The term “Adminis-*
 9 *trator” means the Administrator of the Federal Avia-*
 10 *tion Administration.*

11 (2) *ADVISORY COMMITTEE.*—*The term “Advisory*
 12 *Committee” means the Safety Oversight and Certifi-*
 13 *cation Advisory Committee established under section*
 14 *2212.*

15 (3) *FAA.*—*The term “FAA” means the Federal*
 16 *Aviation Administration.*

17 (4) *SECRETARY.*—*The term “Secretary” means*
 18 *the Secretary of Transportation.*

19 (5) *SYSTEMS SAFETY APPROACH.*—*The term*
 20 *“systems safety approach” means the application of*
 21 *specialized technical and managerial skills to the sys-*
 22 *tematic, forward-looking identification and control of*
 23 *hazards throughout the lifecycle of a project, program,*
 24 *or activity.*

1 **SEC. 2212. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
2 **SORY COMMITTEE.**

3 (a) *ESTABLISHMENT.*—Not later than 60 days after
4 the date of enactment of this Act, the Secretary shall estab-
5 lish a Safety Oversight and Certification Advisory Com-
6 mittee in accordance with this section.

7 (b) *DUTIES.*—The Advisory Committee shall provide
8 advice to the Secretary on policy-level issues facing the
9 aviation community that are related to FAA safety over-
10 sight and certification programs and activities, including
11 the following:

12 (1) *Aircraft and flight standards certification*
13 *processes, including efforts to streamline those proc-*
14 *esses.*

15 (2) *Implementation and oversight of safety man-*
16 *agement systems.*

17 (3) *Risk-based oversight efforts.*

18 (4) *Utilization of delegation and designation au-*
19 *thorities, including organization designation author-*
20 *ization.*

21 (5) *Regulatory interpretation standardization ef-*
22 *forts.*

23 (6) *Training programs.*

24 (7) *Expediting the rulemaking process and*
25 *prioritizing safety-related rules.*

1 (8) *Enhancing global competitiveness of U.S.*
2 *manufactured and FAA type-certificate aircraft prod-*
3 *ucts and services throughout the world.*

4 (c) *FUNCTIONS.—In carrying out its duties under sub-*
5 *section (b) related to FAA safety oversight and certification*
6 *programs and activities, the Advisory Committee shall—*

7 (1) *foster aviation stakeholder collaboration in*
8 *an open and transparent manner;*

9 (2) *consult with, and ensure participation by—*

10 (A) *the private sector, including representa-*
11 *tives of—*

12 (i) *general aviation;*

13 (ii) *commercial aviation;*

14 (iii) *aviation labor;*

15 (iv) *aviation, aerospace, and avionics*
16 *manufacturing;*

17 (v) *unmanned aircraft systems indus-*
18 *try; and*

19 (vi) *aviation maintenance, repair, and*
20 *overhaul; and*

21 (B) *the public;*

22 (3) *recommend consensus national goals, stra-*
23 *tegic objectives, and priorities for the most efficient,*
24 *streamlined, and cost-effective safety oversight and*
25 *certification processes in order to maintain the safety*

1 *of the aviation system while allowing the FAA to*
2 *meet future needs and ensure that aviation stake-*
3 *holders remain competitive in the global marketplace;*

4 (4) *provide policy recommendations for the*
5 *FAA's safety oversight and certification efforts;*

6 (5) *periodically review and provide recommenda-*
7 *tions regarding the FAA's safety oversight and certifi-*
8 *cation efforts;*

9 (6) *periodically review and evaluate registration,*
10 *certification, and related fees;*

11 (7) *provide appropriate legislative, regulatory,*
12 *and guidance recommendations for the air transpor-*
13 *tation system and the aviation safety regulatory envi-*
14 *ronment;*

15 (8) *recommend performance objectives for the*
16 *FAA and aviation industry;*

17 (9) *recommend performance metrics for the FAA*
18 *and the aviation industry to be tracked and reviewed*
19 *as streamlining certification reform, flight standards*
20 *reform, and regulation consistency efforts progress;*

21 (10) *provide a venue for tracking progress to-*
22 *ward national goals and sustaining joint commit-*
23 *ments;*

24 (11) *recommend recruiting, hiring, staffing lev-*
25 *els, training, and continuing education objectives for*

1 *FAA aviation safety engineers and aviation safety in-*
 2 *spectors;*

3 *(12) provide advice and recommendations to the*
 4 *FAA on how to prioritize safety rulemaking projects;*

5 *(13) improve the development of FAA regulations*
 6 *by providing information, advice, and recommenda-*
 7 *tions related to aviation issues;*

8 *(14) promote the validation and acceptance of*
 9 *U.S. manufactured and FAA type-certificate aircraft*
 10 *products and services throughout the world; and*

11 *(15) any other functions as determined appro-*
 12 *priate by the chairperson of the Advisory Committee*
 13 *and the Administrator.*

14 *(d) MEMBERSHIP.—*

15 *(1) VOTING MEMBERS.—The Advisory Committee*
 16 *shall be composed of the following voting members:*

17 *(A) The Administrator, or the Administra-*
 18 *tor's designee.*

19 *(B) At least 1 representative, appointed by*
 20 *the Secretary, of each of the following:*

21 *(i) Transport aircraft and engine*
 22 *manufacturers.*

23 *(ii) General aviation aircraft and en-*
 24 *gine manufacturers.*

1 (iii) *Avionics and equipment manufac-*
2 *turers.*

3 (iv) *Aviation labor organizations, in-*
4 *cluding collective bargaining representatives*
5 *of FAA aviation safety inspectors and avia-*
6 *tion safety engineers.*

7 (v) *General aviation operators.*

8 (vi) *Air carriers.*

9 (vii) *Business aviation operators.*

10 (viii) *Unmanned aircraft systems*
11 *manufacturers and operators.*

12 (ix) *Aviation safety management ex-*
13 *perts.*

14 (x) *Aviation maintenance, repair, and*
15 *overhaul.*

16 (2) *NONVOTING MEMBERS.—*

17 (A) *IN GENERAL.—In addition to the mem-*
18 *bers appointed under paragraph (1), the Advi-*
19 *sory Committee shall be composed of nonvoting*
20 *members appointed by the Secretary from among*
21 *individuals representing FAA safety oversight*
22 *program offices.*

23 (B) *DUTIES.—A nonvoting member may—*

24 (i) *take part in deliberations of the Ad-*
25 *visory Committee; and*

1 (ii) provide input with respect to any
2 report or recommendation of the Advisory
3 Committee.

4 (C) *LIMITATION.*—A nonvoting member
5 may not represent any stakeholder interest other
6 than that of an FAA safety oversight program
7 office.

8 (3) *TERMS.*—Each voting member and non-
9 voting member of the Advisory Committee shall be ap-
10 pointed for a term of 2 years.

11 (4) *RULE OF CONSTRUCTION.*—Public Law 104–
12 65 (2 U.S.C. 1601 et seq.) may not be construed to
13 prohibit or otherwise limit the appointment of any
14 individual as a member of the Advisory Committee.

15 (e) *COMMITTEE CHARACTERISTICS.*—The Advisory
16 Committee shall have the following characteristics:

17 (1) Each voting member under subsection
18 (d)(1)(B) shall be an executive that has decision au-
19 thority within the member’s organization and can
20 represent and enter into commitments on behalf of
21 that organization in a way that serves the entire
22 group of organizations that member represents under
23 that subsection.

1 (2) *The ability to obtain necessary information*
 2 *from experts in the aviation and aerospace commu-*
 3 *nities.*

4 (3) *A membership size that enables the Advisory*
 5 *Committee to have substantive discussions and reach*
 6 *consensus on issues in an expeditious manner.*

7 (4) *Appropriate expertise, including expertise in*
 8 *certification and risk-based safety oversight processes,*
 9 *operations, policy, technology, labor relations, train-*
 10 *ing, and finance.*

11 (f) *CHAIRPERSON.—*

12 (1) *IN GENERAL.—The chairperson of the Advi-*
 13 *sory Committee shall be appointed by the Secretary*
 14 *from among the voting members under subsection*
 15 *(d)(1)(B).*

16 (2) *TERM.—Each member appointed under*
 17 *paragraph (1) shall serve a term of 2 years as chair-*
 18 *person.*

19 (g) *MEETINGS.—*

20 (1) *FREQUENCY.—The Advisory Committee shall*
 21 *convene at least 2 meetings a year at the call of the*
 22 *chairperson.*

23 (2) *PUBLIC ATTENDANCE.—Each meeting of the*
 24 *Advisory Committee shall be open and accessible to*
 25 *the public.*

1 (h) *SPECIAL COMMITTEES.*—

2 (1) *ESTABLISHMENT.*—*The Advisory Committee*
 3 *may establish 1 or more special committees composed*
 4 *of private sector representatives, members of the pub-*
 5 *lic, labor representatives, and other relevant parties*
 6 *in complying with consultation and participation re-*
 7 *quirements under subsection (c)(2).*

8 (2) *RULEMAKING ADVICE.*—*A special committee*
 9 *established by the Advisory Committee may—*

10 (A) *provide rulemaking advice and rec-*
 11 *ommendations to the Advisory Committee;*

12 (B) *provide the FAA additional opportuni-*
 13 *ties to obtain firsthand information and insight*
 14 *from those persons that are most affected by ex-*
 15 *isting and proposed regulations; and*

16 (C) *assist in expediting the development, re-*
 17 *vision, or elimination of rules in accordance*
 18 *with, and without circumventing, established*
 19 *public rulemaking processes and procedures.*

20 (3) *FEDERAL ADVISORY COMMITTEE ACT.*—*The*
 21 *Federal Advisory Committee Act (5 U.S.C. App.)*
 22 *shall not apply to a special committee under this sub-*
 23 *section.*

24 (i) *SUNSET.*—*The Advisory Committee shall cease to*
 25 *exist on September 30, 2021.*

1 **PART II—AIRCRAFT CERTIFICATION REFORM**

2 **SEC. 2221. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
 3 **JECTIVES AND METRICS.**

4 (a) *IN GENERAL.*—Not later than 120 days after the
 5 date the Advisory Committee is established under section
 6 2212, the Administrator shall establish performance objec-
 7 tives and apply and track performance metrics for the FAA
 8 and the aviation industry relating to aircraft certification
 9 in accordance with this section.

10 (b) *COLLABORATION.*—The Administrator shall carry
 11 out this section in collaboration with the Advisory Com-
 12 mittee and update agency performance objectives and
 13 metrics after considering the proposals recommended by the
 14 Advisory Committee under paragraphs (8) and (9) of sec-
 15 tion 2212(c).

16 (c) *PERFORMANCE OBJECTIVES.*—In establishing per-
 17 formance objectives under subsection (a), the Administrator
 18 shall ensure progress is made toward, at a minimum—

19 (1) *eliminating certification delays and improv-*
 20 *ing cycle times;*

21 (2) *increasing accountability for both FAA and*
 22 *the aviation industry;*

23 (3) *achieving effective utilization of FAA delega-*
 24 *tion and designation authorities, including organiza-*
 25 *tional designation authorization;*

1 (4) *effectively implementing risk management*
2 *principles and a systems safety approach;*

3 (5) *reducing duplication of effort;*

4 (6) *increasing transparency;*

5 (7) *developing and providing training, including*
6 *recurrent training, in auditing and a systems safety*
7 *approach to certification oversight;*

8 (8) *improving the process for approving or ac-*
9 *cepting the certification actions between the FAA and*
10 *bilateral partners;*

11 (9) *maintaining and improving safety;*

12 (10) *streamlining the hiring process for—*

13 (A) *qualified systems safety engineers at*
14 *staffing levels to support the FAA's efforts to im-*
15 *plement a systems safety approach; and*

16 (B) *qualified systems safety engineers to*
17 *guide the engineering of complex systems within*
18 *the FAA; and*

19 (11) *maintaining the leadership of the United*
20 *States in international aviation and aerospace.*

21 (d) *PERFORMANCE METRICS.—In carrying out sub-*
22 *section (a), the Administrator shall—*

23 (1) *apply and track performance metrics for the*
24 *FAA and the aviation industry; and*

1 (2) *transmit to the appropriate committees of*
2 *Congress an annual report on tracking the progress*
3 *toward full implementation of the recommendations*
4 *under section 2212.*

5 *(e) DATA.—*

6 (1) *BASELINES.—Not later than 1 year after the*
7 *date the Advisory Committee recommends initial per-*
8 *formance metrics under section 2212(c)(9), the Ad-*
9 *ministrator shall generate initial data with respect to*
10 *each of the performance metrics applied and tracked*
11 *under this section.*

12 (2) *BENCHMARKS.—The Administrator shall use*
13 *the performance metrics applied and tracked under*
14 *this section to generate data on an ongoing basis and*
15 *to measure progress toward the consensus national*
16 *goals, strategic objectives, and priorities recommended*
17 *under section 2212(c)(3).*

18 *(f) PUBLICATION.—*

19 (1) *IN GENERAL.—Subject to paragraph (2), the*
20 *Administrator shall make data generated using the*
21 *performance metrics applied and tracked under this*
22 *section available in a searchable, sortable, and*
23 *downloadable format through the Internet Web site of*
24 *the FAA or other appropriate methods.*

1 (2) *LIMITATIONS.—The Administrator shall*
 2 *make the data under paragraph (1) available in a*
 3 *manner that—*

4 (A) *protects from disclosure identifying in-*
 5 *formation regarding an individual or entity;*
 6 *and*

7 (B) *protects from inappropriate disclosure*
 8 *proprietary information.*

9 **SEC. 2222. ORGANIZATION DESIGNATION AUTHORIZA-**
 10 **TIONS.**

11 (a) *IN GENERAL.—Chapter 447 is amended by adding*
 12 *at the end the following:*

13 **“§44736. Organization designation authorizations**

14 “(a) *DELEGATIONS OF FUNCTIONS.—*

15 “(1) *IN GENERAL.—Except as provided in para-*
 16 *graph (3), in the oversight of an ODA holder, the Ad-*
 17 *ministrator of the Federal Aviation Administration,*
 18 *in accordance with Federal Aviation Administration*
 19 *standards, shall—*

20 “(A) *require, based on an application sub-*
 21 *mitted by the ODA holder and approved by the*
 22 *Administrator (or the Administrator’s designee),*
 23 *a procedures manual that addresses all proce-*
 24 *dures and limitations regarding the specified*
 25 *functions to be performed by the ODA holder*

1 *subject to regulations prescribed by the Adminis-*
2 *trator;*

3 *“(B) delegate fully to the ODA holder each*
4 *of the functions specified in the procedures man-*
5 *ual, unless the Administrator determines, after*
6 *the date of the delegation and as a result of an*
7 *accident finding, surveillance, or oversight, that*
8 *it is in the public interest and safety of air com-*
9 *merce to require a limitation; and*

10 *“(C) for each function that is limited under*
11 *subparagraph (B), work with the ODA holder to*
12 *develop the ODA holder’s capability to execute*
13 *that function safely and effectively, and to return*
14 *to full authority status.*

15 *“(2) DUTIES OF ODA HOLDERS.—An ODA hold-*
16 *er shall—*

17 *“(A) perform each specified function dele-*
18 *gated to the ODA holder in accordance with the*
19 *approved procedures manual for the delegation;*

20 *“(B) make the procedures manual available*
21 *to each member of the appropriate ODA unit;*
22 *and*

23 *“(C) cooperate fully with oversight activities*
24 *conducted by the Administrator in connection*
25 *with the delegation.*

1 “(3) *EXISTING ODA HOLDERS.*—With regard to
 2 an ODA holder operating under a procedures manual
 3 approved by the Administrator before the date of en-
 4 actment of the Federal Aviation Administration Re-
 5 authorization Act of 2017, the Administrator shall—

6 “(A) at the request of the ODA holder, and
 7 in an expeditious manner, consider revisions to
 8 the ODA holder’s procedures manual;

9 “(B) delegate fully to the ODA holder each
 10 of the functions specified in the procedures man-
 11 ual, unless the Administrator determines, after
 12 the date of the delegation and as a result of an
 13 accident finding, surveillance, or oversight, that
 14 it is in the public interest and safety of air com-
 15 merce to require a limitation; and

16 “(C) for each function that is limited under
 17 subparagraph (B), work with the ODA holder to
 18 develop the ODA holder’s capability to execute
 19 that function safely and effectively, and to return
 20 to full authority status.

21 “(b) *ODA OFFICE.*—

22 “(1) *ESTABLISHMENT.*—Not later than 120 days
 23 after the date of enactment of Federal Aviation Ad-
 24 ministration Reauthorization Act of 2017, the Ad-
 25 ministrator shall identify, within the Office of Avia-

1 *tion Safety, a centralized policy office to be respon-*
 2 *sible for the organization designation authorization*
 3 *(referred to in this subsection as the ODA Office). The*
 4 *Director of the ODA Office shall report to the Director*
 5 *of the Aircraft Certification Service.*

6 “(2) *PURPOSE.—The purpose of the ODA Office*
 7 *shall be to provide oversight and ensure consistency of*
 8 *the Federal Aviation Administration audit functions*
 9 *under the ODA program across the agency.*

10 “(3) *FUNCTIONS.—The ODA Office shall—*

11 “(A)(i) *at the request of an ODA holder,*
 12 *eliminate all limitations specified in a proce-*
 13 *dures manual in place on the date of enactment*
 14 *of the Federal Aviation Administration Reau-*
 15 *thorization Act of 2017 that are low and me-*
 16 *dium risk as determined by a risk analysis using*
 17 *criteria established by the ODA Office and dis-*
 18 *closed to the ODA holder, except where an ODA*
 19 *holder’s performance warrants the retention of a*
 20 *specific limitation due to documented concerns*
 21 *about inadequate current performance in car-*
 22 *rying out that authorized function;*

23 “(ii) *require an ODA holder to estab-*
 24 *lish a corrective action plan to regain au-*
 25 *thority for any retained limitations;*

1 “(iii) require an ODA holder to notify
2 the ODA Office when all corrective actions
3 have been accomplished; and

4 “(iv) make a reassessment to determine
5 if subsequent performance in carrying out
6 any retained limitation warrants continued
7 retention and, if such reassessment deter-
8 mines performance meets objectives, lift such
9 limitation immediately;

10 “(B) improve the Administration and the
11 ODA holder performance and ensure full use of
12 the authorities delegated under the ODA pro-
13 gram;

14 “(C) develop a more consistent approach to
15 audit priorities, procedures, and training under
16 the ODA program;

17 “(D) expeditiously review a random sample
18 of limitations on delegated authorities under the
19 ODA program to determine if the limitations are
20 appropriate;

21 “(E) review and approve new limitations to
22 ODA functions; and

23 “(F) ensure national consistency in the in-
24 terpretation and application of the requirements

1 *of the ODA program, including any limitations,*
 2 *and in the performance of the ODA program.*

3 “(c) *DEFINITIONS.—In this section:*

4 “(1) *ODA OR ORGANIZATION DESIGNATION AU-*
 5 *THORIZATION.—The term ‘ODA’ or ‘organization des-*
 6 *ignation authorization’ means an authorization*
 7 *under section 44702(d) to perform approved functions*
 8 *on behalf of the Administrator of the Federal Aviation*
 9 *Administration under subpart D of part 183 of title*
 10 *14, Code of Federal Regulations.*

11 “(2) *ODA HOLDER.—The term ‘ODA holder’*
 12 *means an entity authorized under section 44702(d)—*

13 “(A) *to which the Administrator of the Fed-*
 14 *eral Aviation Administration issues an ODA let-*
 15 *ter of designation under subpart D of part 183*
 16 *of title 14, Code of Federal Regulations (or any*
 17 *corresponding similar regulation or ruling); and*

18 “(B) *that is responsible for administering 1*
 19 *or more ODA units.*

20 “(3) *ODA PROGRAM.—The term ‘ODA program’*
 21 *means the program to standardize Federal Aviation*
 22 *Administration management and oversight of the or-*
 23 *ganizations that are approved to perform certain*
 24 *functions on behalf of the Administration under sec-*
 25 *tion 44702(d).*

1 “(4) *ODA UNIT*.—The term ‘ODA unit’ means a
 2 group of 2 or more individuals under the supervision
 3 of an ODA holder who perform the specified functions
 4 under an ODA.

5 “(5) *ORGANIZATION*.—The term ‘organization’
 6 means a firm, a partnership, a corporation, a com-
 7 pany, an association, a joint-stock association, or a
 8 governmental entity.”.

9 (b) *TECHNICAL AND CONFORMING AMENDMENTS*.—
 10 The table of contents of chapter 447 is amended by adding
 11 after the item relating to section 44735 the following:

 “44736. *Organization designation authorizations*.”.

12 **SEC. 2223. ODA REVIEW.**

13 (a) *EXPERT REVIEW PANEL*.—

14 (1) *ESTABLISHMENT*.—Not later than 120 days
 15 after the date of enactment of this Act, the Adminis-
 16 trator of the FAA shall convene a multidisciplinary
 17 expert review panel (referred to in this section as the
 18 “Panel”).

19 (2) *COMPOSITION*.—

20 (A) *IN GENERAL*.—The Panel shall be com-
 21 posed of not more than 20 members appointed by
 22 the Administrator.

23 (B) *QUALIFICATIONS*.—The members ap-
 24 pointed to the Panel shall—

1 (i) each have a minimum of 5 years of
2 experience in processes and procedures
3 under the ODA program; and

4 (ii) include representatives of ODA
5 holders, aviation manufacturers, safety ex-
6 perts, and FAA labor organizations, includ-
7 ing labor representatives of FAA aviation
8 safety inspectors and aviation safety engi-
9 neers.

10 (b) *SURVEY.*—The Panel shall survey ODA holders
11 and ODA program applicants to document FAA safety
12 oversight and certification programs and activities, includ-
13 ing the FAA’s use of the ODA program and the speed and
14 efficiency of the certification process. In carrying out this
15 subsection, the Administrator shall consult with the appro-
16 priate survey experts and the Panel to best design and con-
17 duct the survey.

18 (c) *ASSESSMENT.*—The Panel shall—

19 (1) conduct an assessment of—

20 (A) the FAA’s processes and procedures
21 under the ODA program and whether the proc-
22 esses and procedures function as intended;

23 (B) the best practices of and lessons learned
24 by ODA holders and the FAA personnel who pro-
25 vide oversight of ODA holders;

1 (C) the performance incentive policies, re-
2 lated to the ODA program for FAA personnel,
3 that do not conflict with the public interest;

4 (D) the training activities related to the
5 ODA program for FAA personnel and ODA
6 holders; and

7 (E) the impact, if any, that oversight of the
8 ODA program has on FAA resources and the
9 FAA's ability to process applications for certifi-
10 cations outside of the ODA program; and

11 (2) make recommendations for improving FAA
12 safety oversight and certification programs and ac-
13 tivities based on the results of the survey under sub-
14 section (b) and each element of the assessment under
15 paragraph (1) of this subsection.

16 (d) *REPORT.*—Not later than 180 days after the date
17 the Panel is convened under subsection (a), the Panel shall
18 submit to the Administrator, the Advisory Committee, and
19 the appropriate committees of Congress a report on results
20 of the survey under subsection (b) and the assessment and
21 recommendations under subsection (c).

22 (e) *DEFINITIONS.*—The terms used in this section have
23 the meanings given the terms in section 44736 of title 49,
24 United States Code, as added by section 2222 of this Act.

1 (f) *FEDERAL ADVISORY COMMITTEE ACT.*—*The Fed-*
 2 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
 3 *apply to the Panel.*

4 (g) *SUNSET.*—*The Panel shall terminate on the date*
 5 *the report is submitted under subsection (d).*

6 **SEC. 2224. TYPE CERTIFICATION RESOLUTION PROCESS.**

7 (a) *IN GENERAL.*—*Section 44704(a) is amended by*
 8 *adding at the end the following:*

9 “(6) *TYPE CERTIFICATION RESOLUTION PROC-*
 10 *ESS.*—

11 “(A) *IN GENERAL.*—*Not later than 15*
 12 *months after the date of enactment of the Federal*
 13 *Aviation Administration Reauthorization Act of*
 14 *2017, the Administrator shall establish an effec-*
 15 *tive, expeditious, and milestone-based issue reso-*
 16 *lution process for type certification activities*
 17 *under this subsection.*

18 “(B) *PROCESS REQUIREMENTS.*—*The reso-*
 19 *lution process shall provide for—*

20 “(i) *the resolution of technical issues at*
 21 *preestablished stages of the certification*
 22 *process, as agreed to by the Administrator*
 23 *and the type certificate applicant;*

24 “(ii) *the automatic escalation to ap-*
 25 *propriate management personnel of the Fed-*

1 eral Aviation Administration and the type
 2 certificate applicant of any major certifi-
 3 cation process milestone that is not com-
 4 pleted or resolved within a specific period of
 5 time agreed to by the Administrator and the
 6 type certificate applicant; and

7 “(iii) the resolution of a major certifi-
 8 cation process milestone escalated under
 9 clause (ii) within a specific period of time
 10 agreed to by the Administrator and the type
 11 certificate applicant.

12 “(C) *DEFINITION OF MAJOR CERTIFICATION*
 13 *PROCESS MILESTONE.*—In this paragraph, the
 14 term ‘major certification process milestone’
 15 means a milestone related to a type certification
 16 basis, type certification plan, type inspection au-
 17 thorization, issue paper, or other major type cer-
 18 tification activity agreed to by the Administrator
 19 and the type certificate applicant.”.

20 (b) *TECHNICAL AND CONFORMING AMENDMENTS.*—

21 Section 44704 is amended in the heading by striking “**air-**
 22 **worthiness certificates,**” and inserting “**air-**
 23 **worthiness certificates,**”.

1 **SEC. 2225. SAFETY ENHANCING TECHNOLOGIES FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) *POLICY.*—*In a manner consistent with the Small*
4 *Airplane Revitalization Act of 2013 (49 U.S.C. 44704 note),*
5 *not later than 180 days after the date of enactment of this*
6 *Act, the Administrator shall establish and begin imple-*
7 *menting a risk-based policy that streamlines the installa-*
8 *tion of safety enhancing technologies for small general avia-*
9 *tion airplanes in a manner that reduces regulatory delays*
10 *and significantly improves safety.*

11 (b) *INCLUSIONS.*—*The safety enhancing technologies*
12 *for small general aviation airplanes described in subsection*
13 *(a) shall include, at a minimum, the replacement or retrofit*
14 *of primary flight displays, auto pilots, engine monitors,*
15 *and navigation equipment.*

16 (c) *COLLABORATION.*—*In carrying out this section, the*
17 *Administrator shall collaborate with general aviation oper-*
18 *ators, general aviation manufacturers, and appropriate*
19 *FAA labor organizations, including representatives of FAA*
20 *aviation safety inspectors and aviation safety engineers,*
21 *certified under section 7111 of title 5, United States Code.*

22 (d) *DEFINITION OF SMALL GENERAL AVIATION AIR-*
23 *PLANE.*—*In this section, the term “small general aviation*
24 *airplane” means an airplane that—*

25 (1) *is certified to the standards of part 23 of title*
26 *14, Code of Federal Regulations;*

1 (2) *has a seating capacity of not more than 9*
 2 *passengers; and*

3 (3) *is not used in scheduled passenger-carrying*
 4 *operations under part 121 of title 14, Code of Federal*
 5 *Regulations.*

6 ***PART III—FLIGHT STANDARDS REFORM***

7 ***SEC. 2231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES***
 8 ***AND METRICS.***

9 (a) *IN GENERAL.*—*Not later than 120 days after the*
 10 *date the Advisory Committee is established under section*
 11 *2212, the Administrator shall establish performance objec-*
 12 *tives and apply and track performance metrics for the FAA*
 13 *and the aviation industry relating to flight standards ac-*
 14 *tivities in accordance with this section.*

15 (b) *COLLABORATION.*—*The Administrator shall carry*
 16 *out this section in collaboration with the Advisory Com-*
 17 *mittee and update agency performance objectives and*
 18 *metrics after considering the recommendations of the Advi-*
 19 *sory Committee under paragraphs (8) and (9) of section*
 20 *2212(c).*

21 (c) *PERFORMANCE OBJECTIVES.*—*In carrying out sub-*
 22 *section (a), the Administrator shall ensure that progress is*
 23 *made toward, at a minimum—*

24 (1) *eliminating delays with respect to such ac-*
 25 *tivities;*

1 (2) *increasing accountability for both FAA and*
2 *the aviation industry;*

3 (3) *effectively implementing risk management*
4 *principles and a systems safety approach;*

5 (4) *reducing duplication of effort;*

6 (5) *promoting appropriate compliance activities*
7 *and eliminating inconsistent regulatory interpreta-*
8 *tions and inconsistent enforcement activities;*

9 (6) *improving and providing greater opportuni-*
10 *ties for training, including recurrent training, in au-*
11 *diting and a systems safety approach to oversight;*

12 (7) *developing and allowing the use of a single*
13 *master source for guidance;*

14 (8) *providing and using a streamlined appeal*
15 *process for the resolution of regulatory interpretation*
16 *questions;*

17 (9) *maintaining and improving safety; and*

18 (10) *increasing transparency.*

19 (d) *PERFORMANCE METRICS.—In carrying out sub-*
20 *section (a), the Administrator shall—*

21 (1) *apply and track performance metrics for the*
22 *FAA and the aviation industry; and*

23 (2) *transmit to the appropriate committees of*
24 *Congress an annual report tracking the progress to-*

1 ward full implementation of the performance metrics
2 under section 2212.

3 (e) *DATA.*—

4 (1) *BASELINES.*—Not later than 1 year after the
5 date the Advisory Committee recommends initial per-
6 formance metrics under section 2212(c)(9), the Ad-
7 ministrator shall generate initial data with respect to
8 each of the performance metrics applied and tracked
9 that are approved based on the recommendations re-
10 quired under this section.

11 (2) *BENCHMARKS.*—The Administrator shall use
12 the performance metrics applied and tracked under
13 this section to generate data on an ongoing basis and
14 to measure progress toward the consensus national
15 goals, strategic objectives, and priorities recommended
16 under section 2212(c)(3).

17 (f) *PUBLICATION.*—

18 (1) *IN GENERAL.*—Subject to paragraph (2), the
19 Administrator shall make data generated using the
20 performance metrics applied and tracked under this
21 section available in a searchable, sortable, and
22 downloadable format through the Internet Web site of
23 the FAA or other appropriate methods.

1 (2) *LIMITATIONS.*—*The Administrator shall*
 2 *make the data under paragraph (1) available in a*
 3 *manner that—*

4 (A) *protects from disclosure identifying in-*
 5 *formation regarding an individual or entity;*
 6 *and*

7 (B) *protects from inappropriate disclosure*
 8 *proprietary information.*

9 **SEC. 2232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
 10 **FORM.**

11 (a) *ESTABLISHMENT.*—*Not later than 90 days after*
 12 *the date of enactment of this Act, the Administrator shall*
 13 *establish the FAA Task Force on Flight Standards Reform*
 14 *(referred to in this section as the “Task Force”).*

15 (b) *MEMBERSHIP.*—

16 (1) *APPOINTMENT.*—*The membership of the Task*
 17 *Force shall be appointed by the Administrator.*

18 (2) *NUMBER.*—*The Task Force shall be composed*
 19 *of not more than 20 members.*

20 (3) *REPRESENTATION REQUIREMENTS.*—*The*
 21 *membership of the Task Force shall include represent-*
 22 *atives, with knowledge of flight standards regulatory*
 23 *processes and requirements, of—*

24 (A) *air carriers;*

25 (B) *general aviation;*

1 (C) *business aviation;*

2 (D) *repair stations;*

3 (E) *unmanned aircraft systems operators;*

4 (F) *flight schools;*

5 (G) *manufacturers;*

6 (H) *labor unions, including those rep-*
7 *resenting FAA aviation safety inspectors and*
8 *those representing FAA aviation safety engineers;*
9 *and*

10 (I) *aviation safety experts.*

11 (c) *DUTIES.—The duties of the Task Force shall in-*
12 *clude, at a minimum, identifying cost-effective best prac-*
13 *tices and providing recommendations with respect to—*

14 (1) *simplifying and streamlining flight stand-*
15 *ards regulatory processes, including issuance and*
16 *oversight of certificates;*

17 (2) *reorganizing the Flight Standards Service to*
18 *establish an entity organized by function rather than*
19 *geographic region, if appropriate;*

20 (3) *FAA aviation safety inspector training op-*
21 *portunities;*

22 (4) *FAA aviation safety inspector standards and*
23 *performance; and*

24 (5) *achieving, across the FAA, consistent—*

25 (A) *regulatory interpretations; and*

1 (B) *application of oversight activities.*

2 (d) *REPORT.—Not later than 1 year after the date the*
3 *Task Force is established under subsection (a), the Task*
4 *Force shall submit to the Administrator, Advisory Com-*
5 *mittee, and appropriate committees of Congress a report de-*
6 *tailing—*

7 (1) *the best practices identified and rec-*
8 *ommendations provided by the Task Force under sub-*
9 *section (c); and*

10 (2) *any recommendations of the Task Force for*
11 *additional regulatory action or cost-effective legisla-*
12 *tive action.*

13 (e) *FLIGHT STANDARDS SERVICE REALIGNMENT FEA-*
14 *SIBILITY REPORT.—Not later than 1 year after the date of*
15 *enactment of this Act, the Administrator shall submit to*
16 *the appropriate committees of Congress a report on the find-*
17 *ings of the determination of the feasibility of realigning*
18 *flight standards service regional field offices to specialized*
19 *areas of aviation safety oversight and technical expertise.*

20 (f) *FEDERAL ADVISORY COMMITTEE ACT.—The Fed-*
21 *eral Advisory Committee Act (5 U.S.C. App.) shall not*
22 *apply to the Task Force.*

23 (g) *SUNSET.—The Task Force shall cease to exist on*
24 *the date that the Task Force submits the report required*
25 *under subsection (d).*

1 **SEC. 2233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

2 (a) *ESTABLISHMENT.*—Not later than 1 year after the
3 date of enactment of this Act, the Administrator of the FAA
4 shall establish a centralized safety guidance database for all
5 of the regulatory guidance issued by the FAA Office of Avia-
6 tion Safety regarding compliance with 1 or more aviation
7 safety-related provisions of the Code of Federal Regulations.

8 (b) *REQUIREMENTS.*—The database under subsection
9 (a) shall—

10 (1) for each guidance, include a link to the spe-
11 cific provision of the Code of Federal Regulations;

12 (2) subject to paragraph (3), be accessible to the
13 public; and

14 (3) be provided in a 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 (c) *DATA ENTRY TIMING.*—

21 (1) *EXISTING DOCUMENTS.*—Not later than 14
22 months after the date the database is established, the
23 Administrator shall have completed entering into the
24 database any applicable regulatory guidance that are
25 in effect and were issued before that date.

1 (2) *NEW REGULATORY GUIDANCE AND UP-*
2 *DATES.*—*Beginning on the date the database is estab-*
3 *lished, the Administrator shall ensure that any appli-*
4 *cable regulatory guidance that are issued on or after*
5 *that date are entered into the database as they are*
6 *issued.*

7 (d) *CONSULTATION REQUIREMENT.*—*In establishing*
8 *the database under subsection (a), the Administrator shall*
9 *consult and collaborate with appropriate stakeholders, in-*
10 *cluding labor organizations (including those representing*
11 *aviation workers, FAA aviation safety engineers, and FAA*
12 *aviation safety inspectors) and aviation industry stake-*
13 *holders.*

14 (e) *DEFINITION OF REGULATORY GUIDANCE.*—*In this*
15 *section, the term “regulatory guidance” means all forms of*
16 *written information issued by the FAA that an individual*
17 *or entity may use to interpret or apply FAA regulations*
18 *and requirements, including information an individual or*
19 *entity may use to determine acceptable means of compliance*
20 *with such regulations and requirements, such as an order,*
21 *manual, circular, policy statement, legal interpretation*
22 *memorandum, and rulemaking documents.*

1 **SEC. 2234. REGULATORY CONSISTENCY COMMUNICATION**

2 **BOARD.**

3 (a) *FUNCTIONS.*—*The Regulatory Consistency Com-*
4 *munication Board (referred to in this section as the*
5 *“Board”)* shall carry out the following functions:

6 (1) *Recommend, at a minimum, processes by*
7 *which—*

8 (A) *FAA personnel and persons regulated*
9 *by the FAA may submit regulatory interpreta-*
10 *tion questions without fear of retaliation;*

11 (B) *FAA personnel may submit written*
12 *questions as to whether a previous approval or*
13 *regulatory interpretation issued by FAA per-*
14 *sonnel in another office or region is correct or*
15 *incorrect; and*

16 (C) *any other person may submit anony-*
17 *mous regulatory interpretation questions.*

18 (2) *Meet on a regular basis to discuss and resolve*
19 *questions submitted under paragraph (1) and the ap-*
20 *propriate application of regulations and policy with*
21 *respect to each question.*

22 (3) *Provide to a person that submitted a ques-*
23 *tion under subparagraph (A) or subparagraph (B) of*
24 *paragraph (1) an expeditious written response to the*
25 *question.*

1 (4) *Recommend a process to make the resolution*
 2 *of common regulatory interpretation questions pub-*
 3 *licly available to FAA personnel and the public in a*
 4 *manner that—*

5 (A) *does not reveal any identifying data of*
 6 *the person that submitted a question; and*

7 (B) *protects any proprietary information.*

8 (5) *Ensure that responses to questions under this*
 9 *subsection are incorporated into regulatory guidance*
 10 *(as defined in section 2233(e)).*

11 (b) *PERFORMANCE METRICS, TIMELINES, AND*
 12 *GOALS.—Not later than 180 days after the date that the*
 13 *Advisory Committee recommends performance objectives*
 14 *and performance metrics for the FAA and the aviation in-*
 15 *dustry under paragraphs (8) and (9) of section 2212(c), the*
 16 *Administrator, in collaboration with the Advisory Com-*
 17 *mittee, shall—*

18 (1) *establish performance metrics, timelines, and*
 19 *goals to measure the progress of the Board in resolv-*
 20 *ing regulatory interpretation questions submitted*
 21 *under subsection (a)(1); and*

22 (2) *implement a process for tracking the progress*
 23 *of the Board in meeting the performance metrics,*
 24 *timelines, and goals under paragraph (1).*

PART IV—SAFETY WORKFORCE

SEC. 2241. SAFETY WORKFORCE TRAINING STRATEGY.

(a) *SAFETY WORKFORCE TRAINING STRATEGY.*—Not later than 60 days after the date of enactment of this Act, the Administrator of the FAA shall review and revise its safety workforce training strategy to ensure that it—

(1) *aligns with an effective risk-based approach to safety oversight;*

(2) *best utilizes available resources;*

(3) *allows FAA employees participating in organization management teams or conducting ODA program audits to complete, expeditiously, appropriate training, including recurrent training, in auditing and a systems safety approach to oversight;*

(4) *seeks knowledge-sharing opportunities between the FAA and the aviation industry in new technologies, best practices, and other areas of interest related to safety oversight;*

(5) *fosters an inspector and engineer workforce that has the skills and training necessary to improve risk-based approaches that focus on requirements management and auditing skills; and*

(6) *includes, as appropriate, milestones and metrics for meeting the requirements of paragraphs (1) through (5).*

1 (b) *REPORT*.—Not later than 270 days after the date
2 the strategy is established under subsection (a), the Admin-
3 istrator shall submit to the appropriate committees of Con-
4 gress a report on the implementation of the strategy and
5 progress in meeting any milestones or metrics included in
6 the strategy.

7 (c) *DEFINITIONS*.—In this section:

8 (1) *ODA HOLDER*.—The term “ODA holder” has
9 the meaning given the term in section 44736 of title
10 49, United States Code, as added by section 2222 of
11 this Act.

12 (2) *ODA PROGRAM*.—The term “ODA program”
13 has the meaning given the term in section 44736(c)(3)
14 of title 49, United States Code, as added by section
15 2222 of this Act.

16 (3) *ORGANIZATION MANAGEMENT TEAM*.—The
17 term “organization management team” means a
18 group of FAA employees consisting of FAA aviation
19 safety engineers, flight test pilots, and aviation safety
20 inspectors overseeing an ODA holder and its specified
21 function delegated under section 44702 of title 49,
22 United States Code.

PART V—INTERNATIONAL AVIATION

**SEC. 2251. PROMOTION OF UNITED STATES AEROSPACE
STANDARDS, PRODUCTS, AND SERVICES
ABROAD.**

Section 40104 is amended by adding at the end the following:

*“(d) PROMOTION OF UNITED STATES AEROSPACE
STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
Secretary shall take appropriate actions—*

*“(1) to promote United States aerospace-related
safety standards abroad;*

*“(2) to facilitate and vigorously defend approv-
als of United States aerospace products and services
abroad;*

*“(3) with respect to bilateral partners, to use bi-
lateral safety agreements and other mechanisms to
improve validation of United States type certificated
aeronautical products and services and enhance mu-
tual acceptance in order to eliminate redundancies
and unnecessary costs; and*

*“(4) with respect to the aeronautical safety au-
thorities of a foreign country, to streamline that coun-
try’s validation of United States aerospace standards,
products, and services.”.*

1 **SEC. 2252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
2 **RESPONSIBILITIES.**

3 *Section 44701(e) is amended by adding at the end the*
4 *following:*

5 “(5) *FOREIGN AIRWORTHINESS DIRECTIVES.*—

6 “(A) *ACCEPTANCE.*—Subject to subpara-
7 *graph (D), the Administrator may accept an*
8 *airworthiness directive (as defined in section*
9 *39.3 of title 14, Code of Federal Regulations)*
10 *issued by an aeronautical safety authority of a*
11 *foreign country, and leverage that aeronautical*
12 *safety authority’s regulatory process, if—*

13 “(i) *the country is the state of design*
14 *for the product that is the subject of the 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;*

1 “(iv) the aeronautical safety authority
2 utilizes an open and transparent public no-
3 tice and comment process, including consid-
4 ering comments from owners and operators
5 of foreign-registered aircraft and other aero-
6 nautical products and appliances in the
7 issuance of airworthiness directives; and

8 “(v) the airworthiness directive ad-
9 dresses a specific issue necessary for the safe
10 operation of aircraft subject to the directive.

11 “(B) *ALTERNATIVE APPROVAL PROCESS.*—
12 Notwithstanding subparagraph (A), the Admin-
13 istrator may issue a Federal Aviation Adminis-
14 tration airworthiness directive instead of accept-
15 ing the airworthiness directive issued by the
16 aeronautical safety authority of a foreign coun-
17 try if the Administrator determines that such
18 issuance is necessary for safety or operational
19 reasons due to the complexity or unique features
20 of the Federal Aviation Administration air-
21 worthiness directive or the United States avia-
22 tion system.

23 “(C) *ALTERNATIVE MEANS OF COMPLI-*
24 *ANCE.*—The Administrator—

1 “(i) *may accept an alternative means*
 2 *of compliance, with respect to an airworthi-*
 3 *ness directive under subparagraph (A), that*
 4 *was approved by the aeronautical safety au-*
 5 *thority of the foreign country that issued the*
 6 *airworthiness directive; or*

7 “(ii) *notwithstanding subparagraph*
 8 *(A), and at the request of any person af-*
 9 *ected by an airworthiness directive under*
 10 *that subparagraph—*

11 “(I) *shall consider an alternative*
 12 *means of compliance with respect to*
 13 *the airworthiness directive; and*

14 “(II) *may approve such alter-*
 15 *native means, if appropriate.*

16 “(D) *LIMITATIONS.—The Administrator*
 17 *may not accept an airworthiness directive issued*
 18 *by an aeronautical safety authority of a foreign*
 19 *country if the airworthiness directive addresses*
 20 *matters other than those involving the safe oper-*
 21 *ation of an aircraft.”.*

22 **SEC. 2253. FAA LEADERSHIP ABROAD.**

23 “(a) *IN GENERAL.—To promote United States aero-*
 24 *space safety standards, reduce redundant regulatory activ-*

1 *ity, and facilitate acceptance of FAA design and production*
2 *approvals abroad, the Administrator shall—*

3 *(1) attain greater expertise in issues related to*
4 *dispute resolution, intellectual property, and export*
5 *control laws to better support FAA certification and*
6 *other aerospace regulatory activities abroad;*

7 *(2) work with United States companies to more*
8 *accurately track the amount of time it takes foreign*
9 *authorities, including bilateral partners, to validate*
10 *United States type certificated aeronautical products;*

11 *(3) provide assistance to United States compa-*
12 *nies who have experienced significantly long foreign*
13 *validation wait times;*

14 *(4) work with foreign authorities, including bi-*
15 *lateral partners, to collect and analyze data to deter-*
16 *mine the timeliness of the acceptance and validation*
17 *of FAA design and production approvals by foreign*
18 *authorities and the acceptance and validation of for-*
19 *eign-certified products by the FAA;*

20 *(5) establish appropriate benchmarks and*
21 *metrics to measure the success of bilateral aviation*
22 *safety agreements and to reduce the validation time*
23 *for United States type certificated aeronautical prod-*
24 *ucts abroad; and*

1 (6) *work with foreign authorities, including bi-*
2 *lateral partners, to improve the timeliness of the ac-*
3 *ceptance and validation of FAA design and produc-*
4 *tion approvals by foreign authorities and the accept-*
5 *ance and validation of foreign-certified products by*
6 *the FAA.*

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 that—*

10 (1) *describes the Administrator’s strategic plan*
11 *for international engagement;*

12 (2) *describes the structure and responsibilities of*
13 *all FAA offices that have international responsibil-*
14 *ities, including the Aircraft Certification Office, and*
15 *all the activities conducted by those offices related to*
16 *certification and production;*

17 (3) *describes current and forecasted staffing and*
18 *travel needs for the FAA’s international engagement*
19 *activities, including the needs of the Aircraft Certifi-*
20 *cation Office in the current and forecasted budgetary*
21 *environment;*

22 (4) *provides recommendations, if appropriate, to*
23 *improve the existing structure and personnel and*
24 *travel policies supporting the FAA’s international en-*
25 *gagement activities, including the activities of the*

1 *Aviation Certification Office, to better support the*
 2 *growth of United States aerospace exports; and*

3 *(5) identifies policy initiatives, regulatory ini-*
 4 *tiatives, or cost-effective legislative initiatives needed*
 5 *to improve and enhance the timely acceptance of*
 6 *United States aerospace products abroad.*

7 *(c) INTERNATIONAL TRAVEL.—The Administrator of*
 8 *the FAA, or the Administrator’s designee, may authorize*
 9 *international travel for any FAA employee, without the ap-*
 10 *proval of any other person or entity, if the Administrator*
 11 *determines that the travel is necessary—*

12 *(1) to promote United States aerospace safety*
 13 *standards; or*

14 *(2) to support expedited acceptance of FAA de-*
 15 *sign and production approvals.*

16 **SEC. 2254. REGISTRATION, CERTIFICATION, AND RELATED**
 17 **FEES.**

18 *Section 45305 is amended—*

19 *(1) in subsection (a), by striking “Subject to sub-*
 20 *section (b)” and inserting “Subject to subsection (c)”;*

21 *(2) by redesignating subsections (b) and (c) as*
 22 *subsections (c) and (d), respectively; and*

23 *(3) by inserting after subsection (a) the fol-*
 24 *lowing:*

1 “(b) *CERTIFICATION SERVICES*.—Subject to subsection
 2 (c), and notwithstanding section 45301(a), the Adminis-
 3 trator may establish and collect a fee from a foreign govern-
 4 ment or entity for services related to certification, regardless
 5 of where the services are provided, if the fee—

6 “(1) is established and collected in a manner
 7 consistent with aviation safety agreements; and

8 “(2) does not exceed the estimated costs of the
 9 services.”.

10 ***Subtitle C—Airline Passenger*** 11 ***Safety and Protections***

12 ***SEC. 2301. ACCESS TO AIR CARRIER FLIGHT DECKS.***

13 *The Administrator of the Federal Aviation Adminis-*
 14 *tration shall collaborate with other aviation authorities to*
 15 *advance a global standard for access to air carrier flight*
 16 *decks and redundancy requirements consistent with the*
 17 *flight deck access and redundancy requirements in the*
 18 *United States.*

19 ***SEC. 2302. AIRCRAFT TRACKING AND FLIGHT DATA.***

20 “(a) *IN GENERAL*.—Not later than 1 year after the date
 21 of enactment of this Act, the Administrator of the Federal
 22 Aviation Administration shall assess current performance
 23 standards, and as appropriate, conduct a rulemaking to re-
 24 vise the standards to improve near-term and long-term air-
 25 craft tracking and flight data recovery, including retrieval,

1 access, and protection of such data after an incident or acci-
2 dent.

3 (b) *CONSIDERATIONS.*—*In revising the performance*
4 *standards under subsection (a), the Administrator may con-*
5 *sider—*

6 (1) *various methods for improving detection and*
7 *retrieval of flight data, including—*

8 (A) *low frequency underwater locating de-*
9 *vices; and*

10 (B) *extended battery life for underwater lo-*
11 *cating devices;*

12 (2) *automatic deployable flight recorders;*

13 (3) *triggered transmission of flight data, and*
14 *other satellite-based solutions;*

15 (4) *distress-mode tracking; and*

16 (5) *protections against disabling flight recorder*
17 *systems.*

18 (c) *COORDINATION.*—*If the performance standards*
19 *under subsection (a) are revised, the Administrator shall*
20 *coordinate with international regulatory authorities and*
21 *the International Civil Aviation Organization to ensure*
22 *that any new international standard for aircraft tracking*
23 *and flight data recovery is consistent with a performance-*
24 *based approach and is implemented in a globally har-*
25 *monized manner.*

1 **SEC. 2303. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
2 **AND REST REQUIREMENTS.**

3 (a) *MODIFICATION OF FINAL RULE.*—Not later than
4 1 year after the date of enactment of this Act, the Adminis-
5 trator of the Federal Aviation Administration shall revise
6 the flight attendant duty period limitations and rest re-
7 quirements under section 121.467 of title 14, Code of Fed-
8 eral Regulations.

9 (b) *CONTENTS.*—Except as provided in subsection (c),
10 in revising the rule under subsection (a), the Administrator
11 shall ensure that a flight attendant scheduled to a duty pe-
12 riod of 14 hours or less is given a scheduled rest period
13 of at least 10 consecutive hours.

14 (c) *EXCEPTION.*—The rest period required under sub-
15 section (b) may be scheduled or reduced to 9 consecutive
16 hours if the flight attendant is provided a subsequent rest
17 period of at least 11 consecutive hours.

18 (d) *FATIGUE RISK MANAGEMENT PLAN.*—

19 (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*
20 *RIERS.*—Not later than 90 days after the date of en-
21 actment of this Act, each air carrier operating under
22 part 121 of title 14, Code of Federal Regulations (re-
23 ferred to in this subsection as a “part 121 air car-
24 rier”), shall submit a fatigue risk management plan
25 for the carrier’s flight attendants to the Administrator
26 for review and acceptance.

1 (2) *CONTENTS OF PLAN.*—*Each fatigue risk*
2 *management plan submitted under paragraph (1)*
3 *shall include—*

4 (A) *current flight time and duty period*
5 *limitations;*

6 (B) *a rest scheme that is consistent with*
7 *such limitations and enables the management of*
8 *flight attendant fatigue, including annual train-*
9 *ing to increase awareness of—*

10 (i) *fatigue;*

11 (ii) *the effects of fatigue on flight at-*
12 *tendants; and*

13 (iii) *fatigue countermeasures; and*

14 (C) *the development and use of methodology*
15 *that continually assesses the effectiveness of im-*
16 *plementation of the plan, including the ability of*
17 *the plan—*

18 (i) *to improve alertness; and*

19 (ii) *to mitigate performance errors.*

20 (3) *REVIEW.*—*Not later than 1 year after the*
21 *date of enactment of this Act, the Administrator*
22 *shall—*

23 (A) *review each fatigue risk management*
24 *plan submitted under this subsection; and*

25 (B)(i) *accept the plan; or*

1 (ii) reject the plan and provide the
2 part 121 air carrier with suggested modi-
3 fications to be included when the plan is re-
4 submitted.

5 (4) *PLAN UPDATES.*—

6 (A) *IN GENERAL.*—Not less frequently than
7 once every 2 years, each part 121 air carrier
8 shall—

9 (i) update the fatigue risk management
10 plan submitted under paragraph (1); and

11 (ii) submit the updated plan to the Ad-
12 ministrator for review and acceptance.

13 (B) *REVIEW.*—Not later than 1 year after
14 the date on which an updated plan is submitted
15 under subparagraph (A)(ii), the Administrator
16 shall—

17 (i) review the updated plan; and

18 (ii)(I) accept the updated plan; or

19 (II) reject the updated plan and
20 provide the part 121 air carrier with
21 suggested modifications to be included
22 when the updated plan is resubmitted.

23 (5) *COMPLIANCE.*—Each part 121 air carrier
24 shall comply with its fatigue risk management plan

1 *after the plan is accepted by the Administrator under*
 2 *this subsection.*

3 (6) *CIVIL PENALTIES.*—*A violation of this sub-*
 4 *section by a part 121 air carrier shall be treated as*
 5 *a violation of chapter 447 of title 49, United States*
 6 *Code, for the purpose of applying civil penalties*
 7 *under chapter 463 of such title.*

8 **SEC. 2304. REPORT ON OBSOLETE TEST EQUIPMENT.**

9 (a) *REPORT.*—*Not later than 18 months after the date*
 10 *of enactment of this Act, the Administrator of the Federal*
 11 *Aviation Administration shall submit to the appropriate*
 12 *committees of Congress a report on the National Test*
 13 *Equipment Program (referred to in this section as the “Pro-*
 14 *gram”).*

15 (b) *CONTENTS.*—*The report shall include—*

16 (1) *a list of all known outstanding requests for*
 17 *test equipment, cataloged by type and location, under*
 18 *the Program;*

19 (2) *a description of the current method under the*
 20 *Program of ensuring calibrated equipment is in place*
 21 *for utilization;*

22 (3) *a plan by the Administrator for appropriate*
 23 *inventory of such equipment; and*

24 (4) *the Administrator’s recommendations for in-*
 25 *creasing multifunctionality in future test equipment*

1 *to be developed and all known and foreseeable manu-*
 2 *facturer technological advances.*

3 **SEC. 2305. PLAN FOR SYSTEMS TO PROVIDE DIRECT WARN-**
 4 **INGS OF POTENTIAL RUNWAY INCURSIONS.**

5 *(a) IN GENERAL.—Not later than June 30, 2018, the*
 6 *Administrator of the Federal Aviation Administration*
 7 *shall—*

8 *(1) assess available technologies to determine*
 9 *whether it is feasible, cost-effective, and appropriate*
 10 *to install and deploy, at any airport, systems to pro-*
 11 *vide a direct warning capability to flight crews and*
 12 *air traffic controllers of potential runway incursions;*
 13 *and*

14 *(2) submit to the appropriate committees of Con-*
 15 *gress a report on the assessment under paragraph (1),*
 16 *including any recommendations.*

17 *(b) CONSIDERATIONS.—In conducting the assessment*
 18 *under subsection (a), the Administration shall consider Na-*
 19 *tional Transportation Safety Board findings and relevant*
 20 *aviation stakeholder views relating to runway incursions.*

21 **SEC. 2306. HELICOPTER AIR AMBULANCE OPERATIONS**
 22 **DATA AND REPORTS.**

23 *(a) IN GENERAL.—Not later than 1 year after the date*
 24 *of enactment of this Act, the Administrator of the Federal*
 25 *Aviation Administration, in collaboration with helicopter*

1 *air ambulance industry stakeholders, shall assess the avail-*
2 *ability of information to the general public related to the*
3 *location of heliports and helipads used by helicopters pro-*
4 *viding air ambulance services, including helipads and*
5 *helipads outside of those listed as part of any existing data-*
6 *bases of Airport Master Record (5010) forms.*

7 **(b) REQUIREMENTS.**—*Based on the assessment under*
8 *subsection (a), the Administrator shall—*

9 (1) *update, as necessary, any existing guidance*
10 *on what information is included in the current data-*
11 *bases of Airport Master Record (5010) forms to in-*
12 *clude information related to heliports and helipads*
13 *used by helicopters providing air ambulance services;*
14 *or*

15 (2) *develop, as appropriate and in collaboration*
16 *with helicopter air ambulance industry stakeholders,*
17 *a new database of heliports and helipads used by heli-*
18 *copters providing air ambulance services.*

19 **(c) REPORTS.**—

20 (1) **ASSESSMENT.**—*Not later than 30 days after*
21 *the date the assessment under subsection (a) is com-*
22 *plete, the Administrator shall submit to the appro-*
23 *priate committees of Congress a report on the assess-*
24 *ment, including any recommendations on how to*
25 *make information related to the location of heliports*

1 *and helipads used by helicopters providing air ambu-*
 2 *lance services available to the general public.*

3 (2) *IMPLEMENTATION.*—*Not later than 30 days*
 4 *after completing action under paragraph (1) or para-*
 5 *graph (2) of subsection (b), the Administrator shall*
 6 *submit to the appropriate committees of Congress a*
 7 *report on the implementation of that action.*

8 (d) *INCIDENT AND ACCIDENT DATA.*—*Section 44731*
 9 *is amended—*

10 (1) *in subsection (a)—*

11 (A) *in the matter preceding paragraph (1),*
 12 *by striking “not later than 1 year after the date*
 13 *of enactment of this section, and annually there-*
 14 *after” and inserting “annually”;*

15 (B) *in paragraph (2), by striking “flights*
 16 *and hours flown, by registration number, during*
 17 *which helicopters operated by the certificate hold-*
 18 *er were providing helicopter air ambulance serv-*
 19 *ices” and inserting “hours flown by the heli-*
 20 *copters operated by the certificate holder”;*

21 (C) *in paragraph (3)—*

22 (i) *by striking “of flight” and inserting*
 23 *“of patients transported and the number of*
 24 *patient transport”;*

1 (ii) by inserting “or” after “inter-
2 facility transport,”; and

3 (iii) by striking “, or ferry or repo-
4 sitioning flight”;

5 (D) in paragraph (5)—

6 (i) by striking “flights and”; and

7 (ii) by striking “while providing air
8 ambulance services”; and

9 (E) by amending paragraph (6) to read as
10 follows:

11 “(6) *The number of hours flown at night by heli-
12 copters operated by the certificate holder.*”;

13 (2) in subsection (d)—

14 (A) by striking “Not later than 2 years
15 after the date of enactment of this section, and
16 annually thereafter, the Administrator shall sub-
17 mit” and inserting “The Administrator shall
18 submit annually”; and

19 (B) by adding at the end the following:

20 “The report shall include the number of acci-
21 dents experienced by helicopter air ambulance
22 operations, the number of fatal accidents experi-
23 enced by helicopter air ambulance operations,
24 and the rate, per 100,000 flight hours, of acci-
25 dents and fatal accidents experienced by opera-

1 tors providing helicopter air ambulance serv-
2 ices.”;

3 (3) by redesignating subsection (e) as subsection
4 (f); and

5 (4) by inserting after subsection (d) the fol-
6 lowing:

7 “(e) *IMPLEMENTATION.*—In carrying out this section,
8 the Administrator, in collaboration with part 135 certifi-
9 cate holders providing helicopter air ambulance services,
10 shall—

11 “(1) propose and develop a method to collect and
12 store the data submitted under subsection (a), includ-
13 ing a method to protect the confidentiality of any
14 trade secret or proprietary information submitted;
15 and

16 “(2) ensure that the database under subsection
17 (c) and the report under subsection (d) include data
18 and analysis that will best inform efforts to improve
19 the safety of helicopter air ambulance operations.”.

20 **SEC. 2307. PART 135 ACCIDENT AND INCIDENT DATA.**

21 Not later than 1 year after the date of enactment of
22 this Act, the Administrator of the Federal Aviation Admin-
23 istration shall—

24 (1) determine, in collaboration with the National
25 Transportation Safety Board and part 135 industry

1 *stakeholders, what, if any, additional data should be*
 2 *reported as part of an accident or incident notice—*

3 *(A) to more accurately measure the safety of*
 4 *on-demand part 135 aircraft activity;*

5 *(B) to pinpoint safety problems; and*

6 *(C) to form the basis for critical research*
 7 *and analysis of general aviation issues; and*

8 *(2) submit to the appropriate committees of Con-*
 9 *gress a report on the findings under paragraph (1),*
 10 *including a description of the additional data to be*
 11 *collected, a timeframe for implementing the addi-*
 12 *tional data collection, and any potential obstacles to*
 13 *implementation.*

14 **SEC. 2308. DEFINITION OF HUMAN FACTORS.**

15 *Section 40102(a), as amended by section 2135 of this*
 16 *Act, is further amended—*

17 *(1) by redesignating paragraphs (24) through*
 18 *(47) as paragraphs (25) through (48), respectively;*
 19 *and*

20 *(2) by inserting after paragraph (23) the fol-*
 21 *lowing:*

22 *“(24) ‘human factors’ means a multidisciplinary*
 23 *field that generates and compiles information about*
 24 *human capabilities and limitations and applies it to*
 25 *design, development, and evaluation of equipment,*

1 *systems, facilities, procedures, jobs, environments,*
 2 *staffing, organizations, and personnel management*
 3 *for safe, efficient, and effective human performance,*
 4 *including people’s use of technology.”.*

5 **SEC. 2309. SENSE OF CONGRESS; PILOT IN COMMAND AU-**
 6 **THORITY.**

7 *It is the sense of Congress that the pilot in command*
 8 *of an aircraft is directly responsible for, and is the final*
 9 *authority as to, the operation of that aircraft, as set forth*
 10 *in section 91.3(a) of title 14, Code of Federal Regulations*
 11 *(or any successor regulation thereto).*

12 **SEC. 2310. ENHANCING ASIAS.**

13 *(a) IN GENERAL.—Not later than 1 year after the date*
 14 *of enactment of this Act, the Administrator of the Federal*
 15 *Aviation Administration, in consultation with relevant*
 16 *aviation industry stakeholders, shall assess what, if any,*
 17 *improvements are needed to develop the predictive capa-*
 18 *bility of the Aviation Safety Information Analysis and*
 19 *Sharing program (referred to in this section as “ASIAS”)*
 20 *with regard to identifying precursors to accidents.*

21 *(b) CONTENTS.—In conducting the assessment under*
 22 *subsection (a), the Administrator shall—*

23 *(1) determine what actions are necessary—*

24 *(A) to improve data quality and standard-*
 25 *ization; and*

1 (B) to increase the data received from addi-
 2 tional segments of the aviation industry, such as
 3 small airplane, helicopter, and business jet oper-
 4 ations;

5 (2) consider how to prioritize the actions de-
 6 scribed in paragraph (1); and

7 (3) review available methods for disseminating
 8 safety trend data from ASIAS to the aviation safety
 9 community, including the inspector workforce, to in-
 10 form in their risk-based decision making efforts.

11 (c) *REPORT*.—Not later than 60 days after the date
 12 the assessment under subsection (a) is complete, the Admin-
 13 istrator shall submit to the appropriate committees of Con-
 14 gress a report on the assessment, including recommenda-
 15 tions regarding paragraphs (1) through (3) of subsection
 16 (b).

17 **SEC. 2311. IMPROVING RUNWAY SAFETY.**

18 (a) *IN GENERAL*.—The Administrator of the Federal
 19 Aviation Administration shall expedite the development of
 20 metrics—

21 (1) to allow the Federal Aviation Administration
 22 to determine whether runway incursions are increas-
 23 ing; and

24 (2) to assess the effectiveness of implemented run-
 25 way safety initiatives.

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
 4 progress in developing the metrics described in subsection
 5 (a).

6 (c) *PROGRESS REPORT ON RUNWAY SAFETY GRANT*
 7 *ELIGIBILITY*.—Section 47144 is amended—

8 (1) by redesignating subsection (b) as subsection
 9 (c);

10 (2) in subsection (a), by striking “subsection (b)”
 11 and inserting “subsection (c)”; and

12 (3) by inserting after subsection (a) the fol-
 13 lowing:

14 “(b) *PROGRESS REPORTS*.—

15 “(1) *INITIAL REPORT*.—Not later than 60 days
 16 after the date of enactment of the Federal Aviation
 17 Administration Reauthorization Act of 2017, the Sec-
 18 retary of Transportation shall submit a report to the
 19 Committee on Commerce, Science, and Transpor-
 20 tation of the Senate and the Committee on Transpor-
 21 tation and Infrastructure of the House of Representa-
 22 tives that includes, with respect to a pending applica-
 23 tion for a grant under subsection (a), what actions
 24 the Secretary is taking to expedite the implementation
 25 of immediate steps that are determined necessary to

1 *ensure the safety and operational benefits of oper-*
 2 *ations at the airport.*

3 “(2) *FINAL REPORT.*—*Not later than 180 days*
 4 *after the date of enactment of the Federal Aviation*
 5 *Administration Reauthorization Act of 2017, the Sec-*
 6 *retary of Transportation shall—*

7 “(A) *make a final determination on whether*
 8 *to award a pending application for a grant*
 9 *under subsection (a) to an airport described in*
 10 *subsection (c); or*

11 “(B) *if the Secretary determines not to*
 12 *award a grant or a determination is not made*
 13 *under subparagraph (A), submit a report to the*
 14 *committees referred to in paragraph (1) that in-*
 15 *cludes, with respect to such grant and airport—*

16 “(i) *the steps that have been taken by*
 17 *the Secretary to determine whether an air-*
 18 *port meets the description for grant eligi-*
 19 *bility;*

20 “(ii) *the factors that the Secretary is*
 21 *considering in determining whether there is*
 22 *a demonstrated need to improve a runway*
 23 *safety area;*

24 “(iii) *the factors the Secretary is con-*
 25 *sidering in determining whether repairing,*

replacing, or improving the runway safety area is reasonable in relation to the anticipated safety and operational benefit of such repair, replacement, or improvement, respectively; and

“(iv) when the Secretary will determine whether such grant will be awarded.”.

**SEC. 2312. SAFE AIR TRANSPORTATION OF LITHIUM CELLS
AND BATTERIES.**

(a) *RESTRICTIONS ON TRANSPORTATION OF LITHIUM
BATTERIES ON AIRCRAFT.*—

(1) *ADOPTION OF ICAO INSTRUCTIONS.*—

(A) *IN GENERAL.*—Pursuant to section 828 of the *FAA Modernization and Reform Act of 2012* (49 U.S.C. 44701 note), not later than 90 days after the date of enactment of this Act, the Secretary of the Department of Transportation shall conform United States regulations on the air transport of lithium cells and batteries with the lithium cells and battery requirements in the 2015–2016 edition of the *International Civil Aviation Organization’s* (referred to in this subsection as “ICAO”) *Technical Instructions* (to include all addenda) including the revised stand-

ards adopted by ICAO which became effective on April 1, 2016.

(B) *FURTHER PROCEEDINGS.*—Beginning on the date the revised regulations under subparagraph (A) are published in the Federal Register, any lithium cell and battery rulemaking action or update commenced on or after that date shall continue to comply with the requirements under section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note).

(2) *REVIEW OF OTHER REGULATIONS.*—Pursuant to section 828 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 44701 note), the Secretary of Transportation may initiate a review of other existing regulations regarding the air transportation, including passenger-carrying and cargo aircraft, of lithium batteries and cells.

(3) *MEDICAL DEVICE BATTERIES.*—

(A) *IN GENERAL.*—For United States applicants, the Secretary of Transportation shall consider and either grant or deny, within 45 days, applications submitted in compliance with part 107 of title 49, Code of Federal Regulations, for special permits or approvals for air transpor-

1 *tation of lithium ion cells or batteries specifi-*
2 *cally used by medical devices. Not later than 30*
3 *days after the date of application, the Pipeline*
4 *and Hazardous Materials Safety Administration*
5 *shall provide a draft special permit based on the*
6 *application to the Federal Aviation Administra-*
7 *tion. The Federal Aviation Administration shall*
8 *conduct an on-site inspection for issuance of the*
9 *special permit not later than 10 days after the*
10 *date of receipt of the draft special permit from*
11 *the Pipeline and Hazardous Materials Safety*
12 *Administration.*

13 *(B) LIMITED EXCEPTIONS TO RESTRICTIONS*
14 *ON AIR TRANSPORTATION OF MEDICAL DEVICE*
15 *BATTERIES.—The Secretary shall issue limited*
16 *exceptions to the restrictions on transportation of*
17 *lithium ion and lithium metal batteries to allow*
18 *the shipment on a passenger aircraft of not more*
19 *than 2 replacement batteries specifically used for*
20 *a medical device if—*

21 *(i) the intended destination of the bat-*
22 *teries is not serviced daily by cargo aircraft*
23 *if a battery is required for medically nec-*
24 *essary care; and*

1 (ii) with regard to a shipper of lithium
 2 ion or lithium metal batteries for medical
 3 devices that cannot comply with a charge
 4 limitation in place at the time, each battery
 5 is—

6 (I) individually packed in an
 7 inner packaging that completely en-
 8 closes the battery;

9 (II) placed in a rigid outer pack-
 10 aging; and

11 (III) protected to prevent a short
 12 circuit.

13 (C) *DEFINITION OF MEDICAL DEVICE.*—In
 14 this paragraph, the term “medical device” has
 15 the meaning given the term “device” in section
 16 201 of the Federal Food, Drug, and Cosmetic Act
 17 (21 U.S.C. 321).

18 (4) *SAVINGS CLAUSE.*—Nothing in this section
 19 shall be construed as expanding or constricting any
 20 other authority the Secretary of Transportation has
 21 under section 828 of the FAA Modernization and Re-
 22 form Act of 2012 (49 U.S.C. 44701 note).

23 (b) *LITHIUM BATTERY SAFETY WORKING GROUP.*—
 24 Not later than 90 days after the date of enactment of this
 25 Act, the President shall establish a lithium battery safety

1 *working group to promote and coordinate efforts related to*
2 *the promotion of the safe manufacture, use, and transpor-*
3 *tation of lithium batteries and cells.*

4 (1) *COMPOSITION.—*

5 (A) *IN GENERAL.—The working group shall*
6 *be composed of at least 1 representative from*
7 *each of the following:*

8 (i) *Department of Transportation.*

9 (ii) *Consumer Product Safety Commis-*
10 *sion.*

11 (iii) *National Institute on Standards*
12 *and Technology.*

13 (iv) *Food and Drug Administration.*

14 (B) *ADDITIONAL MEMBERS.—The working*
15 *group may include not more than 4 additional*
16 *members with expertise in the safe manufacture,*
17 *use, or transportation of lithium batteries and*
18 *cells.*

19 (C) *SUBCOMMITTEES.—The President, or*
20 *members of the working group, may—*

21 (i) *establish working group subcommit-*
22 *tees to focus on specific issues related to the*
23 *safe manufacture, use, or transportation of*
24 *lithium batteries and cells; and*

1 (ii) include in a subcommittee the par-
2 ticipation of nonmember stakeholders with
3 expertise in areas that the President or
4 members consider necessary.

5 (2) *REPORT.*—Not later than 1 year after the
6 date it is established, the working group shall—

7 (A) research—

8 (i) additional ways to decrease the risk
9 of fires and explosions from lithium bat-
10 teries and cells;

11 (ii) additional ways to ensure uniform
12 transportation requirements for both bulk
13 and individual batteries; and

14 (iii) new or existing technologies that
15 could reduce the fire and explosion risk of
16 lithium batteries and cells; and

17 (B) transmit to the appropriate committees
18 of Congress a report on the research under sub-
19 paragraph (A), including any legislative rec-
20 ommendations to effectuate the safety improve-
21 ments described in clauses (i) through (iii) of
22 that subparagraph.

23 (3) *EXEMPTION FROM FACA.*—The Federal Advi-
24 sory Committee Act (5 U.S.C. App.) shall not apply
25 to the working group.

1 (4) *TERMINATION.*—*The working group, and any*
 2 *working group subcommittees, shall terminate 90*
 3 *days after the date the report is transmitted under*
 4 *paragraph (2).*

5 (c) *PARTICIPATION.*—*The Secretary of Transportation*
 6 *shall request that as part of the ICAO deliberations in the*
 7 *dangerous good panel on these issues, that appropriate ex-*
 8 *perts on issues under consideration be allowed to partici-*
 9 *pate.*

10 **SEC. 2313. AIRCRAFT CABIN EVACUATION PROCEDURES.**

11 (a) *REVIEW.*—*The Administrator of the Federal Avia-*
 12 *tion Administration shall review—*

13 (1) *evacuation certification of transport-category*
 14 *aircraft used in air transportation, with regard to—*

15 (A) *emergency conditions, including im-*
 16 *pacts into water;*

17 (B) *crew procedures used for evacuations*
 18 *under actual emergency conditions;*

19 (C) *any relevant changes to passenger de-*
 20 *mographics and legal requirements, including*
 21 *the Americans with Disabilities Act of 1990 (42*
 22 *U.S.C. 12101 et seq.), that affect emergency evac-*
 23 *uations; and*

24 (D) *any relevant changes to passenger seat-*
 25 *ing configurations, including changes to seat*

1 *width, padding, reclining, size, pitch, leg room,*
 2 *and aisle width; and*

3 *(2) recent accidents and incidents in which pas-*
 4 *sengers evacuated such aircraft.*

5 ***(b) CONSULTATION; REVIEW OF DATA.***—*In conducting*
 6 *the review under subsection (a), the Administrator shall—*

7 *(1) consult with the National Transportation*
 8 *Safety Board, transport-category aircraft manufac-*
 9 *turers, air carriers, and other relevant experts and*
 10 *Federal agencies, including groups representing pas-*
 11 *sengers, airline crew members, maintenance employ-*
 12 *ees, and emergency responders; and*

13 *(2) review relevant data with respect to evacu-*
 14 *ation certification of transport-category aircraft.*

15 ***(c) REPORT TO CONGRESS.***—*Not later than 1 year*
 16 *after the date of enactment of this Act, the Administrator*
 17 *shall submit to the appropriate committees of Congress a*
 18 *report on the results of the review under subsection (a) and*
 19 *related recommendations, if any, including recommenda-*
 20 *tions for revisions to the assumptions and methods used for*
 21 *assessing evacuation certification of transport-category air-*
 22 *craft.*

23 **SEC. 2314. ANNUAL SAFETY INCIDENT REPORT.**

24 ***(a) IN GENERAL.***—*Not later than 1 year after the date*
 25 *of enactment of this Act, and annually thereafter, the Ad-*

1 *ministrator of the Federal Aviation Administration, shall*
 2 *submit to the appropriate committees of Congress a report*
 3 *regarding part 121 airline safety oversight.*

4 *(b) CONTENTS.—The annual report shall include—*

5 *(1) a description of the Federal Aviation Admin-*
 6 *istration’s safety oversight process to ensure the safety*
 7 *of the traveling public;*

8 *(2) a description of risk-based oversight methods*
 9 *applied to ensure aviation safety, including to spe-*
 10 *cific issues addressed in the year preceding the report*
 11 *that in the determination of the Administrator ad-*
 12 *dress safety risk; and*

13 *(3) in the instance of specific reviews of air car-*
 14 *rier performance to safety regulations, a description*
 15 *of cases where the timelines for recurrent reviews are*
 16 *advanced.*

17 **SEC. 2315. AIRLINE SAFETY ENHANCEMENT.**

18 *Section 217(d) of the Airline Safety and Federal Avia-*
 19 *tion Administration Extension Act of 2010 (Public Law*
 20 *111–216; 49 U.S.C. 44701 note) is amended, in the second*
 21 *sentence, by striking “training courses” and all that follows*
 22 *and inserting “training courses, or other structured and*
 23 *disciplined training courses, will enhance safety more than*
 24 *requiring the pilot to fully comply with the flight hours re-*
 25 *quirement.”.*

1 **SEC. 2316. AIRCRAFT AIR QUALITY.**

2 (a) *EDUCATIONAL MATERIALS.*—Not later than 1 year
3 after the date of enactment of this Act, the Administrator
4 of the Federal Aviation Administration shall, in consulta-
5 tion with relevant stakeholders, establish and make avail-
6 able on a publicly available Internet website of the Admin-
7 istration, educational materials for flight attendants, pilots,
8 aircraft maintenance technicians, and airport first re-
9 sponders and emergency response teams on how to respond
10 to incidents on board aircraft involving smoke or fumes.

11 (b) *REPORTING OF INCIDENTS OF SMOKE OR FUMES*
12 *ON BOARD AIRCRAFT.*—Not later than 180 days after the
13 date of enactment of this Act, the Administrator shall, in
14 consultation with relevant stakeholders, issue guidance for
15 flight attendants, pilots, aircraft maintenance technicians,
16 and airport first responders and emergency response teams
17 to report incidents of smoke or fumes on board an aircraft
18 operated by a commercial air carrier and with respect to
19 the basis on which commercial air carriers shall report such
20 incidents through the Service Difficulty Reporting System.

21 (c) *RESEARCH TO DEVELOP TECHNIQUES TO MON-*
22 *ITOR BLEED AIR QUALITY.*—Not later than 180 days after
23 the date of enactment of this Act, the Administrator shall
24 commission a study by the Airliner Cabin Environment Re-
25 search Center of Excellence—

1 (1) *to identify and measure the constituents and*
2 *levels of constituents resulting from bleed air in the*
3 *cabins of a representative set of commercial aircraft*
4 *in operation of the United States;*

5 (2) *to assess the potential health effects of such*
6 *constituents on passengers and cabin and flight deck*
7 *crew;*

8 (3) *to identify technologies suitable to provide re-*
9 *liable and accurate warning of bleed air contamina-*
10 *tion, including technologies to effectively monitor the*
11 *aircraft air supply system when the aircraft is in*
12 *flight; and*

13 (4) *to identify potential techniques to prevent*
14 *fume events.*

15 (d) *REPORT REQUIRED.*—*Not later than 1 year after*
16 *the date of enactment of this Act, the Administrator shall*
17 *submit to the appropriate committees of Congress a report*
18 *on the feasibility, efficacy, and cost-effectiveness of certifi-*
19 *cation and installation of systems to evaluate bleed air*
20 *quality.*

21 (e) *PILOT PROGRAM.*—*The Federal Aviation Adminis-*
22 *tration may conduct a pilot program to evaluate the effec-*
23 *tiveness of technologies identified in subsection (c).*

1 **SEC. 2317. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
 2 **SENGER AIRCRAFT.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
 4 of enactment of this Act, the Administrator of the Federal
 5 Aviation Administration shall evaluate and revise, as ap-
 6 propriate, the regulations under part 121 of title 14, Code
 7 of Federal Regulations, regarding the emergency medical
 8 equipment requirements, including the contents of first-aid
 9 kits, applicable to all certificate holders operating passenger
 10 aircraft under that part.

11 (b) *CONSIDERATIONS.*—In carrying out subsection (a),
 12 the Administrator shall consider whether the minimum con-
 13 tents of approved emergency medical kits, including ap-
 14 proved first-aid kits, include appropriate medications and
 15 equipment to meet the emergency medical needs of children.

16 **Subtitle D—General Aviation Safety**

17 **SEC. 2401. AUTOMATED WEATHER OBSERVING SYSTEMS**
 18 **POLICY.**

19 (a) *IN GENERAL.*—Not later than 18 months after the
 20 date of enactment of this Act, the Administrator of the Fed-
 21 eral Aviation Administration shall—

22 (1) update automated weather observing systems
 23 standards to maximize the use of new technologies
 24 that promote the reduction of equipment or mainte-
 25 nance cost for non-Federal automated weather observ-
 26 ing systems, including the use of remote monitoring

1 *and maintenance, unless demonstrated to be ineffec-*
2 *tive;*

3 (2) *review, and if necessary update, existing*
4 *policies in accordance with the standards developed*
5 *under paragraph (1); and*

6 (3) *establish a process under which appropriate*
7 *on site airport personnel or an aviation official may,*
8 *with appropriate manufacturer training or alter-*
9 *native training as determined by the Administrator,*
10 *be permitted to conduct the minimum tri-annual pre-*
11 *ventative maintenance checks under the advisory cir-*
12 *cular for non-Federal automated weather observing*
13 *systems (AC 150/5220–16E) and any other similar,*
14 *successor checks.*

15 (b) *PERMISSION.—Permission to conduct the min-*
16 *imum tri-annual preventative maintenance checks de-*
17 *scribed under subsection (a)(3) and any similar, successor*
18 *checks shall not be withheld but for specific cause.*

19 (c) *STANDARDS.—In updating the standards under*
20 *subsection (a)(1), the Administrator shall—*

21 (1) *ensure the standards are performance-based;*

22 (2) *use risk analysis to determine the accuracy*
23 *of the automated weather observing systems outputs*
24 *required for pilots to perform safe aircraft operations;*
25 *and*

1 (3) *provide a cost benefit analysis to determine*
2 *whether the benefits outweigh the cost for any require-*
3 *ment not directly related to safety.*

4 (d) *AIP ELIGIBILITY OF AWOS EQUIPMENT.*—Not-
5 *withstanding any other law, the Administrator shall waive*
6 *any positive benefit-cost ratio requirement for automated*
7 *weather observing system equipment under subchapter I of*
8 *chapter 471, United States Code, if—*

9 (1) *the airport sponsor or State, as applicable,*
10 *certifies that a grant for such automated weather ob-*
11 *servicing systems equipment under that chapter will as-*
12 *sist an applicable airport to respond to regional*
13 *emergency needs, including medical, firefighting, and*
14 *search and rescue needs; and*

15 (2) *the other requirements under that chapter are*
16 *met.*

17 (e) *REPORT.*—Not later than September 30, 2018, the
18 *Administrator shall submit to the appropriate committees*
19 *of Congress a report on the implementation of the require-*
20 *ments under this section.*

1 **SEC. 2402. 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. 2403. AVIATION FUEL.**

13 *(a) USE OF UNLEADED AVIATION GASOLINE.—The*
 14 *Administrator of the Federal Aviation Administration shall*
 15 *allow the use of an unleaded aviation gasoline in an air-*
 16 *craft as a replacement for a leaded gasoline if the Adminis-*
 17 *trator—*

18 *(1) determines that the unleaded aviation gaso-*
 19 *line qualifies as a replacement for an approved leaded*
 20 *gasoline;*

21 *(2) identifies the aircraft and engines that are*
 22 *eligible to use the qualified replacement unleaded gas-*
 23 *oline; and*

24 *(3) adopts a process (other than the traditional*
 25 *means of certification) to allow eligible aircraft and*

1 engines to operate using qualified replacement un-
 2 leaded gasoline in a manner that ensures safety.

3 (b) *TIMING.*—The Administrator shall adopt the proc-
 4 ess described in subsection (a)(3) not later than 180 days
 5 after the later of—

6 (1) the date on which the Administration com-
 7 pletes the Piston Aviation Fuels Initiative; or

8 (2) the date on which the American Society for
 9 Testing and Materials publishes a production speci-
 10 fication for an unleaded aviation gasoline.

11 **SEC. 2404. APPLICABILITY OF MEDICAL CERTIFICATION**
 12 **STANDARDS TO OPERATORS OF AIR BAL-**
 13 **LOONS.**

14 (a) *SHORT TITLE.*—This section may be cited as the
 15 “Commercial Balloon Pilot Safety Act of 2017”.

16 (b) *IN GENERAL.*—Not later than 180 days after the
 17 date of enactment of this Act, the Administrator of the Fed-
 18 eral Aviation Administration shall revise section 61.3(c) of
 19 title 14, Code of Federal Regulations (relating to second-
 20 class medical certificates), to apply to an operator of an
 21 air balloon to the same extent such regulations apply to
 22 a pilot flight crewmember of other aircraft.

23 (c) *AIR BALLOON DEFINED.*—In this section, the term
 24 “air balloon” has the meaning given the term “balloon” in

1 *section 1.1 of title 14, Code of Federal Regulations (or any*
 2 *corresponding similar regulation or ruling).*

3 **SEC. 2405. TECHNICAL CORRECTIONS.**

4 *Section 2110 of the FAA Extension Safety and Secu-*
 5 *rity Act of 2016 (49 U.S.C. 44718 note) is amended to read*
 6 *as follows:*

7 **“SEC. 2110. TOWER MARKING.**

8 *“(a) IN GENERAL.—Not later than 1 year after the*
 9 *date of enactment of this Act, the Administrator of the Fed-*
 10 *eral Aviation Administration shall issue regulations to im-*
 11 *plement the requirements of this section with respect to cov-*
 12 *ered towers.*

13 *“(b) MARKING REQUIRED.—Regulations under sub-*
 14 *section (a) that require that a covered tower be clearly*
 15 *marked shall be consistent with applicable guidance under*
 16 *the Federal Aviation Administration Advisory Circular*
 17 *issued December 4, 2015 (AC 70/7460–1L), or other relevant*
 18 *safety guidance, as determined by the Administrator.*

19 *“(c) APPLICATION.—The regulations issued under sub-*
 20 *section (a) shall—*

21 *“(1) ensure that consistent with this section all*
 22 *covered towers constructed on or after the date on*
 23 *which such regulations take effect are marked in ac-*
 24 *cordance with subsection (b), or included in the data-*

1 *base in subsection (e), or, in the case of meteorological*
 2 *evaluation towers both;*

3 “(2) *ensure that consistent with this section all*
 4 *covered towers constructed before the date on which*
 5 *such regulations take effect are marked in accordance*
 6 *with subsection (b), or included in the database in*
 7 *subsection (e), or, in the case of meteorological evalua-*
 8 *tion towers both, not later than 1 year after such ef-*
 9 *fective date; and*

10 “(3) *take effect no earlier than the availability*
 11 *of the database developed by the Administrator pursu-*
 12 *ant to subsection (e).*

13 “(d) *DEFINITIONS.—*

14 “(1) *IN GENERAL.—In this section:*

15 “(A) *AGRICULTURAL PURPOSES.—The term*
 16 *‘agricultural purposes’ means farming in all its*
 17 *branches and the cultivation and tillage of the*
 18 *soil, the production, cultivation, growing, and*
 19 *harvesting of any agricultural or horticultural*
 20 *commodities performed by a farmer or on a*
 21 *farm, or on pasture land or rangeland.*

22 “(B) *COVERED TOWER.—*

23 “(i) *IN GENERAL.—Except as specified*
 24 *in clause (ii), the term ‘covered tower’*
 25 *means a structure that—*

1 “(I) is a meteorological evaluation
2 tower, a self-standing tower, or a tower
3 supported by guy wires and ground
4 anchors;

5 “(II) is 10 feet or less in diameter
6 at the above-ground base, excluding
7 concrete footing;

8 “(III) at the highest point of the
9 structure is at least 50 feet above
10 ground level;

11 “(IV) at the highest point of the
12 structure is not more than 200 feet
13 above ground level;

14 “(V) has accessory facilities on
15 which an antenna, sensor, camera, me-
16 teorological instrument, or other equip-
17 ment is mounted; and

18 “(VI) is located on land that is—

19 “(aa) in a rural area; and

20 “(bb) used for agricultural
21 purposes or immediately adjacent
22 to such land.

23 “(ii) *EXCLUSIONS.*—The term ‘covered
24 tower’ does not include any structure that—

1 “(I) is adjacent to a house, barn,
2 electric utility station, or other build-
3 ing;

4 “(II) is within the curtilage of a
5 farmstead or adjacent to another build-
6 ing or visible structure;

7 “(III) supports electric utility
8 transmission or distribution lines;

9 “(IV) is a wind-powered electrical
10 generator with a rotor blade radius
11 that exceeds 6 feet;

12 “(V) is a street light erected or
13 maintained by a Federal, State, local,
14 or tribal entity;

15 “(VI) is designed and constructed
16 to resemble a tree or visible structure
17 other than a tower;

18 “(VII) is an advertising billboard;

19 “(VIII) is located within the
20 right-of-way of a rail carrier, includ-
21 ing within the boundaries of a rail
22 yard, and is used for a railroad pur-
23 pose;

24 “(IX)(aa) is registered with the
25 Federal Communications Commission

1 *under the Antenna Structure Registra-*
 2 *tion program set forth under part 17*
 3 *of title 47, Code of Federal Regula-*
 4 *tions; and*

5 *“(bb) has been determined by the*
 6 *Administrator to pose no hazard to air*
 7 *navigation; or*

8 *“(X) has already mitigated any*
 9 *hazard to aviation safety in accord-*
 10 *ance with Federal Aviation Adminis-*
 11 *tration guidance or as otherwise ap-*
 12 *proved by the Administrator.*

13 *“(C) The term ‘rural area’ has the meaning*
 14 *given the term in section 609(a)(5) of the Public*
 15 *Utility Regulatory Policies Act of 197 (87 U.S.C.*
 16 *918c(a)(5)).*

17 *“(2) OTHER DEFINITIONS.— The Administrator*
 18 *shall define such other terms not otherwise defined in*
 19 *paragraph (1) as may be necessary to carry out this*
 20 *section.*

21 *“(e) DATABASE.—The Administrator shall—*

22 *“(1) develop a database that contains the loca-*
 23 *tion and height of each covered tower that is not*
 24 *marked in accordance with this section, except that—*

1 “(A) meteorological evaluation towers shall
2 be marked in accordance with subsection (b) and
3 contained in the database; and

4 “(B) towers excluded from the definition of
5 covered tower under subsection (d)(1)(B)(2) must
6 be registered by its owner in the database.

7 “(2) keep the database current;

8 “(3) ensure that a tower to be included in the
9 database pursuant to subsection (c)(1) and con-
10 structed after the date on which regulations issued
11 under subsection (a) take effect is registered by its
12 owner in the database before its construction;

13 “(4) ensure that—

14 “(A) any proprietary information in the
15 database is protected from disclosure in accord-
16 ance with law;

17 “(B) information in the database is de-
18 identified and that such information only in-
19 cludes the location, and height, of such covered
20 towers, and whether the tower has guy wires;
21 and

22 “(C) information in the dataset is
23 encrypted at rest and in transit and is protected
24 from unauthorized access and acquisition;

1 “(5) ensure that, by virtue of accessing the data-
 2 base, users agree and acknowledge that information in
 3 the database—

4 “(A) may only be used for aviation safety
 5 purposes; and

6 “(B) may not be disclosed for purposes
 7 other than aviation safety, regardless of whether
 8 or not the information is identified or labeled as
 9 proprietary or with a similar designation; and

10 “(6) ensure that pilots who intend to conduct
 11 low-altitude operations in locations described in sub-
 12 section (d)(1)(B)(vi) consult the relevant parts of the
 13 database before conducting such operations.

14 “(f) *EXCLUSION AND WAIVER AUTHORITIES.*—As part
 15 of a rulemaking conducted pursuant to this section, the Ad-
 16 ministrator—

17 “(1) may exclude a class, category, or type of
 18 tower that is determined by the Administrator, after
 19 public notice and comment, to not pose a hazard to
 20 aviation safety;

21 “(2) shall establish a process to waive specific
 22 covered towers from the marking requirements under
 23 this section as required under the rulemaking if the
 24 Administrator later determines such tower or towers
 25 do not pose a hazard to aviation safety; and

1 “(3) shall consider, in establishing exclusions
 2 and granting waivers under this subsection, factors
 3 that may sufficiently mitigate risks to aviation safe-
 4 ty, such as the length of time the tower has been in
 5 existence or alternative marking methods or tech-
 6 nologies that maintains a tower’s level of conspicuous-
 7 ness to a degree which adequately maintains the safe-
 8 ty of the airspace.

9 “(g) *PERIODIC REVIEW.*—The Administrator shall, in
 10 consultation with the Federal Communications Commis-
 11 sion, periodically review any regulations or guidance re-
 12 garding the marking of covered towers issued pursuant to
 13 this section and update them as necessary, consistent with
 14 this section, and in the interest of safety of low-altitude air-
 15 craft operations.

16 “(h) *FCC REGULATIONS.*—The Federal Communica-
 17 tions Commission shall amend section 17.7 of title 47, Code
 18 of Federal Regulations, to require a notification to the Fed-
 19 eral Aviation Administration for any construction or alter-
 20 ation of an antenna structure, as defined in section 17.2(a)
 21 of title 47, Code of Federal Regulations, that is a covered
 22 tower as defined by this section.”.

23 **SEC. 2406. ROTORCRAFT CRASH RESISTANT FUEL SYSTEMS.**

24 The Administrator of the Federal Aviation Adminis-
 25 tration shall—

1 (1) expedite the certification and validation of
 2 United States and foreign type designs and retrofit
 3 kits that improve fuel system crash worthiness; and

4 (2) not later than 180 days after the date of en-
 5 actment of this Act, and periodically thereafter, issue
 6 a bulletin to—

7 (A) inform rotorcraft owners and operators
 8 of available modifications to improve fuel system
 9 crashworthiness; and

10 (B) urge that such modifications be in-
 11 stalled as soon as practicable.

12 ***Subtitle E—General Provisions***

13 ***SEC. 2501. FAA TECHNICAL TRAINING.***

14 (a) *E-LEARNING TRAINING PILOT PROGRAM.*—Not
 15 later than 90 days after the date of enactment of this Act,
 16 the Administrator of the Federal Aviation Administration,
 17 in collaboration with the exclusive bargaining representa-
 18 tives of covered FAA personnel, shall establish an e-learning
 19 training pilot program in accordance with the requirements
 20 of this section.

21 (b) *CURRICULUM.*—The pilot program shall—

22 (1) include a recurrent training curriculum for
 23 covered FAA personnel to ensure that the covered FAA
 24 personnel receive instruction on the latest aviation
 25 technologies, processes, and procedures;

1 (2) *focus on providing specialized technical*
2 *training for covered FAA personnel, as determined*
3 *necessary by the Administrator;*

4 (3) *include training courses on applicable regu-*
5 *lations of the Federal Aviation Administration; and*

6 (4) *consider the efficacy of instructor-led online*
7 *training.*

8 (c) *PILOT PROGRAM TERMINATION.*—*The pilot pro-*
9 *gram shall terminate 1 year after the date of establishment*
10 *of the pilot program.*

11 (d) *E-LEARNING TRAINING PROGRAM.*—*Upon termi-*
12 *nation of the pilot program, the Administrator shall assess*
13 *and establish or update an e-learning training program*
14 *that incorporates lessons learned for covered FAA personnel*
15 *as a result of the pilot program.*

16 (e) *DEFINITIONS.*—*In this section:*

17 (1) *COVERED FAA PERSONNEL.*—*The term “cov-*
18 *ered FAA personnel” means airway transportation*
19 *systems specialists and aviation safety inspectors of*
20 *the Federal Aviation Administration.*

21 (2) *E-LEARNING TRAINING.*—*The term “e-learn-*
22 *ing training” means learning utilizing electronic*
23 *technologies to access educational curriculum outside*
24 *of a traditional classroom.*

1 **SEC. 2502. SAFETY CRITICAL STAFFING.**

2 (a) *AUDIT BY DOT INSPECTOR GENERAL.*—Not later
3 than 1 year after the date of enactment of this Act, the In-
4 spector General of the Department of Transportation shall
5 conduct and complete an audit of the staffing model used
6 by the Federal Aviation Administration to determine the
7 number of aviation safety inspectors that are needed to ful-
8 fill the mission of the Federal Aviation Administration and
9 adequately ensure aviation safety.

10 (b) *CONTENTS.*—The audit shall include, at a min-
11 imum—

12 (1) a review of the staffing model and an anal-
13 ysis of how consistently the staffing model is applied
14 throughout the Federal Aviation Administration's
15 aviation safety lines of business;

16 (2) a review of the assumptions and methods
17 used in devising and implementing the staffing model
18 to assess the adequacy of the staffing model to predict
19 the number of aviation safety inspectors needed to
20 properly fulfill the mission of the Federal Aviation
21 Administration and meet the future growth of the
22 aviation industry; and

23 (3) a determination on whether the current staff-
24 ing model takes into account the Federal Aviation
25 Administration's authority to fully utilize designees.

1 (c) *REPORT*.—Not later than 30 days after the date
 2 of completion of the audit, the Inspector General shall sub-
 3 mit to the appropriate committees of Congress a report on
 4 the results of the audit.

5 **SEC. 2503. APPROACH CONTROL RADAR.**

6 The Administrator of the Federal Aviation Adminis-
 7 tration shall—

8 (1) identify airports that are currently served by
 9 Federal Aviation Administration towers with
 10 nonradar approach and departure control (type 4
 11 tower); and

12 (2) develop an implementation plan, including
 13 budgetary considerations, to provide an airport iden-
 14 tified under paragraph (1), if appropriate, with ap-
 15 proach control radar.

16 **SEC. 2504. AIRSPACE MANAGEMENT ADVISORY COMMITTEE.**

17 (a) *IN GENERAL*.—Not later than 180 days after the
 18 date of the enactment of this Act, the Administrator of the
 19 Federal Aviation Administration shall establish an advi-
 20 sory committee to carry out the duties described in sub-
 21 section (b).

22 (b) *DUTIES*.—The advisory committee shall—

23 (1) conduct a review of the practices and proce-
 24 dures of the Federal Aviation Administration for de-
 25 veloping proposals with respect to changes in regula-

1 *tions, policies, or guidance of the Federal Aviation*
2 *Administration relating to airspace that affect air-*
3 *port operations, airport capacity, the environment, or*
4 *communities in the vicinity of airports, including—*

5 *(A) an assessment of the extent to which*
6 *there is consultation, or a lack of consultation,*
7 *with respect to such proposals—*

8 *(i) between and among the affected ele-*
9 *ments of the Federal Aviation Administra-*
10 *tion, including the Air Traffic Organiza-*
11 *tion, the Office of Airports, the Flight*
12 *Standards Service, the Office of NextGen,*
13 *and the Office of Energy and Environment;*
14 *and*

15 *(ii) between the Federal Aviation Ad-*
16 *ministration and affected entities, including*
17 *airports, aircraft operators, communities,*
18 *and State and local governments;*

19 *(2) recommend revisions to such practices and*
20 *procedures to improve communications and coordina-*
21 *tion between and among affected elements of the Fed-*
22 *eral Aviation Administration and with other affected*
23 *entities with respect to proposals described in para-*
24 *graph (1) and the potential effects of such proposals;*

1 (3) *conduct a review of the management by the*
 2 *Federal Aviation Administration of systems and in-*
 3 *formation used to evaluate data relating to obstruc-*
 4 *tions to air navigation or navigational facilities*
 5 *under part 77 of title 14, Code of Federal Regula-*
 6 *tions; and*

7 (4) *make recommendations to ensure that the*
 8 *data described in paragraph (3) is publicly accessible*
 9 *and streamlined to ensure developers, airport opera-*
 10 *tors, and other interested parties may obtain relevant*
 11 *information concerning potential obstructions when*
 12 *working to preserve and create a safe and efficient*
 13 *navigable airspace.*

14 (c) *MEMBERSHIP.*—*The membership of the advisory*
 15 *committee established under subsection (a) shall include*
 16 *representatives of—*

17 (1) *air carriers, including passenger and cargo*
 18 *air carriers;*

19 (2) *general aviation, including business aviation*
 20 *and fixed wing aircraft and rotorcraft;*

21 (3) *airports of various sizes and types;*

22 (4) *air traffic controllers; and*

23 (5) *State aviation officials.*

24 (d) *REPORT REQUIRED.*—*Not later than 1 year after*
 25 *the date the advisory committee is established under sub-*

1 *section (a), the advisory committee shall submit to the ap-*
 2 *propriate committees of Congress a report on the actions*
 3 *taken by the advisory committee to carry out the duties de-*
 4 *scribed in subsection (b).*

5 **SEC. 2505. REPORT ON CONSPICUITY NEEDS FOR SURFACE**
 6 **VEHICLES OPERATING ON THE AIRSIDE OF**
 7 **AIR CARRIER SERVED AIRPORTS.**

8 *(a) STUDY REQUIRED.—The Administrator of the Fed-*
 9 *eral Aviation Administration shall perform a study of the*
 10 *need for the Federal Aviation Administration to prescribe*
 11 *conspicuity standards for surface vehicles operating on the*
 12 *airside of the categories of airports that air carriers serve*
 13 *as specified in subsection (b).*

14 *(b) COVERED AIRPORTS.—The study required by sub-*
 15 *section (a) shall cover, at a minimum, one large hub air-*
 16 *port, one medium hub airport, and one small hub airport,*
 17 *as those terms are defined in section 40102 of title 49,*
 18 *United States Code.*

19 *(c) REPORT TO CONGRESS.—Not later than July 1,*
 20 *2018, the Administrator shall submit to the appropriate*
 21 *committees of Congress a report setting forth the results of*
 22 *the study required by subsection (a), including such rec-*
 23 *ommendations as the Administrator considers appropriate*
 24 *regarding the need for the Administration to prescribe con-*
 25 *spicuity standards as described in subsection (a).*

1 **SEC. 2506. STUDY ON THE EFFECT OF EXTREME WEATHER**
 2 **ON AIR TRAVEL.**

3 (a) *STUDY REQUIRE.*—Not later than 1 year after the
 4 date of enactment of this Act, the Administrator of the Na-
 5 tional Oceanic and Atmospheric Administration and the
 6 Administrator of the Federal Aviation Administration shall
 7 jointly complete a study on the effect of extreme weather
 8 on commercial air travel.

9 (b) *ELEMENTS.*—The study required by subsection (a)
 10 shall include assessment of the following:

11 (1) *Whether extreme weather may result in an*
 12 *increase in turbulence.*

13 (2) *The effect of extreme weather on current com-*
 14 *mercial air routes.*

15 (3) *The effect of extreme weather on domestic*
 16 *airports, air traffic control facilities, and associated*
 17 *facilities.*

18 **SEC. 2507. SELF-PILOTED AIRCRAFT INTRODUCTION PLAN.**

19 (a) *DEFINITIONS.*—In this section:

20 (1) *ADMINISTRATOR.*—The term “Adminis-
 21 trator” means the Administrator of the Federal Avia-
 22 tion Administration.

23 (2) *AT PLAN.*—The term “AT Plan” means the
 24 plan required by subsection (b).

25 (3) *STAKEHOLDER COMMITTEE.*—The term
 26 “Stakeholder Committee” means the committee of ap-

1 *appropriate stakeholders convened by the Administrator*
2 *under subsection (b).*

3 (b) *REQUIREMENT FOR AT PLAN.*—*The Adminis-*
4 *trator, in coordination with a committee of appropriate*
5 *stakeholders convened by the Administrator, shall prepare*
6 *an air traffic policies and systems plan to enable the intro-*
7 *duction of self-piloted aircraft into the national airspace*
8 *system.*

9 (c) *STAKEHOLDER COMMITTEE.*—*The Stakeholder*
10 *Committee shall include manufacturers of self-piloted air-*
11 *craft and other industry stakeholders that the Adminis-*
12 *trator considers appropriate.*

13 (d) *CONTENT OF AT PLAN.*—*The AT Plan shall in-*
14 *clude actions necessary to ensure the Administrator is able*
15 *to fully implement the AT Plan not later than two years*
16 *after the date the AT Plan is submitted under subsection*
17 *(e).*

18 (e) *SUBMISSION OF AT PLAN.*—*Not later than 2 years*
19 *after the date the Stakeholder Committee is convened, the*
20 *Administrator shall submit to the appropriate committees*
21 *of Congress the AT Plan.*

22 **SEC. 2508. PORTABILITY OF REPAIRMAN CERTIFICATES.**

23 (a) *IN GENERAL.*—*The Administrator of the Federal*
24 *Aviation Administration shall assign to the Aviation Rule-*
25 *making Advisory Committee the task of making rec-*

1 *ommendations with respect to the regulatory and policy*
 2 *changes necessary to allow a repairman certificate issued*
 3 *under section 65.101 of title 14, Code of Federal Regula-*
 4 *tions, to be portable from one employing certificate holder*
 5 *to another.*

6 (b) *ACTION BASED ON RECOMMENDATIONS.—Not later*
 7 *than 1 year after receiving recommendations under sub-*
 8 *section (a), the Administrator shall take such action as the*
 9 *Administrator considers appropriate with respect to those*
 10 *recommendations.*

11 **SEC. 2509. REVISION OF CERTAIN REGULATIONS RELATING**
 12 **TO REPAIR STATION CERTIFICATES.**

13 *The Administrator of the Federal Aviation Adminis-*
 14 *tration shall—*

15 (1) *not later than 60 days after the date of en-*
 16 *actment of this Act, publish in the Federal Register*
 17 *a notice of proposed rulemaking revising part 145 of*
 18 *title 14, Code of Federal Regulations—*

19 (A) *to restore the right of a repair station*
 20 *to unilaterally surrender its certificate;*

21 (B) *to prevent an individual who materi-*
 22 *ally contributes to the revocation of a repair sta-*
 23 *tion certificate or causes the process of revoking*
 24 *such a certificate to begin from reentering the in-*
 25 *dustry; and*

1 (C) to clarify that a repair station that ter-
 2 minates an individual who materially contrib-
 3 utes to the revocation of the certificate of the re-
 4 pair station or causes the process of revoking
 5 that certificate to begin may reapply for a cer-
 6 tificate; and

7 (2) not later than 90 days after publishing the
 8 notice of proposed rulemaking, publish in the Federal
 9 Register a final rule with respect to those revisions.

10 **SEC. 2510. CRITICAL AIRFIELD MARKINGS.**

11 Not later than 180 days after the date of enactment
 12 of this Act, the Administrator of the Federal Aviation Ad-
 13 ministration shall issue a request for proposal for a study
 14 that includes—

15 (1) an independent, third-party study to assess
 16 the durability of Type III and Type I glass beads ap-
 17 plied to critical markings over a 2-year period at no
 18 fewer than 2 primary airports in varying weather
 19 conditions to measure the retroreflectivity levels of such
 20 markings on a quarterly basis; and

21 (2) a study at 2 other airports carried out by
 22 applying Type III beads on one half of the centerline
 23 and Type I beads to the other half and providing for
 24 assessments from pilots through surveys administered
 25 by a third party as to the visibility and performance

5 *Not later than 90 days after the date of enactment of*
6 *this Act, the Administrator of the Federal Aviation Admin-*
7 *istration shall submit to the appropriate committees of Con-*
8 *gress—*

(1) a report on the number and suitability of aircraft rescue and firefighting training facilities in each region of the Federal Aviation Administration as of such date of enactment; and

13 (2) a plan to address any coverage gaps identi-
14 fied in that report.

15 ***Subtitle F—General Aviation Pilot***
16 ***Protections***

17 **SEC. 2601. SHORT TITLE.**

18 *This subtitle may be cited as the “Fairness for Pilots*
19 *Act”.*

20 **SEC. 2602. 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 the district*
 16 *court shall review the denial, suspension, or revoca-*
 17 *tion de novo, including by—*

18 *“(A) conducting a full independent review*
 19 *of the complete administrative record of the de-*
 20 *nial, suspension, or revocation;*

21 *“(B) permitting additional discovery and*
 22 *the taking of additional evidence; and*

23 *“(C) making the findings of fact and con-*
 24 *clusions of law required by Rule 52 of the Fed-*
 25 *eral Rules of Civil Procedure without being*

1 *bound to any findings of fact of the Adminis-*
 2 *trator or the National Transportation Safety*
 3 *Board.”;*

4 *(2) by redesignating paragraph (2) as para-*
 5 *graph (3); and*

6 *(3) by inserting after paragraph (1) the fol-*
 7 *lowing:*

8 *“(2) BURDEN OF PROOF.—In an appeal filed*
 9 *under subsection (d) in a United States district court*
 10 *after an exhaustion of administrative remedies, the*
 11 *burden of proof shall be as follows:*

12 *“(A) In an appeal of the denial of an appli-*
 13 *cation for the issuance or renewal of an airman*
 14 *certificate under section 44703 of title 49, United*
 15 *States Code, the burden of proof shall be upon*
 16 *the applicant denied an airman certificate by*
 17 *the Administrator.*

18 *“(B) In an appeal of an order issued by the*
 19 *Administrator under section 44709 of title 49,*
 20 *United States Code, the burden of proof shall be*
 21 *upon the Administrator.”; and*

22 *(4) by adding at the end the following:*

23 *“(4) APPLICABILITY OF ADMINISTRATIVE PROCE-*
 24 *DURE ACT.—Notwithstanding paragraph (1)(A) of*
 25 *this subsection or subsection (a)(1) of section 554 of*

1 *title 5, United States Code, section 554 of such title*
 2 *shall apply to adjudications of the Administrator and*
 3 *the National Transportation Safety Board to the*
 4 *same extent as that section applied to such adjudica-*
 5 *tions before the date of enactment of the Fairness for*
 6 *Pilots Act.”.*

7 *(c) NOTIFICATION OF INVESTIGATION.—Subsection (b)*
 8 *of section 2 of the Pilot’s Bill of Rights (Public Law 112–*
 9 *153; 126 Stat. 1159; 49 U.S.C. 44703 note) is amended—*
 10 *(1) in paragraph (2)(A), by inserting “and the*
 11 *specific activity on which the investigation is based”*
 12 *after “nature of the investigation”;*

13 *(2) in paragraph (3), by striking “timely”; and*
 14 *(3) in paragraph (5), by striking “section*
 15 *44709(c)(2)” and inserting “section 44709(e)(2)”.*

16 *(d) RELEASE OF INVESTIGATIVE REPORTS.—Section*
 17 *2 of the Pilot’s Bill of Rights (Public Law 112–153; 126*
 18 *Stat. 1159; 49 U.S.C. 44703 note) is further amended by*
 19 *adding at the end the following:*

20 *“(f) RELEASE OF INVESTIGATIVE REPORTS.—*

21 *“(1) IN GENERAL.—*

22 *“(A) EMERGENCY ORDERS.—In any pro-*
 23 *ceeding conducted under part 821 of title 49,*
 24 *Code of Federal Regulations, relating to the*
 25 *amendment, modification, suspension, or revoca-*

tion of an airman certificate, in which the Administrator issues an emergency order under subsections (d) and (e) of section 44709, section 44710, or section 46105(c) of title 49, United States Code, or another order that takes effect immediately, the Administrator shall provide to the individual holding the airman certificate the releasable portion of the investigative report at the time the Administrator issues the order. If the complete Report of Investigation is not available at the time the Emergency Order is issued, the Administrator shall issue all portions of the report that are available at the time and shall provide the full report within 5 days of its completion.

“(B) OTHER ORDERS.—In any non-emergency proceeding conducted under part 821 of title 49, Code of Federal Regulations, relating to the amendment, modification, suspension, or revocation of an airman certificate, in which the Administrator notifies the certificate holder of a proposed certificate action under subsections (b) and (c) of section 44709 or section 44710 of title 49, United States Code, the Administrator shall, upon the written request of the covered certificate

1 holder and at any time after that notification,
2 provide to the covered certificate holder the re-
3 leasable portion of the investigative report.

4 “(2) *MOTION FOR DISMISSAL.*—If the Adminis-
5 trator does not provide the releasable portions of the
6 investigative report to the individual holding the air-
7 man certificate subject to the proceeding referred to in
8 paragraph (1) by the time required by that para-
9 graph, the individual may move to dismiss the com-
10 plaint of the Administrator or for other relief and,
11 unless the Administrator establishes good cause for the
12 failure to provide the investigative report or for a lack
13 of timeliness, the administrative law judge shall order
14 such relief as the judge considers appropriate.

15 “(3) *RELEASABLE PORTION OF INVESTIGATIVE*
16 *REPORT.*—For purposes of paragraph (1), the releas-
17 able portion of an investigative report is all informa-
18 tion in the report, except for the following:

19 “(A) *Information that is privileged.*

20 “(B) *Information that constitutes work*
21 *product or reflects internal deliberative process.*

22 “(C) *Information that would disclose the*
23 *identity of a confidential source.*

24 “(D) *Information the disclosure of which is*
25 *prohibited by any other provision of law.*

1 “(E) Information that is not relevant to the
2 subject matter of the proceeding.

3 “(F) Information the Administrator can
4 demonstrate is withheld for good cause.

5 “(G) Sensitive security information, as de-
6 fined in section 15.5 of title 49, Code of Federal
7 Regulations (or any corresponding similar rul-
8 ing or regulation).

9 “(4) *RULE OF CONSTRUCTION.*—Nothing in this
10 subsection shall be construed to prevent the Adminis-
11 trator from releasing to an individual subject to an
12 investigation described in subsection (b)(1)—

13 “(A) information in addition to the infor-
14 mation included in the releasable portion of the
15 investigative report; or

16 “(B) a copy of the investigative report be-
17 fore the Administrator issues a complaint.”.

18 **SEC. 2603. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
19 **CATE HOLDERS.**

20 (a) *IN GENERAL.*—Section 44709(a) is amended—

21 (1) by striking “The Administrator” and insert-
22 ing the following:

23 “(1) *IN GENERAL.*—The Administrator”;

24 (2) by striking “reexamine” and inserting “, ex-
25 cept as provided in paragraph (2), reexamine”; and

1 (3) *by adding at the end the following:*

2 “(2) *LIMITATION ON THE REEXAMINATION OF*
3 *AIRMAN CERTIFICATES.—*

4 “(A) *IN GENERAL.—The Administrator*
5 *may not reexamine an airman holding a stu-*
6 *dent, sport, recreational, or private pilot certifi-*
7 *cate issued under section 44703 of this title if the*
8 *reexamination is ordered as a result of an event*
9 *involving the fault of the Federal Aviation Ad-*
10 *ministration or its designee, unless the Adminis-*
11 *trator has reasonable grounds—*

12 “(i) *to establish that the airman may*
13 *not be qualified to exercise the privileges of*
14 *a particular certificate or rating, based*
15 *upon an act or omission committed by the*
16 *airman while exercising those privileges,*
17 *after the certificate or rating was issued by*
18 *the Federal Aviation Administration or its*
19 *designee; or*

20 “(ii) *to demonstrate that the airman*
21 *obtained the certificate or the rating*
22 *through fraudulent means or through an ex-*
23 *amination that was substantially and de-*
24 *monstrably inadequate to establish the air-*
25 *man’s qualifications.*

1 “(B) *NOTIFICATION REQUIREMENTS.*—Be-
 2 fore taking any action to reexamine an airman
 3 under subparagraph (A), the Administrator shall
 4 provide to the airman—

5 “(i) a reasonable basis, described in de-
 6 tail, for requesting the reexamination; and

7 “(ii) any information gathered by the
 8 Federal Aviation Administration, that the
 9 Administrator determines is appropriate to
 10 provide, such as the scope and nature of the
 11 requested reexamination, that formed the
 12 basis for that justification.”.

13 (b) *AMENDMENT, MODIFICATION, SUSPENSION, OR*
 14 *REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-*
 15 *INATION.*—Section 44709(b) is amended—

16 (1) in paragraph (1), by redesignating subpara-
 17 graphs (A) and (B) as clauses (i) and (ii), respec-
 18 tively, and indenting appropriately;

19 (2) by redesignating paragraphs (1) and (2) as
 20 subparagraphs (A) and (B), respectively, and indent-
 21 ing appropriately;

22 (3) in the matter preceding subparagraph (A), as
 23 redesignated, by striking “The Administrator” and
 24 inserting the following:

1 “(1) *IN GENERAL.*—*Except as provided in para-*
 2 *graph (2), the Administrator*”; and

3 (4) *by adding at the end the following:*

4 “(2) *AMENDMENTS, MODIFICATIONS, SUSPEN-*
 5 *SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES*
 6 *AFTER REEXAMINATION.*—

7 “(A) *IN GENERAL.*—*The Administrator*
 8 *may not issue an order to amend, modify, sus-*
 9 *pend, or revoke an airman certificate held by a*
 10 *student, sport, recreational, or private pilot and*
 11 *issued under section 44703 of this title after a*
 12 *reexamination of the airman holding the certifi-*
 13 *cate unless the Administrator determines that the*
 14 *airman—*

15 “(i) *lacks the technical skills and com-*
 16 *petency, or care, judgment, and responsi-*
 17 *bility, necessary to hold and safely exercise*
 18 *the privileges of the certificate; or*

19 “(ii) *materially contributed to the*
 20 *issuance of the certificate by fraudulent*
 21 *means.*

22 “(B) *STANDARD OF REVIEW.*—*Any order of*
 23 *the Administrator under this paragraph shall be*
 24 *subject to the standard of review provided for*

1 *under section 2 of the Pilot’s Bill of Rights (49*
 2 *U.S.C. 44703 note).”.*

3 (c) *CONFORMING AMENDMENTS.—Section 44709(d)(1)*
 4 *is amended—*

5 *(1) in subparagraph (A), by striking “subsection*
 6 *(b)(1)(A)” and inserting “subsection (b)(1)(A)(i);*
 7 *and*

8 *(2) in subparagraph (B), by striking “subsection*
 9 *(b)(1)(B)” and inserting “subsection (b)(1)(A)(ii)”.*

10 ***SEC. 2604. EXPEDITING UPDATES TO NOTAM PROGRAM.***

11 (a) *IN GENERAL.—Beginning on the date that is 180*
 12 *days after the date of enactment of this Act, the Adminis-*
 13 *trator of the Federal Aviation Administration may not take*
 14 *any enforcement action against any individual for a viola-*
 15 *tion of a NOTAM (as defined in section 3 of the Pilot’s*
 16 *Bill of Rights (49 U.S.C. 44701 note)) until the Adminis-*
 17 *trator certifies to the appropriate committees of Congress*
 18 *that the Administrator has complied with the requirements*
 19 *of section 3 of the Pilot’s Bill of Rights, as amended by*
 20 *this section.*

21 (b) *AMENDMENTS.—Section 3 of the Pilot’s Bill of*
 22 *Rights (Public Law 112–153; 126 Stat. 1162; 49 U.S.C.*
 23 *44701 note) is amended—*

24 *(1) in subsection (a)(2)—*

1 (A) in the matter preceding subparagraph

2 (A)—

3 (i) by striking “this Act” and inserting

4 “the Fairness for Pilots Act”; and

5 (ii) by striking “begin” and inserting

6 “complete the implementation of”;

7 (B) by amending subparagraph (B) to read

8 as follows:

9 “(B) to continue developing and modern-

10 izing the NOTAM repository, in a public central

11 location, to maintain and archive all NOTAMs,

12 including the original content and form of the

13 notices, the original date of publication, and any

14 amendments to such notices with the date of each

15 amendment, in a manner that is Internet-acces-

16 sible, machine-readable, and searchable.”;

17 (C) in subparagraph (C), by striking the

18 period at the end and inserting “; and”; and

19 (D) by adding at the end the following:

20 “(D) to specify the times during which tem-

21 porary flight restrictions are in effect and the

22 duration of a designation of special use airspace

23 in a specific area.”; and

24 (2) by amending subsection (d) to read as fol-

25 lows:

1 “(d) *DESIGNATION OF REPOSITORY AS SOLE SOURCE*
 2 *FOR NOTAMS.*—

3 “(1) *IN GENERAL.*—*The Administrator*—

4 “(A) *shall consider the repository for*
 5 *NOTAMs under subsection (a)(2)(B) to be the*
 6 *sole location for airmen to check for NOTAMs;*
 7 *and*

8 “(B) *may not consider a NOTAM to be an-*
 9 *nounced or published until the NOTAM is in-*
 10 *cluded in the repository for NOTAMs under sub-*
 11 *section (a)(2)(B).*

12 “(2) *PROHIBITION ON TAKING ACTION FOR VIO-*
 13 *LATIONS OF NOTAMS NOT IN REPOSITORY.*—

14 “(A) *IN GENERAL.*—*Except as provided in*
 15 *subparagraph (B), beginning on the date that*
 16 *the repository under subsection (a)(2)(B) is final*
 17 *and published, the Administrator may not take*
 18 *any enforcement action against an airman for a*
 19 *violation of a NOTAM during a flight if—*

20 “(i) *that NOTAM is not available*
 21 *through the repository before the commence-*
 22 *ment of the flight; and*

23 “(ii) *that NOTAM is not reasonably*
 24 *accessible and identifiable to the airman.*

1 “(B) *EXCEPTION FOR NATIONAL SECU-*
 2 *RITY.*—Subparagraph (A) shall not apply in the
 3 *case of an enforcement action for a violation of*
 4 *a NOTAM that directly relates to national secu-*
 5 *rity.*”.

6 **SEC. 2605. ACCESSIBILITY OF CERTAIN FLIGHT DATA.**

7 (a) *IN GENERAL.*—Subchapter I of chapter 471 is
 8 *amended by inserting after section 47124 the following:*

9 **“§ 47124a. Accessibility of certain flight data**

10 “(a) *DEFINITIONS.*—In this section:

11 “(1) *ADMINISTRATION.*—The term ‘Administra-

12 *tion’ means the Federal Aviation Administration.*

13 “(2) *ADMINISTRATOR.*—The term ‘Adminis-

14 *trator’ means the Administrator of the Federal Avia-*

15 *tion Administration.*

16 “(3) *APPLICABLE INDIVIDUAL.*—The term ‘appli-

17 *able individual’ means an individual who is the sub-*

18 *ject of an investigation initiated by the Administrator*

19 *related to a covered flight record.*

20 “(4) *CONTRACT TOWER.*—The term ‘contract

21 *tower’ means an air traffic control tower providing*

22 *air traffic control services pursuant to a contract*

23 *with the Administration under section 47124.*

24 “(5) *COVERED FLIGHT RECORD.*—The term ‘cov-

25 *ered flight record’ means any air traffic data (as de-*

1 *fined in section 2(b)(4)(B) of the Pilot’s Bill of Rights*
 2 *(49 U.S.C. 44703 note)), created, maintained, or con-*
 3 *trolled by any program of the Administration, includ-*
 4 *ing any program of the Administration carried out*
 5 *by employees or contractors of the Administration,*
 6 *such as contract towers, flight service stations, and*
 7 *controller training programs.*

8 “(b) *PROVISION OF COVERED FLIGHT RECORD TO AD-*
 9 *MINISTRATION.*—

10 “(1) *REQUESTS.*—*Whenever the Administration*
 11 *receives a written request for a covered flight record*
 12 *from an applicable individual and the covered flight*
 13 *record is not in the possession of the Administration,*
 14 *the Administrator shall request the covered flight*
 15 *record from the contract tower or other contractor of*
 16 *the Administration in possession of the covered flight*
 17 *record.*

18 “(2) *PROVISION OF RECORDS.*—*Any covered*
 19 *flight record created, maintained, or controlled by a*
 20 *contract tower or another contractor of the Adminis-*
 21 *tration that maintains covered flight records shall be*
 22 *provided to the Administration if the Administration*
 23 *requests the record pursuant to paragraph (1).*

24 “(3) *NOTICE OF PROPOSED CERTIFICATE AC-*
 25 *TION.*—*If the Administrator has issued, or subse-*

1 *quently issues, a Notice of Proposed Certificate Action*
 2 *relying on evidence contained in the covered flight*
 3 *record and the individual who is the subject of an in-*
 4 *vestigation has requested the record, the Adminis-*
 5 *trator shall promptly produce the record and extend*
 6 *the time the individual has to respond to the Notice*
 7 *of Proposed Certificate Action until the covered flight*
 8 *record is provided.*

9 *“(c) IMPLEMENTATION.—*

10 *“(1) IN GENERAL.—Not later than 180 days*
 11 *after the date of enactment of the Fairness for Pilots*
 12 *Act, the Administrator shall promulgate regulations*
 13 *or guidance to ensure compliance with this section.*

14 *“(2) COMPLIANCE BY CONTRACTORS.—*

15 *“(A) IN GENERAL.—Compliance with this*
 16 *section by a contract tower or other contractor of*
 17 *the Administration that maintains covered flight*
 18 *records shall be included as a material term in*
 19 *any contract between the Administration and the*
 20 *contract tower or contractor entered into or re-*
 21 *newed on or after the date of enactment of the*
 22 *Fairness for Pilots Act.*

23 *“(B) NONAPPLICABILITY.—Subparagraph*
 24 *(A) shall not apply to any contract or agreement*
 25 *in effect on the date of enactment of the Fairness*

1 *for Pilots Act unless the contract or agreement is*
 2 *renegotiated, renewed, or modified after that*
 3 *date.”.*

4 **(b) TECHNICAL AND CONFORMING AMENDMENTS.—**
 5 *The table of contents for chapter 471 is amended by insert-*
 6 *ing after the item relating to section 47124 the following:*
 “47124a. Accessibility of certain flight data.”.

7 **SEC. 2606. AUTHORITY FOR LEGAL COUNSEL TO ISSUE CER-**
 8 **TAIN NOTICES.**

9 *Not later than 180 days after the date of enactment*
 10 *of this Act, the Administrator of the Federal Aviation Ad-*
 11 *ministration shall revise section 13.11 of title 14, Code of*
 12 *Federal Regulations, to authorize legal counsel of the Fed-*
 13 *eral Aviation Administration to close enforcement actions*
 14 *covered by that section with a warning notice, letter of cor-*
 15 *rection, or other administrative action.*

16 **TITLE III—AIR SERVICE**
 17 **IMPROVEMENTS**

18 **SEC. 3001. DEFINITIONS.**

19 *In this title:*

20 (1) **COVERED AIR CARRIER.**—*The term “covered*
 21 *air carrier” means an air carrier or a foreign air*
 22 *carrier as those terms are defined in section 40102 of*
 23 *title 49, United States Code.*

1 (2) *ONLINE SERVICE*.—The term “online service”
 2 means any service available over the Internet, or that
 3 connects to the Internet or a wide-area network.

4 (3) *TICKET AGENT*.—The term “ticket agent” has
 5 the meaning given the term in section 40102 of title
 6 49, United States Code.

7 ***Subtitle A—Passenger Air Service***
 8 ***Improvements***

9 ***SEC. 3101. CAUSES OF AIRLINE DELAYS OR CANCELLA-***
 10 ***TIONS.***

11 (a) *REVIEW*.—

12 (1) *IN GENERAL*.—Not later than 1 year after
 13 the date of enactment of this Act, the Secretary of
 14 Transportation shall review the categorization of
 15 delays and cancellations with respect to air carriers
 16 that are required to report such data.

17 (2) *CONSIDERATIONS*.—In conducting the review
 18 under paragraph (1), the Secretary shall consider, at
 19 a minimum—

20 (A) whether delays and cancellations attrib-
 21 uted by an air carrier to weather were unavoid-
 22 able, including—

23 (i) due to operational issues, air traffic
 24 control issues, or groundstop or delay man-
 25 agement programs;

1 (ii) due to the air carrier's discretion
 2 in determining which flights to delay or
 3 cancel during a weather event, including an
 4 attempt to impact the fewest passengers; or
 5 (iii) due to other factors;

6 (B) whether and to what extent delays and
 7 cancellations attributed by an air carrier to
 8 weather disproportionately impact service to
 9 smaller airports and communities; and

10 (C) whether it is an unfair or deceptive
 11 practice in violation of section 41712 of title 49,
 12 United States Code, for an air carrier to inform
 13 a passenger that a flight is delayed or cancelled
 14 due to weather, without any other context or ex-
 15 planation for the delay or cancellation, when the
 16 air carrier has discretion as to which flights to
 17 delay or cancel.

18 (3) CONSULTATION.—The Secretary may consult
 19 air carriers and the Advisory Committee for Aviation
 20 Consumer Protection, established under section 411 of
 21 the FAA Modernization and Reform Act of 2012 (49
 22 U.S.C. 42301 prec. note), to assist in conducting the
 23 review and providing recommendations.

24 (b) REPORT.—Not later than 90 days after the date
 25 the review under subsection (a) is complete, the Secretary

1 *shall submit to the appropriate committees of Congress a*
 2 *report on the review under subsection (a), including any*
 3 *recommendations.*

4 *(c) SAVINGS PROVISION.—Nothing in this section shall*
 5 *be construed as affecting the decision of an air carrier to*
 6 *maximize its system capacity during weather-related events*
 7 *to accommodate the greatest number of passengers.*

8 **SEC. 3102. INVOLUNTARY CHANGES TO ITINERARIES.**

9 *(a) REVIEW.—*

10 *(1) IN GENERAL.—Not later than 1 year after*
 11 *the date of enactment of this Act, the Secretary of*
 12 *Transportation shall review whether it is an unfair*
 13 *or deceptive practice in violation of section 41712 of*
 14 *title 49, United States Code, for an air carrier to*
 15 *change the itinerary of a passenger, more than 24*
 16 *hours before departure, if the new itinerary involves*
 17 *additional stops or departs 3 hours earlier or later*
 18 *and compensation or other more suitable air trans-*
 19 *portation is not offered. In conducting the review, the*
 20 *Secretary shall consider the refund policy and alter-*
 21 *native travel options provided or offered by the air*
 22 *carrier in such situations.*

23 *(2) CONSULTATION.—The Secretary may consult*
 24 *with air carriers and the Advisory Committee for*
 25 *Aviation Consumer Protection, established under sec-*

1 *tion 411 of the FAA Modernization and Reform Act*
 2 *of 2012 (49 U.S.C. 42301 prec. note), to assist in con-*
 3 *ducting the review and providing recommendations.*

4 *(b) REPORT.—Not later than 90 days after the date*
 5 *the review under subsection (a) is complete, the Secretary*
 6 *shall submit to appropriate committees of Congress a report*
 7 *on the review under subsection (a), including any rec-*
 8 *ommendations.*

9 **SEC. 3103. ADDRESSING THE NEEDS OF FAMILIES OF PAS-**
 10 **SENGERS INVOLVED IN AIRCRAFT ACCI-**
 11 **DENTS.**

12 *(a) AIR CARRIERS HOLDING CERTIFICATES OF PUB-*
 13 *LIC CONVENIENCE AND NECESSITY.—Section 41113 is*
 14 *amended—*

15 *(1) in subsection (a), by striking “a major” and*
 16 *inserting “any”;*

17 *(2) in subsection (b)—*

18 *(A) in paragraph (9), by striking “(and*
 19 *any other victim of the accident)” and inserting*
 20 *“(and any other victim of the accident, including*
 21 *any victim on the ground)”;*

22 *(B) in paragraph (16), by striking “major”*
 23 *and inserting “any”; and*

24 *(C) in paragraph (17)(A), by striking “sig-*
 25 *nificant” and inserting “any”; and*

1 (3) by amending subsection (e) to read as fol-
 2 lows:

3 “(e) *DEFINITIONS.—In this section:*

4 “(1) ‘Aircraft accident’ means any aviation dis-
 5 aster, regardless of its cause or suspected cause, for
 6 which the National Transportation Safety Board is
 7 the lead investigative agency.

8 “(2) ‘Passenger’ has the meaning given the term
 9 in section 1136.”.

10 (b) *FOREIGN AIR CARRIERS PROVIDING FOREIGN AIR*
 11 *TRANSPORTATION.—Section 41313 is amended—*

12 (1) in subsection (b), by striking “a major” and
 13 inserting “any”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1), by striking “a sig-
 16 nificant” and inserting “any”;

17 (B) in paragraph (2), by striking “a sig-
 18 nificant” and inserting “any”;

19 (C) in paragraph (16), by striking “major”
 20 and inserting “any”; and

21 (D) in paragraph (17)(A), by striking “sig-
 22 nificant” and inserting “any”.

23 (c) *NATIONAL TRANSPORTATION SAFETY BOARD.—*
 24 *Section 1136(a) is amended by striking “aircraft accident*
 25 *within the United States involving an air carrier or foreign*

1 *air carrier and resulting in a major loss of life” and insert-*
 2 *ing “aircraft accident involving an air carrier or foreign*
 3 *air carrier, resulting in any loss of life, and for which the*
 4 *National Transportation Safety Board will serve as the*
 5 *lead investigative agency”.*

6 **SEC. 3104. TRAVELERS WITH DISABILITIES.**

7 *(a) IN GENERAL.—Not later than 1 year after the date*
 8 *of enactment of this Act, the Comptroller General of the*
 9 *United States shall—*

10 *(1) conduct a study of airport accessibility best*
 11 *practices for individuals with disabilities; and*

12 *(2) submit to the appropriate committees of Con-*
 13 *gress a report on the study, including the Comptroller*
 14 *General’s findings, conclusions, and recommenda-*
 15 *tions.*

16 *(b) CONTENTS.—The study under subsection (a) shall*
 17 *include accessibility best practices beyond those rec-*
 18 *ommended under the Architectural Barriers Act of 1968 (42*
 19 *U.S.C. 4151 et seq.), Rehabilitation Act of 1973 (29 U.S.C.*
 20 *701 et seq.), Air Carrier Access Act of 1986 (100 Stat. 1080;*
 21 *Public Law 99–435), or Americans with Disabilities Act*
 22 *of 1990 (42 U.S.C. 12101 et seq.), that improve infrastruc-*
 23 *ture and communications, such as with regard to*
 24 *wayfinding, amenities, and passenger care.*

1 **SEC. 3105. EXTENSION OF ADVISORY COMMITTEE FOR AVIA-**
2 **TION CONSUMER PROTECTION.**

3 (a) *TERMINATION.*—Section 411(h) of the FAA Mod-
4 ernization and Reform Act of 2012 (Public Law 112–95;
5 49 U.S.C. 42301 prec. note) is amended by striking “Sep-
6 tember 30, 2017” and inserting “September 30, 2021”.

7 (b) *FINANCIAL DISCLOSURE.*—Section 411 of the FAA
8 Modernization and Reform Act of 2012 (Public Law 112–
9 95; 49 U.S.C. 42301 prec. note) is further amended—

10 (1) by redesignating subsection (h) as subsection
11 (i); and

12 (2) by inserting before subsection (i), the fol-
13 lowing:

14 “(h) *CONFLICT OF INTEREST DISCLOSURE.*—Begin-
15 ning on the date of enactment of the Federal Aviation Ad-
16 ministration Reauthorization Act of 2017, each member of
17 the advisory committee who is not a government employee
18 shall disclose, on an annual basis, any potential conflicts
19 of interest, including financial conflicts of interest, to the
20 Secretary in such form and manner as prescribed by the
21 Secretary.”.

22 (c) *RECOMMENDATIONS.*—Section 411(g) of the FAA
23 Modernization and Reform Act of 2012 (Public Law 112–
24 95; 49 U.S.C. 42301 prec. note) is amended—

1 (1) by striking “of the first 2 calendar years be-
 2 ginning after the date of enactment of this Act” and
 3 inserting “calendar year”; and

4 (2) by inserting “and post on the Department of
 5 Transportation Web site” after “Congress”.

6 **SEC. 3106. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

7 Section 47107(r)(3) is amended by striking “October
 8 1, 2017” and inserting “October 1, 2021”.

9 **SEC. 3107. REFUNDS FOR OTHER FEES THAT ARE NOT HON-**
 10 **ORED BY A COVERED AIR CARRIER.**

11 Not later than 1 year after the date of enactment of
 12 this Act, the Secretary of Transportation shall promulgate
 13 regulations that require each covered air carrier to prompt-
 14 ly provide an automated refund to a passenger of any ancil-
 15 lary fees paid for services related to air travel that the pas-
 16 senger does not receive, including on the passenger’s sched-
 17 uled flight, on a subsequent replacement itinerary if there
 18 has been a rescheduling, or for a flight not taken by the
 19 passenger.

20 **SEC. 3108. DISCLOSURE OF FEES TO CONSUMERS.**

21 (a) *IN GENERAL.*—Not later than 1 year after the date
 22 of enactment of this Act, the Secretary of Transportation
 23 shall issue final regulations requiring—

24 (1) each covered air carrier to disclose to a con-
 25 sumer the baggage fee, cancellation fee, change fee,

1 *ticketing fee, and seat selection fee of that covered air*
 2 *carrier in a standardized format; and*

3 *(2) notwithstanding the manner in which infor-*
 4 *mation regarding the fees described in paragraph (1)*
 5 *is collected, each ticket agent to disclose to a consumer*
 6 *such fees of a covered air carrier in the standardized*
 7 *format described in paragraph (1).*

8 **(b) REQUIREMENTS.**—*The regulations under sub-*
 9 *section (a) shall require that each disclosure—*

10 *(1) if ticketing is done on an Internet Web site*
 11 *or other online service—*

12 *(A) be prominently displayed to the con-*
 13 *sumer prior to the point of purchase; and*

14 *(B) set forth the fees described in subsection*
 15 *(a)(1) in clear and plain language and a font of*
 16 *easily readable size; and*

17 *(2) if ticketing is done on the telephone, be ex-*
 18 *pressly stated to the consumer during the telephone*
 19 *call and prior to the point of purchase.*

20 **SEC. 3109. SEAT ASSIGNMENTS.**

21 **(a) IN GENERAL.**—*Not later than 15 months after the*
 22 *date of enactment of this Act, the Secretary of Transpor-*
 23 *tation shall complete such actions as may be necessary to*
 24 *require each covered air carrier and ticket agent to disclose*
 25 *to a consumer that seat selection for which a fee is charged*

1 *is an optional service, and that if a consumer does not pay*
 2 *for a seat assignment, a seat will be assigned to the con-*
 3 *sumer from available inventory.*

4 *(b) REQUIREMENTS.—The disclosure under subsection*
 5 *(a) shall—*

6 *(1) if ticketing is done on an Internet Web site*
 7 *or other online service, be prominently displayed to*
 8 *the consumer on that Internet Web site or online serv-*
 9 *ice during the selection of seating or prior to the*
 10 *point of purchase;*

11 *(2) if ticketing is done on the telephone, be ex-*
 12 *pressly stated to the consumer during the telephone*
 13 *call and prior to the point of purchase;*

14 *(3) be made at the time the consumer checks in*
 15 *for the flight; and*

16 *(4) be made at other ancillary seat assignment*
 17 *purchase opportunities prior to departure.*

18 **SEC. 3110. ADVANCE BOARDING DURING PREGNANCY.**

19 *Not later than 180 days after the date of enactment*
 20 *of this Act, the Secretary of Transportation shall review air*
 21 *carrier policies regarding traveling during pregnancy and,*
 22 *if appropriate, may revise regulations, as the Secretary*
 23 *considers necessary, to require an air carrier to offer ad-*
 24 *vance boarding of an aircraft to a pregnant passenger who*
 25 *requests such assistance.*

1 **SEC. 3111. CONSUMER COMPLAINT PROCESS IMPROVE-**
 2 **MENT.**

3 (a) *IN GENERAL.*—Section 42302 is amended—

4 (1) *by redesignating subsections (b) and (c) as*
 5 *subsections (c) and (d), respectively;*

6 (2) *by inserting after subsection (a), the fol-*
 7 *lowing:*

8 “(b) *POINT OF SALE.*—Each air carrier, foreign air
 9 carrier, and ticket agent shall inform each consumer of a
 10 carrier service, at the point of sale, that the consumer can
 11 file a complaint about that service with the carrier and with
 12 the Aviation Consumer Protection Division of the Depart-
 13 ment of Transportation.”;

14 (3) *by amending subsection (c), as redesignated,*
 15 *to read as follows:*

16 “(c) *INTERNET WEB SITE OR OTHER ONLINE SERVICE*
 17 *NOTICE.*—Each air carrier, foreign air carrier, and ticket
 18 agent shall include on its Internet Web site, any related
 19 mobile device application, and online service—

20 “(1) *the hotline telephone number established*
 21 *under subsection (a) or for the Aviation Consumer*
 22 *Protection Division of the Department of Transpor-*
 23 *tation;*

24 “(2) *an active link and the email address, tele-*
 25 *phone number, and mailing address of the air carrier,*
 26 *foreign air carrier, or ticket agent, as applicable, for*

1 *a consumer to submit a complaint to the carrier*
 2 *about the quality of service;*

3 *“(3) notice that the consumer can file a com-*
 4 *plaint with the Aviation Consumer Protection Divi-*
 5 *sion of the Department of Transportation;*

6 *“(4) an active link to the Internet Web site of the*
 7 *Aviation Consumer Protection Division of the Depart-*
 8 *ment of Transportation for a consumer to file a com-*
 9 *plaint; and*

10 *“(5) the active link described in paragraph (2)*
 11 *on the same Internet Web site page as the active link*
 12 *described in paragraph (4).”;* and

13 *(4) in subsection (d), as redesignated—*

14 *(A) in the matter preceding paragraph (1),*
 15 *by striking “An air carrier or foreign air carrier*
 16 *providing scheduled air transportation using*
 17 *any aircraft that as originally designed has a*
 18 *passenger capacity of 30 or more passenger*
 19 *seats” and inserting “Each air carrier and for-*
 20 *eign air carrier”;*

21 *(B) in paragraph (1), by striking “air car-*
 22 *rier” and inserting “carrier”; and*

23 *(C) in paragraph (2), by striking “air car-*
 24 *rier” and inserting “carrier”.*

1 (b) *RULEMAKING.*—Not later than 1 year after the date
 2 of enactment of this Act, the Secretary of Transportation
 3 shall promulgate regulations to implement the requirements
 4 of section 42302 of title 49, United States Code, as amend-
 5 ed.

6 **SEC. 3112. AVIATION CONSUMER ADVOCATE.**

7 (a) *IN GENERAL.*—The Secretary of Transportation
 8 shall review aviation consumer complaints received that al-
 9 lege a violation of law and, as appropriate, pursue enforce-
 10 ment or corrective actions that would be in the public inter-
 11 est.

12 (b) *CONSIDERATIONS.*—In considering which cases to
 13 pursue for enforcement or corrective action under subsection
 14 (a), the Secretary shall consider—

15 (1) *Air Carrier Access Act of 1986 (Public Law*
 16 *99–435; 100 Stat. 1080);*

17 (2) *unfair and deceptive practices by air car-*
 18 *riers, foreign air carriers, and ticket agents;*

19 (3) *the terms and conditions agreed to between*
 20 *passengers and air carriers, foreign air carriers, or*
 21 *ticket agents;*

22 (4) *aviation consumer protection and tarmac*
 23 *delay contingency planning requirements for both air-*
 24 *ports and airlines; and*

25 (5) *any other applicable law.*

1 (c) *AVIATION CONSUMER ADVOCATE.*—

2 (1) *IN GENERAL.*—*Within the Aviation Con-*
 3 *sumer Protection Division, there shall be an Aviation*
 4 *Consumer Advocate.*

5 (2) *FUNCTIONS.*—*The Aviation Consumer Advo-*
 6 *cate, shall—*

7 (A) *assist consumers in resolving carrier*
 8 *service complaints filed with the Aviation Con-*
 9 *sumer Protection Division;*

10 (B) *evaluate the resolution by the Depart-*
 11 *ment of Transportation of carrier service com-*
 12 *plaints;*

13 (C) *identify and recommend actions the De-*
 14 *partment can take to improve the enforcement of*
 15 *aviation consumer protection rules and resolu-*
 16 *tion of carrier service complaints; and*

17 (D) *identify and recommend regulations*
 18 *and policies that can be amended to more effec-*
 19 *tively resolve carrier service complaints.*

20 (d) *ANNUAL REPORTS.*—*The Secretary, through the*
 21 *Aviation Consumer Advocate, shall submit to the appro-*
 22 *priate committees of Congress an annual report summa-*
 23 *rizing the following:*

24 (1) *The total number of annual complaints re-*
 25 *ceived by the Department, including the number of*

1 *complaints by the name of each air carrier and for-*
 2 *eign air carrier.*

3 (2) *The total number of annual complaints by*
 4 *category of complaint.*

5 (3) *The number of complaints referred in the*
 6 *preceding year for enforcement or corrective action by*
 7 *the Department.*

8 (4) *Any recommendations under paragraphs*
 9 *(2)(C) and (2)(D) of subsection (c).*

10 (5) *Such other data as the Aviation Consumer*
 11 *Advocate considers appropriate.*

12 **SEC. 3113. ONLINE ACCESS TO AVIATION CONSUMER PRO-**
 13 **TECTION INFORMATION.**

14 (a) *INTERNET WEB SITE.*—*Not later than 180 days*
 15 *after the date of enactment of this Act, the Secretary of*
 16 *Transportation shall—*

17 (1) *complete an evaluation of the aviation con-*
 18 *sumer protection portion of the Department of Trans-*
 19 *portation’s public Internet Web site to identify any*
 20 *changes to the user interface that will improve*
 21 *usability, accessibility, consumer satisfaction, and*
 22 *Web site performance;*

23 (2) *in completing the evaluation under para-*
 24 *graph (1)—*

1 (A) consider the best practices of other Fed-
2 eral agencies with effective Web sites; and

3 (B) consult with the Federal Web Managers
4 Council;

5 (3) develop a plan, including an implementation
6 timeline, for—

7 (A) making the changes identified under
8 paragraph (1); and

9 (B) making any necessary changes to that
10 portion of the Web site that will enable a con-
11 sumer, in a manner that protects the privacy of
12 consumers and employees, to—

13 (i) access information regarding each
14 complaint filed with the Aviation Consumer
15 Protection Division of the Department of
16 Transportation;

17 (ii) search the complaints described in
18 clause (i) by the name of the air carrier, the
19 dates of departure and arrival, the airports
20 of origin and departure, and the type of
21 complaint; and

22 (iii) determine the date a complaint
23 was filed and the date a complaint was re-
24 solved; and

1 (4) *submit the evaluation and plan to appro-*
2 *priate committees of Congress.*

3 (b) *MOBILE APPLICATION SOFTWARE.*—*Not later than*
4 *1 year after the date of enactment of this Act, the Secretary*
5 *of Transportation shall—*

6 (1) *implement a program to develop application*
7 *software for wireless devices that will enable a user to*
8 *access information and perform activities related to*
9 *aviation consumer protection, such as—*

10 (A) *information regarding airline passenger*
11 *protections, including protections related to lost*
12 *baggage and baggage fees, disclosure of addi-*
13 *tional fees, bumping, cancelled or delayed flights,*
14 *damaged or lost baggage, and tarmac delays;*
15 *and*

16 (B) *file an aviation consumer complaint,*
17 *including a safety and security, airline service,*
18 *disability and discrimination, or privacy com-*
19 *plaint, with the Aviation Consumer Protection*
20 *Division of the Department of Transportation;*
21 *and*

22 (2) *make the application software available to*
23 *the public at no cost.*

1 **SEC. 3114. STUDY ON IN CABIN WHEELCHAIR RESTRAINT**
2 **SYSTEMS.**

3 *Not later than 2 years after the date of enactment of*
4 *this Act, the Architectural and Transportation Barriers*
5 *Compliance Board, in consultation with the Secretary of*
6 *Transportation, including the Aviation Consumer Protec-*
7 *tion Division of the Department of Transportation and the*
8 *Office of Aviation Safety at the Federal Aviation Adminis-*
9 *tration, and relevant stakeholders, including aircraft manu-*
10 *facturers, wheelchair manufacturers, and disability advo-*
11 *cates, shall conduct a study to determine the ways in which*
12 *particular individuals with significant disabilities who use*
13 *wheelchairs, including power wheelchairs, can be safely ac-*
14 *commodated through in-cabin wheelchair restraint systems.*

15 **SEC. 3115. ADVISORY COMMITTEE ON THE AIR TRAVEL**
16 **NEEDS OF PASSENGERS WITH DISABILITIES.**

17 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
18 *tation shall establish an advisory committee for the air*
19 *travel needs of passengers with disabilities (referred to in*
20 *this section as the “Advisory Committee”).*

21 (b) *DUTIES.*—*The Advisory Committee shall advise the*
22 *Secretary with regard to the implementation of the Air Car-*
23 *rier Access Act of 1986 (Public Law 99–435; 100 Stat.*
24 *1080), including—*

25 (1) *assessing the disability-related access barriers*
26 *encountered by passengers with disabilities;*

1 (2) *determining the extent to which the programs*
 2 *and activities of the Department of Transportation*
 3 *are addressing the barriers described in paragraph*
 4 *(1);*

5 (3) *recommending improvements to the air travel*
 6 *experience of passengers with disabilities; and*

7 (4) *such activities as the Secretary considers nec-*
 8 *essary to carry out this section.*

9 (c) *MEMBERSHIP.—*

10 (1) *IN GENERAL.—The Advisory Committee shall*
 11 *be comprised of at least 1 representative of each of the*
 12 *following groups:*

13 (A) *Passengers with disabilities.*

14 (B) *National disability organizations.*

15 (C) *Air carriers.*

16 (D) *Airport operators.*

17 (E) *Contractor service providers.*

18 (F) *Aircraft manufacturers.*

19 (G) *Wheelchair manufacturers.*

20 (H) *National veterans organizations rep-*
 21 *resenting disabled veterans.*

22 (2) *APPOINTMENT.—The Secretary of Transpor-*
 23 *tation shall appoint each member of the Advisory*
 24 *Committee.*

1 (3) *VACANCIES.*—*A vacancy in the Advisory*
 2 *Committee shall be filled in the manner in which the*
 3 *original appointment was made.*

4 (d) *CHAIRPERSON.*—*The Secretary of Transportation*
 5 *shall designate, from among the members appointed under*
 6 *subsection (c), an individual to serve as chairperson of the*
 7 *Advisory Committee.*

8 (e) *TRAVEL EXPENSES.*—*Members of the Advisory*
 9 *Committee shall serve without pay, but shall receive travel*
 10 *expenses, including per diem in lieu of subsistence, in ac-*
 11 *cordance with subchapter I of chapter 57 of title 5, United*
 12 *States Code.*

13 (f) *REPORTS.*—

14 (1) *IN GENERAL.*—*Not later than February 1 of*
 15 *each year, the Advisory Committee shall submit to the*
 16 *Secretary of Transportation a report on the needs of*
 17 *passengers with disabilities in air travel, including—*

18 (A) *an assessment of disability-related ac-*
 19 *cess barriers, both those that were evident in the*
 20 *preceding calendar year and those that will like-*
 21 *ly be an issue in the subsequent 5 calendar*
 22 *years;*

23 (B) *an evaluation of the extent to which the*
 24 *Department of Transportation's programs and*

1 *activities are eliminating disability-related ac-*
 2 *cess barriers;*

3 *(C) a description of the Advisory Commit-*
 4 *tee's actions during the preceding calendar year;*

5 *(D) a description of activities that the Advi-*
 6 *sory Committee has planned for the subsequent*
 7 *calendar year; and*

8 *(E) any recommendations for legislation,*
 9 *administrative action, or other action that the*
 10 *Advisory Committee considers appropriate.*

11 *(2) REPORT TO CONGRESS.—Not later than 60*
 12 *days after the date the Secretary receives the report*
 13 *under paragraph (1), the Secretary shall submit to*
 14 *the appropriate committees of Congress a copy of the*
 15 *report, including any additional findings or rec-*
 16 *ommendations that the Secretary considers appro-*
 17 *priate.*

18 *(g) TERMINATION.—Notwithstanding section 14 of the*
 19 *Federal Advisory Committee Act (5 U.S.C. App. 14), the*
 20 *Advisory Committee shall terminate on September 30, 2021.*

21 **SEC. 3116. IMPROVING WHEELCHAIR ASSISTANCE FOR INDIV-**
 22 **IDUALS WITH DISABILITIES.**

23 *In developing the best practices regarding the assist-*
 24 *ance of individuals with disabilities required under section*
 25 *2107(b) of the FAA Extension, Safety, and Security Act*

1 of 2016 (Public Law 114–190; 130 Stat. 622), the Secretary
 2 of Transportation shall include specific recommendations
 3 regarding the failure of air carriers to provide wheelchair
 4 assistance and how training programs by air carriers can
 5 address that failure.

6 **SEC. 3117. REGULATIONS ENSURING ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES IN AIR TRANSPORTATION.**

7
 8
 9 (a) *IN GENERAL.*—

10 (1) *IN GENERAL.*—Not later than 180 days after
 11 the date of enactment of this Act, the Secretary shall
 12 review applicable regulations and revise, as appropriate,
 13 regulations to ensure that individuals with
 14 disabilities who request assistance at any time while
 15 traveling in air transportation receive timely and effective
 16 assistance at airports and on aircraft from
 17 trained personnel. Such assistance may be in boarding
 18 or deplaning an aircraft, connecting between
 19 flights, or other similar or related request, as appropriate.
 20

21 (2) *TRAINING.*—The Secretary shall require air
 22 carriers to ensure that personnel, including contractors,
 23 who may be providing physical assistance to a
 24 passenger with a disability receive hands-on training

1 on an annual basis in performing that assistance, in-
2 cluding the use of all equipment.

3 (b) *REVIEW AND AMENDMENT.*—The Secretary shall
4 consult with the Access Board and periodically review and,
5 as appropriate, amend regulations and standards pre-
6 scribed under this section.

7 (c) *DEFINITIONS.*—In this section:

8 (1) *ACCESS BOARD.*—The term “Access Board”
9 means the Architectural and Transportation Barriers
10 Compliance Board.

11 (2) *AIR CARRIER.*—The term “air carrier”
12 means an air carrier or foreign air carrier (as those
13 terms are defined in section 40102 of title 49, United
14 States Code).

15 (3) *DISABILITY.*—The term “disability” has the
16 meaning given that term in section 3 of the Ameri-
17 cans with Disabilities Act of 1990 (42 U.S.C. 12102),
18 including the meaning under that section as amended
19 by the ADA Amendments of 2008 (Public Law 110–
20 325; 122 Stat. 3553).

21 (4) *SECRETARY.*—The term “Secretary” means
22 the Secretary of Transportation.

1 **SEC. 3118. CIVIL PENALTIES RELATING TO HARM TO PAS-**
 2 **SENGERS WITH DISABILITIES.**

3 *Section 46301(a) is amended by adding at the end the*
 4 *following:*

5 *“(7) PENALTIES RELATING TO HARM TO PASSENGERS*
 6 *WITH DISABILITIES.—*

7 *“(A) PENALTY FOR BODILY HARM OR DAMAGE*
 8 *TO WHEELCHAIR OR OTHER MOBILITY AID.—The*
 9 *amount of a civil penalty assessed under this section*
 10 *for a violation of section 41705 that involves damage*
 11 *to a passenger’s wheelchair or other mobility aid or*
 12 *injury to a passenger with a disability may be in-*
 13 *creased above the otherwise applicable maximum*
 14 *amount under this section for a violation of section*
 15 *41705 to an amount not to exceed 3 times the max-*
 16 *imum penalty otherwise allowed.*

17 *“(B) EACH ACT CONSTITUTES SEPARATE OF-*
 18 *FENSE.—Notwithstanding paragraph (2), a separate*
 19 *violation of section 41705 occurs for each act of dis-*
 20 *crimination prohibited by that section.”.*

21 **SEC. 3119. AIRLINE PASSENGERS WITH DISABILITIES BILL**
 22 **OF RIGHTS.**

23 *(a) AIRLINE PASSENGERS WITH DISABILITIES BILL*
 24 *OF RIGHTS.—The Secretary of Transportation shall develop*
 25 *a document, to be known as the “Airline Passengers with*
 26 *Disabilities Bill of Rights”, using plain language to de-*

1 *scribe the basic protections and responsibilities of covered*
2 *air carriers, their employees and contractors, and people*
3 *with disabilities under the section 41705 of title 49, United*
4 *States Code.*

5 (b) *CONTENT.—In developing the Airline Passengers*
6 *with Disabilities Bill of Rights under subsection (a), the*
7 *Secretary shall include, at a minimum, plain language de-*
8 *scriptions of protections and responsibilities provided in*
9 *law related to the following:*

10 (1) *The right of passengers with disabilities to be*
11 *treated with dignity and respect.*

12 (2) *The right of passengers with disabilities to*
13 *receive timely assistance, if requested, from properly*
14 *trained covered air carrier and contractor personnel.*

15 (3) *The right of passengers with disabilities to*
16 *travel with wheelchairs, mobility aids, and other as-*
17 *sistive devices, including necessary medications and*
18 *medical supplies, including stowage of such wheel-*
19 *chairs, aids, and devices.*

20 (4) *The right of passengers with disabilities to*
21 *receive seating accommodations, if requested, to ac-*
22 *commodate a disability.*

23 (5) *The right of passengers with disabilities to*
24 *receive announcements in an accessible format.*

1 (6) *The right of passengers with disabilities to*
 2 *speak with a complaint resolution officer or to file a*
 3 *complaint with an covered air carrier or the Depart-*
 4 *ment of Transportation.*

5 (c) *RULE OF CONSTRUCTION.*—*The development of the*
 6 *Airline Passengers with Disabilities Bill of Rights under*
 7 *subsections (a) and (b) shall not be construed as expanding*
 8 *or restricting the rights available to passengers with disabil-*
 9 *ities on the day before the date of the enactment of this Act*
 10 *pursuant to any statute or regulation.*

11 (d) *CONSULTATIONS.*—*In developing the Airline Pas-*
 12 *sengers with Disabilities Bill of Rights under subsection (a),*
 13 *the Secretary of Transportation shall consult with stake-*
 14 *holders, including disability organizations and covered air*
 15 *carriers and their contractors.*

16 (e) *DISPLAY.*—*Each covered air carrier shall include*
 17 *the Airline Passengers with Disabilities Bill of Rights—*

18 (1) *on a publicly available Internet website of*
 19 *the covered air carrier; and*

20 (2) *in any pre-flight notifications or commu-*
 21 *nications provided to passengers who alert the covered*
 22 *air carrier in advance of the need for accommoda-*
 23 *tions relating to a disability.*

24 (f) *TRAINING.*—*Covered air carriers and contractors of*
 25 *covered air carriers shall submit to the Secretary of Trans-*

1 *portation plans that ensure employees of covered air car-*
 2 *riers and their contractors receive training on the protec-*
 3 *tions and responsibilities described in the Airline Pas-*
 4 *sengers with Disabilities Bill of Rights. The Secretary shall*
 5 *review such plans to ensure the plans address the matters*
 6 *described in subsection (b).*

7 **SEC. 3120. ENFORCEMENT OF AVIATION CONSUMER PRO-**
 8 **TECTION RULES.**

9 (a) *IN GENERAL.*—*The Comptroller General of the*
 10 *United States shall conduct a study to consider and evalu-*
 11 *ate Department of Transportation enforcement of aviation*
 12 *consumer protection rules.*

13 (b) *CONTENTS.*—*The study under subsection (a) shall*
 14 *include an evaluation of—*

- 15 (1) *available enforcement mechanisms;*
- 16 (2) *any obstacles to enforcement; and*
- 17 (3) *trends in Department of Transportation en-*
 18 *forcement actions.*

19 (c) *REPORT.*—*Not later than 1 year after the date of*
 20 *enactment of this Act, the Comptroller General shall submit*
 21 *to the appropriate committees of Congress a report on the*
 22 *study, including the Comptroller General's findings, conclu-*
 23 *sions, and recommendations.*

1 **SEC. 3121. DIMENSIONS FOR PASSENGER SEATS.**

2 (a) *IN GENERAL.*—Not later than 18 months after the
3 date of enactment of this Act, the Administrator of the Fed-
4 eral Aviation Administration shall initiate a proceeding to
5 study the minimum seat pitch for passenger seats on air-
6 craft operated by air carriers (as defined in section 40102
7 of title 49, United States Code).

8 (b) *CONSIDERATIONS.*—In reviewing any minimum
9 seat pitch under subsection (a), the Administrator shall con-
10 sider the safety of passengers, including passengers with
11 disabilities.

12 **SEC. 3122. CELL PHONE VOICE COMMUNICATIONS.**

13 (a) *IN GENERAL.*—Subchapter I of chapter 417 is
14 amended by adding at the end the following:

15 **“§41725. Cell phone voice communications**

16 “(a) *PROHIBITION AUTHORITY.*—The Secretary of
17 Transportation shall issue regulations—

18 “(1) to prohibit an individual on an aircraft
19 from engaging in voice communications using a mo-
20 bile communications device during a flight of that
21 aircraft in scheduled passenger interstate or intra-
22 state air transportation; and

23 “(2) that exempt from the prohibition described
24 in paragraph (1)—

25 “(A) any member of the flight crew on duty
26 on an aircraft;

1 “(B) any flight attendant on duty on an
2 aircraft; and

3 “(C) any Federal law enforcement officer
4 acting in an official capacity.

5 “(b) DEFINITIONS.—In this section:

6 “(1) FLIGHT.—The term ‘flight’ means, with re-
7 spect to an aircraft, the period beginning when the
8 aircraft takes off and ending when the aircraft lands.

9 “(2) MOBILE COMMUNICATIONS DEVICE.—

10 “(A) IN GENERAL.—The term ‘mobile com-
11 munications device’ means any portable wireless
12 telecommunications equipment utilized for the
13 transmission or reception of voice data.

14 “(B) LIMITATION.—The term ‘mobile com-
15 munications device’ does not include a phone in-
16 stalled on an aircraft.”.

17 (b) TABLE OF CONTENTS.—The table of contents at the
18 beginning of chapter 417 is amended by inserting after the
19 item relating to section 41724 the following:

 “41725. Cell phone voice communications.”.

20 **SEC. 3123. TICKETS ACT.**

21 (a) SHORT TITLE.—This section may be cited as the
22 “Transparency Improvements and Compensation to Keep
23 Every Ticketholder Safe Act of 2017” or the “TICKETS
24 Act”.

1 (b) *BOARDED PASSENGERS.*—Beginning on the date
 2 of enactment of this Act, once a revenue passenger is ap-
 3 proved by a gate attendant to clear the boarding area and
 4 board an aircraft, the applicable air carrier may not deny
 5 that passenger permission to board the aircraft without the
 6 consent of the passenger unless—

7 (1) the passenger poses a safety, security, or
 8 health risk to oneself or to the other passengers; or

9 (2) the passenger is engaging in behavior that is
 10 obscene, disruptive, or otherwise unlawful .

11 (c) *RULE OF CONSTRUCTION.*—Nothing in this section
 12 may be construed to limit or otherwise affect the responsi-
 13 bility or authority of a pilot in command of an aircraft
 14 under section 121.533 of title 14, Code of Federal Regula-
 15 tions, or any penalty under section 46504 of title 49, United
 16 States Code.

17 (d) *ELIMINATION OF LIMITATION ON COMPENSATION*
 18 *FOR BEING DENIED BOARDING.*—Not later than 1 year
 19 after the date of the enactment of this Act, the Secretary
 20 of Transportation shall review air carrier policies and re-
 21 vise the regulations under part 250 of title 14, Code of Fed-
 22 eral Regulations, to eliminate the dollar amount limitations
 23 under paragraphs (2) and (3) of subsections (a) and (b)
 24 of section 250.5 of that part on the amount of compensation

1 *that may be provided to a passenger who is denied boarding*
 2 *involuntarily.*

3 *(e) OVERSALES.—*

4 *(1) IN GENERAL.—The Comptroller General of*
 5 *the United States shall review airline policies and*
 6 *practices related to oversales of flights.*

7 *(2) CONSIDERATIONS.—In conducting the review*
 8 *under paragraph (1), the Comptroller Generals shall*
 9 *examine—*

10 *(A) impact on passengers, including the*
 11 *prevalence of a negative impact on passengers, as*
 12 *a result of an oversale;*

13 *(B) economic and operational factors which*
 14 *results in oversales;*

15 *(C) whether, and if so how, the incidence of*
 16 *oversales varies depending on markets; and*

17 *(D) potential consequences on the limiting*
 18 *of oversales.*

19 *(3) REPORT.—Not later than 1 year after the*
 20 *date of enactment of this Act, the Comptroller General*
 21 *shall submit to the appropriate committees of Con-*
 22 *gress a report on the review under paragraph (2).*

23 *(f) NOTICE OF POLICIES OF AIR CARRIERS.—Not later*
 24 *than 1 year after the date of the enactment of this Act, the*
 25 *Secretary of Transportation shall prescribe regulations re-*

1 *quiring an air carrier, or other entity selling tickets for*
 2 *flights in passenger air transportation, to specify, on a pas-*
 3 *senger's flight itinerary, receipt, or other direct customer*
 4 *communication, the policies of the air carrier operating the*
 5 *flight regarding oversold flights. The Secretary shall also*
 6 *provide guidance on the extent to which such policies should*
 7 *be noticed publicly at airport gates.*

8 *(g) DEFINITION OF AIR CARRIER.—In this section, the*
 9 *term “air carrier” means an air carrier or foreign air car-*
 10 *rier, as those terms are defined in section 40102 of title*
 11 *49, United States Code.*

12 **SEC. 3124. TRANSPARENCY FOR DISABLED PASSENGERS.**

13 *The compliance date of the final rule, dated November*
 14 *2, 2016, on the reporting of data for mishandled baggage*
 15 *and wheelchairs in aircraft cargo compartments (81 Fed.*
 16 *Reg. 76300) shall be effective January 1, 2018.*

17 **SEC. 3125. REPORT ON AVAILABILITY OF LAVATORIES ON**
 18 **COMMERCIAL AIRCRAFT.**

19 *Not later than 180 days after the date of enactment*
 20 *of this Act, the Comptroller General of the United States*
 21 *shall submit to the appropriate committees of Congress a*
 22 *report assessing—*

23 *(1) the availability of functional lavatories on*
 24 *commercial aircraft, including single-engine aircraft;*

1 (2) *the extent to which flights take off without*
 2 *functional lavatories;*

3 (3) *the ability of individuals with disabilities to*
 4 *access lavatories on commercial aircraft;*

5 (4) *the extent of complaints to the Department of*
 6 *Transportation and air carriers related to lavatories*
 7 *and efforts they have taken to address complaints;*

8 (5) *the extent to which air carriers are shrinking*
 9 *lavatories to add more seats; and*

10 (6) *the extent to which lavatory design creates*
 11 *safety issues.*

12 **SEC. 3126. TRAINING POLICIES REGARDING RACIAL, ETH-**
 13 **NIC, AND RELIGIOUS NONDISCRIMINATION.**

14 (a) *IN GENERAL.*—Not later than 180 days after the
 15 *date of enactment of this Act, the Comptroller General of*
 16 *the United States shall submit to the appropriate commit-*
 17 *tees of Congress a report describing—*

18 (1) *each air carrier’s training policy for its em-*
 19 *ployees and contractors regarding racial, ethnic, and*
 20 *religious nondiscrimination; and*

21 (2) *how frequently an air carrier is required to*
 22 *train new employees and contractors because of turn-*
 23 *over in positions that require such training.*

24 (b) *BEST PRACTICES.*—After the date the report is sub-
 25 *mitted under subsection (a), the Secretary of Transpor-*

1 *tation shall develop and disseminate to air carriers best*
 2 *practices necessary to improve the training policies de-*
 3 *scribed in subsection (a), based on the findings of the report*
 4 *and in consultation with—*

5 *(1) passengers of diverse racial, ethnic, and reli-*
 6 *gious backgrounds;*

7 *(2) national organizations that represent im-*
 8 *pacted communities;*

9 *(3) air carriers;*

10 *(4) airport operators; and*

11 *(5) contractor service providers.*

12 **SEC. 3127. CONSUMER PROTECTION REQUIREMENTS RE-**
 13 **LATING TO LARGE TICKET AGENTS.**

14 *(a) IN GENERAL.—Not later than 90 days after the*
 15 *date of enactment of this Act, the Secretary of Transpor-*
 16 *tation shall issue a final rule to require large ticket agents*
 17 *to adopt minimum customer service standards.*

18 *(b) PURPOSE.—The purpose of the final rule shall be*
 19 *to ensure that, to the maximum extent practicable, there*
 20 *is a consistent level of consumer protection regardless of*
 21 *where consumers purchase air fares and related air trans-*
 22 *portation services.*

23 *(c) STANDARDS.—In issuing the final rule, the Sec-*
 24 *retary shall consider, at a minimum, establishing standards*
 25 *consistent with all customer service and disclosure require-*

1 *ments applicable to air carriers under this title and associ-*
 2 *ated regulations.*

3 *(d) DEFINITIONS.—In this section:*

4 *(1) TICKET AGENT.—*

5 *(A) IN GENERAL.—Subject to subparagraph*
 6 *(B), the term “ticket agent” has the meaning*
 7 *given that term in section 40102(a) of title 49,*
 8 *United States Code.*

9 *(B) INCLUSION.—The term “ticket agent”*
 10 *includes a person who acts as an intermediary*
 11 *involved in the sale of air transportation directly*
 12 *or indirectly to consumers, including by oper-*
 13 *ating an electronic airline information system, if*
 14 *the person—*

15 *(i) holds the person out as a source of*
 16 *information about, or reservations for, the*
 17 *air transportation industry; and*

18 *(ii) receives compensation in any way*
 19 *related to the sale of air transportation.*

20 *(2) LARGE TICKET AGENT.—The term “large*
 21 *ticket agent” means a ticket agent with annual reve-*
 22 *nues of \$100,000,000 or more.*

23 **SEC. 3128. SENSE OF CONGRESS REGARDING EQUAL AC-**
 24 **CESS FOR INDIVIDUALS WITH DISABILITIES.**

25 *It is the sense of Congress that—*

1 (1) *the aviation industry and every relevant*
 2 *stakeholder must work to ensure that every individual*
 3 *who experiences a disability has equal access to air*
 4 *travel;*

5 (2) *as technology and ease of travel continue to*
 6 *advance, accessibility must be a priority; and*

7 (3) *accommodations must—*

8 (A) *extend to every airport and service or*
 9 *facility of an air carrier; and*

10 (B) *be inclusive of every disability.*

11 **SEC. 3129. REGULATIONS PROHIBITING THE IMPOSITION**
 12 **OF FEES THAT ARE NOT REASONABLE AND**
 13 **PROPORTIONAL TO THE COSTS INCURRED.**

14 (a) *IN GENERAL.*—*Not later than 270 days after the*
 15 *date of enactment of this Act, the Secretary of Transpor-*
 16 *tation shall prescribe regulations—*

17 (1) *prohibiting an air carrier from imposing fees*
 18 *described in subsection (b)(1) that are unreasonable*
 19 *or disproportional to the costs incurred by the air*
 20 *carrier; and*

21 (2) *establishing standards for assessing whether*
 22 *fees described in subsection (b) are reasonable and*
 23 *proportional to the costs incurred by the air carrier.*

24 (b) *FEES DESCRIBED.*—*The fees described in this sub-*
 25 *section are—*

1 (1) *any fee for a change or cancellation of a res-*
 2 *ervation for a flight in interstate air transportation;*

3 (2) *any fee relating to checked baggage to be*
 4 *transported on a flight in interstate air transpor-*
 5 *tation;*

6 (3) *any fee relating to seat selection or reserva-*
 7 *tion on a flight;*

8 (4) *any fee relating to changing between flights*
 9 *departing on the same day or flying standby on a*
 10 *flight; and*

11 (5) *any other fee imposed by an air carrier re-*
 12 *lating to a flight in interstate air transportation.*

13 (c) *CONSIDERATIONS.—In establishing the standards*
 14 *required by subsection (a)(2), the Secretary shall consider—*

15 (1) *with respect to a fee described in subsection*
 16 *(b)(1) imposed by an air carrier for a change or can-*
 17 *cellation of a flight reservation—*

18 (A) *any net benefit or cost to the air carrier*
 19 *from the change or cancellation, taking into con-*
 20 *sideration—*

21 (i) *the ability of the air carrier to an-*
 22 *ticipate the expected average number of can-*
 23 *cancellations and changes and make reserva-*
 24 *tions accordingly;*

1 (ii) the ability of the air carrier to fill
2 a seat made available by a change or can-
3 cellation;

4 (iii) any difference in the fare likely to
5 be paid for a ticket sold to another pas-
6 senger for a seat made available by the
7 change or cancellation, as compared to the
8 fare paid by the passenger who changed or
9 canceled the passenger's reservation; and

10 (iv) the likelihood that the passenger
11 changing or canceling the passenger's res-
12 ervation will fill a seat on another flight by
13 the same air carrier;

14 (B) the costs of processing the change or
15 cancellation electronically; and

16 (C) any related labor costs;

17 (2) with respect to a fee described in subsection
18 (b)(2) imposed by an air carrier relating to checked
19 baggage—

20 (A) the costs of processing checked baggage
21 electronically; and

22 (B) any related labor costs; and

23 (3) any other considerations the Secretary con-
24 siders appropriate.

1 (d) *UPDATED REGULATIONS.*—*The Secretary shall up-*
 2 *date the standards required by subsection (a)(2) not less fre-*
 3 *quently than every 3 years.*

4 (e) *DEFINITIONS.*—*In this section:*

5 (1) *AIR CARRIER.*—*The term “air carrier”*
 6 *means any air carrier that holds an air carrier cer-*
 7 *tificate under section 41101 of title 49, United States*
 8 *Code.*

9 (2) *INTERSTATE AIR TRANSPORTATION.*—*The*
 10 *term “interstate air transportation” has the meaning*
 11 *given that term in section 40102 of title 49, United*
 12 *States Code.*

13 (f) *GOVERNMENT ACCOUNTABILITY OFFICE STUDY.*—

14 (1) *IN GENERAL.*—*The Comptroller General of*
 15 *the United States shall conduct a study to determine*
 16 *what the effect on the availability of air transpor-*
 17 *tation to consumers would be—*

18 (A) *if the Department of Transportation*
 19 *acts on the authority under subsection (a); and*

20 (B) *if the Department of Transportation*
 21 *was granted the authority under subsection*
 22 *(a)(1) for the fees described in paragraphs (2)*
 23 *through (5) of subsection (b).*

24 (2) *CONSIDERATIONS.*—*In conducting the study*
 25 *required by paragraph (1), the Comptroller General*

1 *shall consider, at a minimum, the effect of the regula-*
 2 *tions described in paragraph (1) on—*

3 *(A) the cost of ticket prices and other fees*
 4 *charged by air carriers;*

5 *(B) the services provided to air travelers*
 6 *while traveling on air carriers, including low*
 7 *cost air carriers and ultra-low cost air carriers;*
 8 *and*

9 *(C) the availability, frequency, and schedule*
 10 *of flights provided by air carriers, including to*
 11 *rural communities.*

12 *(3) REPORT.—Not later than one year after the*
 13 *date of the enactment of this Act, the Comptroller*
 14 *General shall submit to the appropriate committees of*
 15 *Congress a report on the study required by paragraph*
 16 *(1), including the findings, conclusions, and rec-*
 17 *ommendations of the Comptroller General.*

18 ***Subtitle B—Essential Air Service***

19 ***SEC. 3201. ESSENTIAL AIR SERVICE.***

20 *(a) AUTHORIZATION EXTENSION.—Section 41742(a)*
 21 *is amended—*

22 *(1) in paragraph (2), by striking*
 23 *“\$150,000,000” and all that follows though “2017”*
 24 *and inserting “\$175,000,000 for each of fiscal years*
 25 *2018 through 2021”; and*

1 (2) *by striking paragraph (3).*

2 (b) *DEFINITIONS.—Section 41731(a)(1)(A) is amended*
 3 *by striking clause (ii) and inserting the following:*

4 *“(ii) was determined, on or after Octo-*
 5 *ber 1, 1988, and before December 1, 2012,*
 6 *under this subchapter by the Secretary of*
 7 *Transportation to be eligible to receive sub-*
 8 *sidized small community air service under*
 9 *section 41736(a);”.*

10 (c) *SEASONAL SERVICE.—The Secretary of Transpor-*
 11 *tation may consider the flexibility of current operational*
 12 *dates and airport accessibility to meet local community*
 13 *needs when issuing requests for proposal of essential air*
 14 *service at seasonal airports.*

15 **SEC. 3202. SMALL COMMUNITY AIR SERVICE DEVELOPMENT**
 16 **PROGRAM.**

17 (a) *EXTENSION OF AUTHORIZATION.—Section*
 18 *41743(e)(2) is amended by striking “\$6,000,000 for each*
 19 *of fiscal years 2012 through 2017” and inserting*
 20 *“\$10,000,000 for each of fiscal years 2018 through 2021”.*

21 (b) *ELIGIBILITY.—Section 41743(c)(1) is amended to*
 22 *read as follows:*

23 *“(1) SIZE.—On the date of the most recent no-*
 24 *tice of order soliciting community proposals issued by*

1 *the Secretary under this section, the airport serving*
 2 *the community or consortium—*

3 *“(A) was not larger than a small hub air-*
 4 *port, as determined using the Department of*
 5 *Transportation’s most recent published classi-*
 6 *fication; and*

7 *“(B)(i) had insufficient air carrier service;*
 8 *or*

9 *“(ii) had unreasonably high air*
 10 *fares.”.*

11 **SEC. 3203. SMALL COMMUNITY PROGRAM AMENDMENTS.**

12 *(a) IN GENERAL.—Section 41743(c)(4) is amended—*

13 *(1) by inserting “(B) SAME PROJECTS.—” before*
 14 *the second sentence and indenting appropriately;*

15 *(2) by inserting “(A) IN GENERAL.—” before the*
 16 *first sentence and indenting appropriately;*

17 *(3) in subparagraph (B), as designated by this*
 18 *subsection, by striking “No community” and insert-*
 19 *ing “Except as provided in subparagraph (C)”;* and

20 *(4) by adding at the end the following:*

21 *“(C) EXCEPTION.—The Secretary may*
 22 *waive the limitation under subparagraph (B) re-*
 23 *lated to projects that are the same if the Sec-*
 24 *retary determines that the community or consor-*
 25 *tium spent little or no money on its previous*

1 *project or encountered industry or environmental*
 2 *challenges, due to circumstances that were rea-*
 3 *sonably beyond the control of the community or*
 4 *consortium.”.*

5 **(b) AUTHORITY TO MAKE AGREEMENTS.**—Section
 6 41743(e)(1) is amended by adding at the end the following:
 7 *“The Secretary may amend the scope of a grant agreement*
 8 *at the request of the community or consortium and any par-*
 9 *ticipating air carrier, and may limit the scope of a grant*
 10 *agreement to only the elements using grant assistance or*
 11 *to only the elements achieved, if the Secretary determines*
 12 *that the amendment is reasonably consistent with the origi-*
 13 *nal purpose of the project.”.*

14 **SEC. 3204. WAIVERS.**

15 Section 41732 is amended by adding at the end the
 16 *following:*

17 **“(c) WAIVERS.**—Notwithstanding section 41733(e),
 18 *upon request by an eligible place, the Secretary may waive,*
 19 *in whole or in part, subsections (a) and (b) of this section*
 20 *or subsections (a) through (c) of section 41734. A waiver*
 21 *issued under this subsection shall remain in effect for a lim-*
 22 *ited period of time, as determined by the Secretary.”.*

1 **TITLE IV—NEXTGEN AND FAA**
 2 **ORGANIZATION**

3 **SEC. 4001. DEFINITIONS.**

4 *In this title:*

5 (1) *ADMINISTRATION.*—The term “Administra-
 6 tion” means the Federal Aviation Administration.

7 (2) *ADMINISTRATOR.*—The term “Adminis-
 8 trator” means the Administrator of the Federal Avia-
 9 tion Administration.

10 (3) *ADS-B.*—The term “ADS-B” means auto-
 11 matic dependent surveillance-broadcast.

12 (4) *ADS-B OUT.*—The term “ADS-B Out”
 13 means automatic dependent surveillance-broadcast
 14 with the ability to transmit information from the air-
 15 craft to ground stations and to other equipped air-
 16 craft.

17 (5) *NEXTGEN.*—The term “NextGen” means the
 18 Next Generation Air Transportation System.

19 **Subtitle A—NextGen Air**
 20 **Transportation System**

21 **SEC. 4101. RETURN ON INVESTMENT REPORT.**

22 (a) *IN GENERAL.*—Not later than 1 year after the date
 23 of enactment of this Act, and annually thereafter until the
 24 date that each NextGen program has a positive return on
 25 investment, the Administrator shall submit to the appro-

1 *priate committees of Congress a report on the status of each*
 2 *NextGen program, including the most recent NextGen pri-*
 3 *ority list under subsection (c).*

4 *(b) CONTENTS.—The report under subsection (a) shall*
 5 *include, for each NextGen program—*

6 *(1) an estimate of the date the program will have*
 7 *a positive return on investment;*

8 *(2) an explanation for any delay in the delivery*
 9 *of expected benefits from previously published esti-*
 10 *mates on delivery of such benefits, in implementing or*
 11 *utilizing the program;*

12 *(3) an estimate of the completion date;*

13 *(4) an assessment of the long-term and near-term*
 14 *user benefits of the program for—*

15 *(A) the Federal Government; and*

16 *(B) the users of the national airspace sys-*
 17 *tem; and*

18 *(5) a description of how the program directly*
 19 *contributes to a safer and more efficient air traffic*
 20 *control system.*

21 *(c) NEXTGEN PRIORITY LIST.—Based on the assess-*
 22 *ment under subsection (a), the Administrator shall—*

23 *(1) develop, in coordination with the NextGen*
 24 *Advisory Committee and considering the need for a*

1 *balance between long-term and near-term user bene-*
 2 *fits, a prioritization of the NextGen programs;*

3 *(2) annually update the priority list under*
 4 *paragraph (1); and*

5 *(3) prepare budget submissions to reflect the cur-*
 6 *rent status of NextGen programs and projected re-*
 7 *turns on investment for each NextGen program.*

8 *(d) DEFINITION OF RETURN ON INVESTMENT.—In this*
 9 *section, the term “return on investment” means the cost as-*
 10 *sociated with technologies that are required by law or policy*
 11 *as compared to the financial benefits derived from such*
 12 *technologies by a government or a user of airspace.*

13 *(e) REPEAL OF NEXTGEN PRIORITIES.—Section 202*
 14 *of the FAA Modernization and Reform Act of 2012 (Public*
 15 *Law 112–95; 49 U.S.C. 40101 note) and the item relating*
 16 *to that section in the table of contents under section 1(b)*
 17 *of that Act are repealed.*

18 **SEC. 4102. ENSURING FAA READINESS TO PROVIDE SEAM-**
 19 **LESS OCEANIC OPERATIONS.**

20 *Not later than September 30, 2018, the Administrator*
 21 *shall make a final investment decision regarding a reduced*
 22 *oceanic separation capability that, if a positive business*
 23 *case is provided, would result in operational use by the end*
 24 *of 2020.*

1 **SEC. 4103. ANNUAL NEXTGEN PERFORMANCE GOALS.**

2 (a) *IN GENERAL.*—*This section may be cited as the*
 3 *“NextGen Accountability Act”.*

4 (b) *NEXTGEN ANNUAL PERFORMANCE GOALS.*—*Sec-*
 5 *tion 214 of the FAA Modernization and Reform Act of 2012*
 6 *(Public Law 112–95; 49 U.S.C. 40101 note) is amended by*
 7 *adding at the end the following:*

8 “(e) *ANNUAL NEXTGEN PERFORMANCE GOALS.*—*The*
 9 *Administrator shall establish annual NextGen performance*
 10 *goals for each of the performance metrics set forth in sub-*
 11 *section (a) to meet the performance metric baselines identi-*
 12 *fied under subsection (b). Such goals shall be established*
 13 *in consultation with public and private NextGen stake-*
 14 *holders, including the NextGen Advisory Committee.”.*

15 (c) *NEXTGEN METRICS REPORT.*—*Section 710(e)(2) of*
 16 *the Vision 100—Century of Aviation Reauthorization Act*
 17 *(Public Law 108–176; 49 U.S.C. 40101 note) is amended—*

18 (1) *in subparagraph (D), by striking “and” at*
 19 *the end;*

20 (2) *in subparagraph (E), by striking the period*
 21 *at the end and inserting “; and”; and*

22 (3) *by adding at the end the following:*

23 “(F) *a description of the progress made in*
 24 *meeting the annual NextGen performance goals*
 25 *relative to the performance metrics established*
 26 *under section 214 of the FAA Modernization and*

1 *Reform Act of 2012 (Public Law 112–95; 49*
 2 *U.S.C. 40101 note).”.*

3 (d) *CHIEF NEXTGEN OFFICER.*—Section 106(s) is
 4 *amended—*

5 (1) *in paragraph (2)(B), by adding at the end*
 6 *the following: “In evaluating the performance of the*
 7 *Chief NextGen Officer for the purpose of awarding a*
 8 *bonus under this subparagraph, the Administrator*
 9 *shall consider the progress toward meeting the*
 10 *NextGen performance goals established pursuant to*
 11 *section 214(e) of the FAA Modernization and Reform*
 12 *Act of 2012 (Public Law 112–95; 49 U.S.C. 40101*
 13 *note).”; and*

14 (2) *in paragraph (3), by adding at the end the*
 15 *following: “The annual organizational performance*
 16 *goals set forth in the agreement shall include quantifi-*
 17 *able NextGen airspace performance objectives regard-*
 18 *ing efficiency, productivity, capacity, and safety,*
 19 *which shall be established in consultation with public*
 20 *and private NextGen stakeholders, including the*
 21 *NextGen Advisory Committee.”.*

22 **SEC. 4104. AIR TRAFFIC CONTROL OPERATIONAL CONTIN-**
 23 **GENCY PLANS.**

24 (a) *FINDINGS.*—Congress makes the following findings:

1 (1) *On September 26, 2014, an Administration*
2 *contract employee deliberately started a fire that de-*
3 *stroyed critical equipment at the Administration’s*
4 *Chicago Air Route Traffic Control Center (referred to*
5 *in this section as the “Chicago Center”) in Aurora,*
6 *Illinois.*

7 (2) *As a result of the damage, Chicago Center*
8 *was unable to control air traffic for more than 2*
9 *weeks, thousands of flights were delayed or cancelled*
10 *into and out of O’Hare International Airport and*
11 *Midway Airport in Chicago, and aviation stake-*
12 *holders and airlines reportedly lost over \$350,000,000.*

13 (3) *According to the Office of the Inspector Gen-*
14 *eral of the Department of Transportation, although*
15 *the Administration has taken steps to improve the ef-*
16 *fectiveness of its operational contingency plans since*
17 *the incident at the Chicago Center, significant work*
18 *remains to be done.*

19 (b) *AIR TRAFFIC CONTROL OPERATIONAL CONTIN-*
20 *GENCY PLANS.—Not later than 1 year after the date of en-*
21 *actment of this Act, and every 5 years thereafter, the Ad-*
22 *ministrator shall update the Administration’s air traffic*
23 *control operational contingency plans (FAA Order JO*
24 *1900.47E) to address potential air traffic facility outages*
25 *that could have a major impact on the operation of the na-*

1 tional airspace system, including the most recent findings
 2 and recommendations in the report under subsection (d).

3 (c) *UPDATES.*—Not later than 60 days after the date
 4 the air traffic control operational contingency plans are up-
 5 dated under subsection (b), the Administrator shall submit
 6 to the appropriate committees of Congress a report on the
 7 update, including any recommendations for ensuring air
 8 traffic facility outages do not have a major impact on the
 9 operation of the national airspace system.

10 (d) *RESILIENCY RECOMMENDATIONS.*—Not later than
 11 180 days after the date of enactment of this Act, and peri-
 12 odically thereafter as the Administrator considers appro-
 13 priate, the Administrator shall convene NextGen program
 14 officials to evaluate, expedite, and complete a report on how
 15 planned NextGen capabilities can enhance the resiliency
 16 and continuity of national airspace system operations and
 17 mitigate the impact of future air traffic control disruptions.

18 **SEC. 4105. 2020 ADS-B OUT MANDATE PLAN.**

19 The Administrator, in collaboration with the NextGen
 20 Advisory Committee, shall—

21 (1) not later than 180 days after the date of en-
 22 actment of this Act—

23 (A) identify any known and potential bar-
 24 riers to compliance with the 2020 ADS-B Out

1 *mandate under section 91.225 of title 14, Code*
2 *of Federal Regulations;*

3 *(B) develop a plan to address the known*
4 *barriers identified in paragraph (1), including a*
5 *schedule for—*

6 *(i) periodically reevaluating the poten-*
7 *tial barriers identified in paragraph (1);*
8 *and*

9 *(ii) developing solutions and imple-*
10 *menting actions to address the known and*
11 *potential barriers; and*

12 *(C) submit the plan to the appropriate com-*
13 *mittees of Congress;*

14 *(2) periodically update the plan and, not later*
15 *than 30 days after the completion date, submit the*
16 *update to the appropriate committees of Congress;*
17 *and*

18 *(3) not later than 30 days after the date the plan*
19 *is submitted under paragraph (2), and annually*
20 *thereafter until January 1, 2020, submit to the ap-*
21 *propriate committees of Congress a report on the*
22 *progress made toward meeting the 2020 ADS-B Out*
23 *mandate.*

1 **SEC. 4106. NEXTGEN INTEROPERABILITY.**

2 (a) *IN GENERAL.*—*To implement a more effective*
 3 *international strategy for achieving NextGen interoper-*
 4 *ability with foreign countries, the Administrator shall take*
 5 *the following actions:*

6 (1) *Conduct a gap analysis to identify potential*
 7 *risks to NextGen interoperability with other Air*
 8 *Navigation Service Providers and establish a schedule*
 9 *for periodically reevaluating such risks.*

10 (2) *Develop a plan that identifies and documents*
 11 *actions the Administrator will undertake to mitigate*
 12 *such risks, using information from the gap analysis*
 13 *as a basis for making management decisions about*
 14 *how to allocate resources for such actions.*

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 on the*
 18 *analysis conducted under paragraph (1) of subsection (a)*
 19 *and on the actions the Administrator has taken under para-*
 20 *graph (2) of such subsection.*

21 **SEC. 4107. NEXTGEN TRANSITION MANAGEMENT.**

22 (a) *IN GENERAL.*—*The Administrator shall—*

23 (1) *identify and analyze technical and oper-*
 24 *ational maturity gaps in NextGen transition and im-*
 25 *plementation plans; and*

1 (2) *develop a plan to mitigate the gaps identified*
 2 *in paragraph (1).*

3 (b) *REPORT.*—*Not later than 1 year after the date of*
 4 *enactment of this Act, the Administrator shall submit to*
 5 *the appropriate committees of Congress a report on the ac-*
 6 *tions taken to carry out the plan required by subsection*
 7 *(a)(2).*

8 **SEC. 4108. IMPLEMENTATION OF NEXTGEN OPERATIONAL**
 9 **IMPROVEMENTS.**

10 (a) *IN GENERAL.*—*To help ensure that NextGen oper-*
 11 *ational improvements are fully implemented in the mid-*
 12 *term, the Administrator shall—*

13 (1) *collaborate with air carriers and other users*
 14 *of the national airspace system (referred to in this*
 15 *section as “NAS”) to develop and implement a system*
 16 *to systematically track the use of existing performance*
 17 *based navigation (referred to in this section as*
 18 *“PBN”) procedures;*

19 (2) *identify and consider other key operational*
 20 *improvements, including the identification of—*

21 (A) *additional metroplexes for PBN*
 22 *projects;*

23 (B) *non-metroplex PBN procedures; and*

24 (C) *unused flight routes for decommis-*
 25 *sioning;*

1 (3) develop and implement guidelines for the
 2 timely inclusion of appropriate stakeholders, includ-
 3 ing airport representatives, in the planning and im-
 4 plementation of NextGen operational improvement ef-
 5 forts; and

6 (4) ensure that NextGen planning documents in-
 7 form stakeholders of how and when operational im-
 8 provements are expected to achieve NextGen national
 9 goals and strategic objectives.

10 (b) *REPORTS.*—Each year, as part of the submission
 11 of the NextGen Integrated Work Plan, the Administrator
 12 shall submit to the appropriate committees of Congress a
 13 report on—

14 (1) the progress made toward implementing the
 15 requirements under subsection (a); and

16 (2) the schedule and process that will be used to
 17 implement PBN at additional airports, including in-
 18 formation on how the Administration will partner
 19 and coordinate with private industry to ensure expe-
 20 ditious implementation of PBN at additional air-
 21 ports.

22 **SEC. 4109. SECURING AIRCRAFT AVIONICS SYSTEMS.**

23 (a) *IN GENERAL.*—The Administrator of the Federal
 24 Aviation Administration shall consider, where appropriate,

1 *revising Federal Aviation Administration regulations re-*
2 *garding airworthiness certification—*

3 *(1) to address cybersecurity for avionics systems,*
4 *including software components; and*

5 *(2) to require that aircraft avionics systems used*
6 *for flight guidance or aircraft control be secured*
7 *against unauthorized access via passenger in-flight*
8 *entertainment systems through such means as the Ad-*
9 *ministrator determines appropriate to protect the avi-*
10 *onics systems from unauthorized external and inter-*
11 *nal access.*

12 *(b) CONSIDERATION.—In carrying out subsection (a),*
13 *the Administrator shall consider the recommendations of the*
14 *Aircraft Systems Information Security Protection Working*
15 *Group under section 2111 of the FAA Extension Safety and*
16 *Security Act of 2016 (Public Law 114–190; 130 Stat. 615).*

17 **SEC. 4110. DEFINING NEXTGEN.**

18 *Not later than 1 year after the date of enactment of*
19 *this Act, the Comptroller General of the United States*
20 *shall—*

21 *(1) assess how the line items included in the Ad-*
22 *ministration’s NextGen budget request relate to the*
23 *goals and expected outcomes of NextGen, including*
24 *whether and how NextGen programs directly con-*

1 *tribute to a measurably safer and more efficient air*
 2 *traffic control system; and*

3 *(2) submit to the appropriate committees of Con-*
 4 *gress a report on the results of the assessment under*
 5 *paragraph (1), including any recommendations for*
 6 *the removal of line items that do not directly con-*
 7 *tribute to a measurably safer and more efficient air*
 8 *traffic control system.*

9 **SEC. 4111. HUMAN FACTORS.**

10 *(a) IN GENERAL.—In order to avoid having to subse-*
 11 *quently modify products and services developed as a part*
 12 *of NextGen, the Administrator shall—*

13 *(1) recognize and incorporate, in early design*
 14 *phases of all relevant NextGen programs, the human*
 15 *factors and procedural and airspace implications of*
 16 *stated goals and associated technical changes; and*

17 *(2) ensure that a human factors specialist, sepa-*
 18 *rate from the research and certification groups, is di-*
 19 *rectly involved with the NextGen approval process.*

20 *(b) REPORT.—Not later than 1 year after the date of*
 21 *enactment of this Act, the Administrator shall submit to*
 22 *the appropriate committees of Congress a report on the*
 23 *progress made toward implementing the requirements*
 24 *under subsection (a).*

1 **SEC. 4112. MAJOR ACQUISITION REPORTS.**

2 (a) *IN GENERAL.*—*The Administrator shall evaluate*
3 *the current acquisition practices of the Administration to*
4 *ensure that such practices—*

5 (1) *identify the current estimated costs for each*
6 *acquisition system, including all segments;*

7 (2) *separately identify cumulative amounts for*
8 *acquisition costs, technical refresh, and other enhance-*
9 *ments in order to identify the total baselined and re-*
10 *baselined costs for each system; and*

11 (3) *account for the way funds are being used*
12 *when reporting to managers, Congress, and other*
13 *stakeholders.*

14 (b) *REPORT.*—*Not later than 1 year after the date of*
15 *enactment of this Act, and biennially thereafter, the Admin-*
16 *istrator shall submit to the appropriate committees of Con-*
17 *gress a report on the progress made toward implementing*
18 *the requirements under subsection (a).*

19 **SEC. 4113. EQUIPAGE MANDATES.**

20 (a) *IN GENERAL.*—*Before NextGen-related equipage*
21 *mandates are imposed on users of the national airspace sys-*
22 *tem, the Administrator, in collaboration with relevant*
23 *stakeholders, shall—*

24 (1) *provide a statement of estimated costs and*
25 *benefits based on mature and stable technical speci-*
26 *fications; and*

1 (2) *create a schedule for Administration*
 2 *deliverables and investments by both the users and the*
 3 *Administration, including for procedure and airspace*
 4 *design, infrastructure deployment, and training.*

5 **SEC. 4114. WORKFORCE.**

6 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 7 *of enactment of this Act, the Administrator shall—*

8 (1) *identify and assess barriers to attracting, de-*
 9 *veloping, training, and retaining a talented workforce*
 10 *in the areas of systems engineering, architecture, sys-*
 11 *tems integration, digital communications, and cyber-*
 12 *security;*

13 (2) *develop a comprehensive plan to attract, de-*
 14 *velop, train, and retain talented individuals in those*
 15 *fields; and*

16 (3) *identify existing authorities available to the*
 17 *Administrator, through personnel reform, to attract,*
 18 *develop, and retain this talent.*

19 (b) *REPORT.*—*The Administrator shall submit to the*
 20 *appropriate committees of Congress a report on the progress*
 21 *made toward implementing the requirements under sub-*
 22 *section (a).*

23 **SEC. 4115. PROGRAMMATIC RISK MANAGEMENT.**

24 (a) *IN GENERAL.*—*To better inform the Administra-*
 25 *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. 4116. PROGRAM MANAGEMENT.**

15 *Not later than 1 year after the date of enactment of*
16 *this Act, the Administrator, in collaboration with the*
17 *NextGen Advisory Committee and the National Academies*
18 *of Sciences, Engineering, and Medicine, shall—*

19 (1) *identify industry best practices regarding*
20 *highly integrated program management;*

21 (2) *determine whether, and identify how, the Ad-*
22 *ministration is applying the best practices identified*
23 *in paragraph (1) in the management of NextGen;*

1 (3) identify, in detail, the lessons learned regard-
 2 ing the complex integration of NextGen programs into
 3 the national airspace system;

4 (4) identify and assess the key risks for the full
 5 implementation of—

6 (A) multiple runway operations;

7 (B) performance based navigation;

8 (C) surface operations and data sharing;

9 and

10 (D) data communications;

11 (5) develop a detailed plan to mitigate the risks
 12 identified under paragraph (4); and

13 (6) submit to the appropriate committees of Con-
 14 gress a report on the activities under paragraphs (1)
 15 through (5), including the plan.

16 **SEC. 4117. SYSTEM-WIDE IMPROVEMENTS.**

17 (a) *IN GENERAL.*—Not later than 1 year after the date
 18 of enactment of this Act, the Administrator shall submit
 19 to the appropriate committees of Congress a report identi-
 20 fying any improvements and benefits to the national air-
 21 space system, as a whole, as a result of—

22 (1) multiple runway operations;

23 (2) performance based navigation;

24 (3) surface operations and data sharing; and

25 (4) data communications.

1 (b) *CONSIDERATIONS.*—*In identifying improvements*
 2 *and benefits under subsection (a) as a result of the NextGen*
 3 *programs listed under subparagraphs (A) through (D) of*
 4 *that subsection, the Administrator shall consider, at a min-*
 5 *imum—*

6 (1) *reduced overall delays in the national air-*
 7 *space system;*

8 (2) *increased overall throughput in the national*
 9 *airspace system;*

10 (3) *decreased overall emissions and fuel con-*
 11 *sumption in the national airspace system; and*

12 (4) *improved safety in the national airspace sys-*
 13 *tem.*

14 **SEC. 4118. NEXTGEN RESEARCH.**

15 *Not later than 1 year after the date of enactment of*
 16 *this Act, the Administrator shall submit to the appropriate*
 17 *committees of Congress a report specifying the top 5 pri-*
 18 *ority research areas for the implementation and advance-*
 19 *ment of NextGen, including—*

20 (1) *an assessment of why the research areas are*
 21 *a priority for the implementation and advancement*
 22 *of NextGen;*

23 (2) *an identification of the other Federal agen-*
 24 *cies and private organizations assisting the Adminis-*
 25 *tration with the research; and*

1 (3) *an estimate of when the research will be com-*
 2 *pleted.*

3 **SEC. 4119. ANNUAL REPORT ON NEXTGEN IMPLEMENTA-**
 4 **TION.**

5 (a) *IN GENERAL.*—*Not later than 1 year after the date*
 6 *of enactment of this Act, and not less frequently than annu-*
 7 *ally thereafter, the Administrator shall submit to the appro-*
 8 *priate committees of Congress a report on the implementa-*
 9 *tion of NextGen at commercial service airports in the*
 10 *United States.*

11 (b) *ELEMENTS.*—*Each report required by subsection*
 12 *(a) shall include the following:*

13 (1) *The number and percentage of commercial*
 14 *service airports in the United States that have fully*
 15 *implemented NextGen.*

16 (2) *The percentage completion of NextGen imple-*
 17 *mentation at each commercial service airport in the*
 18 *United States.*

19 (c) *DEVELOPMENT OF STANDARD TO DETERMINE PER-*
 20 *CENTAGE IMPLEMENTATION OF NEXTGEN.*—

21 (1) *IN GENERAL.*—*The Administrator shall de-*
 22 *velop a standard for determining under subsection*
 23 *(b)(2) the percentage completion of NextGen imple-*
 24 *mentation at commercial service airports in the*
 25 *United States based on factors that may include an*

1 *accounting of efficiency benefits achieved, the degree of*
 2 *NextGen technology and infrastructure installed, and*
 3 *the extent of controller training on NextGen.*

4 (2) *INCLUSION IN REPORT.*—*The Administrator*
 5 *shall include in the report submitted under subsection*
 6 *(a) the standard developed under paragraph (1).*

7 ***Subtitle B—Administration***
 8 ***Organization and Employees***

9 ***SEC. 4201. COST-SAVING INITIATIVES.***

10 (a) *IN GENERAL.*—*To ensure that Administration ini-*
 11 *tiatives are being implemented in a timely and fiscally re-*
 12 *sponsible manner, the Administrator shall—*

13 (1) *identify and implement agencywide cost-sav-*
 14 *ing initiatives; and*

15 (2) *develop appropriate schedules and metrics to*
 16 *measure whether the initiatives are successful in re-*
 17 *ducing costs.*

18 (b) *REPORT.*—*Not later than 1 year after the date of*
 19 *enactment of this Act, the Administrator shall submit to*
 20 *the appropriate committees of Congress a report on the*
 21 *progress made toward implementing the requirements*
 22 *under subsection (a).*

1 **SEC. 4202. FEDERAL AVIATION ADMINISTRATION PERFORM-**
2 **ANCE MEASURES AND TARGETS.**

3 (a) *PERFORMANCE MEASURES.*—Not later than 180
4 days after the date of enactment of this Act, the Secretary
5 of Transportation shall establish performance measures re-
6 lating to the administration of the Administration, which
7 shall, at a minimum, include measures to assess—

8 (1) *the reduction of delays in the completion of*
9 *projects; and*

10 (2) *the effectiveness of the Administration in*
11 *achieving the goals described in section 47171 of title*
12 *49, United States Code.*

13 (b) *PERFORMANCE TARGETS.*—Not later than 180
14 days after the date on which the Secretary establishes per-
15 formance measures in accordance with subsection (a), the
16 Secretary shall establish performance targets relating to
17 each of the measures described in that subsection.

18 (c) *REPORT.*—Not later than 2 years after the date of
19 enactment of this Act, the Inspector General of the Depart-
20 ment of Transportation shall submit to the appropriate
21 committees of Congress a report describing the progress of
22 the Secretary in meeting the performance targets established
23 under subsection (b).

1 **SEC. 4203. TREATMENT OF ESSENTIAL EMPLOYEES DURING**
2 **FURLOUGHS.**

3 (a) *DEFINITION OF ESSENTIAL EMPLOYEE.*—In this
4 section, the term “essential employee” means an employee
5 of the Administration who performs work involving the
6 safety of human life or the protection of property, as deter-
7 mined by the Administrator.

8 (b) *IN GENERAL.*—In implementing spending reduc-
9 tions under Federal law, the Administrator may furlough
10 1 or more employees of the Administration, except an essen-
11 tial employee, if the Administrator determines the furlough
12 is necessary to achieve the required spending reductions.

13 (c) *TRANSFER OF BUDGETARY RESOURCES.*—The Ad-
14 ministrator may transfer budgetary resources within the
15 Administration to carry out subsection (b), except that the
16 transfer may only be made to maintain essential employees.

17 **SEC. 4204. CONTROLLER CANDIDATE INTERVIEWS.**

18 (a) *IN GENERAL.*—Not later than 60 days after the
19 date of enactment of this Act, the Administrator shall re-
20 quire that an in-person interview be conducted with each
21 individual applying for an air traffic control specialist po-
22 sition before that individual may be hired to fill that posi-
23 tion.

24 (b) *GUIDANCE.*—Not later than 30 days after the date
25 of enactment of this Act, the Administrator shall establish

1 *guidelines regarding the in-person interview process de-*
 2 *scribed in subsection (a).*

3 **SEC. 4205. REPORT ON PLANS FOR AIR TRAFFIC CONTROL**
 4 **FACILITIES IN THE NEW YORK CITY AND NEW-**
 5 **ARK REGION.**

6 *Not later than 90 days after the date of enactment of*
 7 *this Act, the Administrator shall submit to the appropriate*
 8 *committees of Congress a report on the Administration's*
 9 *staffing and scheduling plans for air traffic control facili-*
 10 *ties in the New York City and Newark region for the 1-*
 11 *year period beginning on such date of enactment.*

12 **SEC. 4206. WORK PLAN FOR THE NEW YORK/NEW JERSEY/**
 13 **PHILADELPHIA METROPOLITAN AREA AIR-**
 14 **SPACE PROJECT.**

15 *Not later than 90 days after the date of enactment of*
 16 *this Act, the Administrator shall develop and publish in*
 17 *the Federal Register a work plan for the New York/New Jer-*
 18 *sey/Philadelphia Metropolitan Area Airspace Project.*

19 **SEC. 4207. AIR TRAFFIC SERVICES AT AVIATION EVENTS.**

20 *(a) REQUIREMENT TO PROVIDE SERVICES AND RE-*
 21 *LATED SUPPORT.—The Administrator shall provide air*
 22 *traffic services and aviation safety support for aviation*
 23 *events, including airshows and fly-ins, without the imposi-*
 24 *tion or collection of any fee, tax, or other charge for that*
 25 *purpose. Amounts for the provision of such services and*

1 *support shall be derived from amounts appropriated or oth-*
 2 *erwise available for the Administration.*

3 *(b) DETERMINATION OF SERVICES AND SUPPORT TO*
 4 *BE PROVIDED.—In determining the services and support*
 5 *to be provided for an aviation event for purposes of sub-*
 6 *section (a), the Administrator shall take into account the*
 7 *following:*

8 *(1) The services and support required to meet*
 9 *levels of activity at prior events, if any, similar to the*
 10 *event.*

11 *(2) The anticipated need for services and support*
 12 *at the event.*

13 **SEC. 4208. ANNUAL REPORT ON INCLUSION OF DISABLED**
 14 **VETERAN LEAVE IN PERSONNEL MANAGE-**
 15 **MENT SYSTEM.**

16 *Not later than 1 year after the date of enactment of*
 17 *this Act, and not less frequently than annually thereafter*
 18 *until the date that is 5 years after the date of enactment*
 19 *of this Act, the Administrator shall publish on a publicly*
 20 *accessible Internet Web site a report on—*

21 *(1) the effect of section 40122(g)(4) of title 49,*
 22 *United States Code, on the Administration's work-*
 23 *force; and*

24 *(2) the number of disabled veterans benefitting*
 25 *from that section.*

1 **SEC. 4209. APPLICATION OF VETERANS' PREFERENCE TO**
 2 **FEDERAL AVIATION ADMINISTRATION PER-**
 3 **SONNEL MANAGEMENT SYSTEM.**

4 *Section 40122(g)(2)(B) is amended—*

5 *(1) by inserting “3304(f),” before “3308-3320”;*

6 *and*

7 *(2) by inserting “3330a, 3330b, 3330c, and*
 8 *3330d,” before “relating”.*

9 **SEC. 4210. AIRCRAFT REGISTRY OFFICE.**

10 *The Administrator of the Federal Aviation Adminis-*
 11 *tration shall designate employees at the Aircraft Registry*
 12 *Office in Oklahoma City, Oklahoma, as excepted employees*
 13 *in the event of a shutdown or emergency furlough to ensure*
 14 *that the office remains open for the duration of the lapse*
 15 *in Federal Government appropriations to the Federal Avia-*
 16 *tion Administration.*

17 **TITLE V—MISCELLANEOUS**

18 **SEC. 5001. NATIONAL TRANSPORTATION SAFETY BOARD IN-**
 19 **VESTIGATIVE OFFICERS.**

20 *Section 1113 is amended by striking subsection (h).*

21 **SEC. 5002. OVERFLIGHTS OF NATIONAL PARKS.**

22 *Section 40128 is amended—*

23 *(1) in subsection (a)(3), by striking “the” before*
 24 *“title 14”; and*

25 *(2) by amending subsection (f) to read as follows:*

26 *“(f) TRANSPORTATION ROUTES.—*

1 “(1) *IN GENERAL.*—*This section shall not apply*
 2 *to any air tour operator while flying over or near*
 3 *any Federal land managed by the Director of the Na-*
 4 *tional Park Service, including Lake Mead National*
 5 *Recreation Area, solely as a transportation route, to*
 6 *conduct an air tour over the Grand Canyon National*
 7 *Park.*

8 “(2) *EN ROUTE.*—*For purposes of this sub-*
 9 *section, an air tour operator flying over the Hoover*
 10 *Dam in the Lake Mead National Recreation Area en*
 11 *route to the Grand Canyon National Park shall be*
 12 *deemed to be flying solely as a transportation route.”.*

13 **SEC. 5003. AERONAUTICAL STUDIES FOR COMMERCIAL**
 14 **SPACE LAUNCH SITE RUNWAYS.**

15 (a) *IN GENERAL.*—*Section 44718(b)(1) is amended—*

16 (1) *in the matter preceding subparagraph (A),*
 17 *by striking “air navigation facilities and equipment”*
 18 *and inserting “air or space navigation facilities and*
 19 *equipment”; and*

20 (2) *in subparagraph (A)—*

21 (A) *by redesignating clauses (v) and (vi) as*
 22 *clauses (vi) and (vii), respectively; and*

23 (B) *by inserting after clause (iv) the fol-*
 24 *lowing:*

1 “(v) *the impact on launch and reentry*
 2 *for launch and reentry vehicles arriving or*
 3 *departing from a launch site or reentry site*
 4 *licensed by the Secretary.”.*

5 (b) *RULEMAKING.—Not later than 18 months after the*
 6 *date of enactment of this Act, the Administrator of the Fed-*
 7 *eral Aviation Administration shall initiate a rulemaking*
 8 *to implement the amendments made by subsection (a).*

9 **SEC. 5004. COMPREHENSIVE AVIATION PREPAREDNESS**
 10 **PLAN.**

11 (a) *IN GENERAL.—No later than 1 year after the date*
 12 *of enactment of this Act, the Secretary of Transportation*
 13 *and the Secretary of Health and Human Services, in co-*
 14 *ordination with the Secretary of Homeland Security, the*
 15 *Secretary of Labor, the Secretary of State, the Secretary*
 16 *of Defense, and representatives of other Federal departments*
 17 *and agencies, as necessary, shall develop a comprehensive*
 18 *national aviation communicable disease preparedness plan.*

19 (b) *MINIMUM COMPONENTS.—The plan developed*
 20 *under subsection (a) shall—*

21 (1) *be developed in consultation with other rel-*
 22 *evant stakeholders, including State, local, tribal, and*
 23 *territorial governments, air carriers, first responders,*
 24 *and the general public;*

1 (2) *provide for the development of a communica-*
2 *tions system or protocols for providing comprehensive,*
3 *appropriate, and up-to-date information regarding*
4 *communicable disease threats and preparedness be-*
5 *tween all relevant stakeholders;*

6 (3) *document the roles and responsibilities of rel-*
7 *evant Federal department and agencies, including co-*
8 *ordination requirements;*

9 (4) *provide guidance to air carriers, airports,*
10 *and other appropriate aviation stakeholders on how*
11 *to develop comprehensive communicable disease pre-*
12 *paredness plans for their respective organizations, in*
13 *accordance with the plan to be developed under sub-*
14 *section (a);*

15 (5) *be scalable and adaptable so that the plan*
16 *can be used to address the full range of communicable*
17 *disease threats and incidents;*

18 (6) *provide information on communicable threats*
19 *and response training resources for all relevant stake-*
20 *holders, including Federal, State, local, tribal, and*
21 *territorial government employees, airport officials,*
22 *aviation industry employees and contractors, first re-*
23 *sponders, and health officials;*

24 (7) *develop protocols for the dissemination of*
25 *comprehensive, up-to-date, and appropriate informa-*

1 *tion to the traveling public concerning communicable*
 2 *disease threats and preparedness;*

3 *(8) be updated periodically to incorporate lessons*
 4 *learned with supplemental information; and*

5 *(9) be provided to relevant government agencies*
 6 *and stakeholders in writing, and electronically, and*
 7 *accessible via the Internet.*

8 *(c) INTERAGENCY FRAMEWORK.—The plan developed*
 9 *under subsection (a) shall—*

10 *(1) be conducted under the existing interagency*
 11 *framework for national level all hazards emergency*
 12 *preparedness planning or another appropriate frame-*
 13 *work; and*

14 *(2) be consistent with the obligations of the*
 15 *United States under international agreements.*

16 **SEC. 5005. ADVANCED MATERIALS CENTER OF EXCEL-**
 17 **LENCE.**

18 *(a) IN GENERAL.—Chapter 445 is amended by adding*
 19 *at the end the following:*

20 **“§ 44518. Advanced Materials Center of Excellence**

21 *“(a) IN GENERAL.—The Administrator of the Federal*
 22 *Aviation Administration shall continue operation of the*
 23 *Advanced Materials Center of Excellence (referred to in this*
 24 *section as the ‘Center’) under its structure as in effect on*
 25 *March 1, 2016, which shall focus on applied research and*

1 *training on the durability and maintainability of advanced*
 2 *materials in transport airframe structures.*

3 “(b) *RESPONSIBILITIES.—The Center shall—*

4 “(1) *promote and facilitate collaboration among*
 5 *academia, the Transportation Division of the Federal*
 6 *Aviation Administration, and the commercial aircraft*
 7 *industry, including manufacturers, commercial air*
 8 *carriers, and suppliers; and*

9 “(2) *establish goals set to advance technology,*
 10 *improve engineering practices, and facilitate con-*
 11 *tinuing education in relevant areas of study.*

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 13 *authorized to be appropriated to the Administrator*
 14 *\$500,000 for each of the fiscal years 2018 and 2021 to carry*
 15 *out this section.”.*

16 (b) *TABLE OF CONTENTS.—The table of contents for*
 17 *chapter 445 is amended by adding at the end the following:*

“44518. Advanced Materials Center of Excellence.”.

18 **SEC. 5006. INTERFERENCE WITH AIRLINE EMPLOYEES.**

19 (a) *IN GENERAL.—Not later than 180 days after the*
 20 *date of enactment of this Act, the Comptroller General of*
 21 *the United States shall—*

22 (1) *complete a study of crimes of violence (as de-*
 23 *fined in section 16 of title 18, United States Code)*
 24 *committed against airline customer service represent-*

1 *atives while they are performing their duties and on*
2 *airport property; and*

3 (2) *submit the findings of the study, including*
4 *any recommendations, to the appropriate committees*
5 *of Congress.*

6 (b) *GAP ANALYSIS.—The study shall include a gap*
7 *analysis to determine if State and local laws and resources*
8 *are adequate to deter or otherwise address the crimes of vio-*
9 *lence described in subsection (a) and recommendations on*
10 *how to address any identified gaps.*

11 (c) *AIR CARRIER EMPLOYEE ASSAULT PREVENTION*
12 *AND RESPONSE PLAN.—*

13 (1) *IN GENERAL.—Not later than 90 days after*
14 *the completion of the study under subsection (a), each*
15 *air carrier operating under part 121 of title 14, Code*
16 *of Federal Regulations (in this section referred to as*
17 *a “part 121 air carrier”), shall submit to the Admin-*
18 *istrator of the Federal Aviation Administration for*
19 *review and acceptance an employee assault prevention*
20 *and response plan that reflects the findings of the*
21 *study under subsection (a) related to trends in inci-*
22 *dents of physical altercations involving air carrier*
23 *customer service representatives while they are per-*
24 *forming their duties and on airport property.*

1 (2) *CONTENTS OF PLAN.*—*An employee assault*
 2 *prevention and response plan submitted by a part*
 3 *121 air carrier under paragraph (1) shall include the*
 4 *following:*

5 (A) *Reporting protocols for air carrier cus-*
 6 *tomers service agents who have been the victim of*
 7 *physical altercations.*

8 (B) *Protocols for the notification of law en-*
 9 *forcement agents of an incident of a physical al-*
 10 *tercation against an air carrier customer service*
 11 *agent.*

12 (C) *Protocols for informing Federal law en-*
 13 *forcement agents in a case in which an indi-*
 14 *vidual is alleged to have violated section 46503*
 15 *of title 49, United States Code.*

16 (3) *CONSULTATIONS WITH LABOR ORGANIZA-*
 17 *TIONS.*—*In developing the plan required by para-*
 18 *graph (1), a part 121 air carrier shall consult with*
 19 *the appropriate labor organizations representing the*
 20 *customer service agents of the air carrier.*

21 (d) *EMPLOYEE TRAINING.*—*Each part 121 air carrier*
 22 *shall submit to the Federal Aviation Administration a plan*
 23 *for training all employees, including management, on the*
 24 *plan required under subsection (c)(1) that includes training*
 25 *on de-escalating hostile situations, written protocols on*

1 *dealing with hostile situations, and reporting of incidents*
 2 *of violence.*

3 **SEC. 5007. SECONDARY COCKPIT BARRIERS.**

4 (a) *SHORT TITLE.*—*This section may be cited as the*
 5 *“Saracini Aviation Safety Act of 2017”.*

6 (b) *REQUIREMENT.*—*Not later than 1 year after the*
 7 *date of the enactment of this Act, the Administrator of the*
 8 *Federal Aviation Administration shall issue an order re-*
 9 *quiring installation of a secondary cockpit barrier on each*
 10 *new aircraft that is manufactured for delivery to a pas-*
 11 *senger air carrier in the United States operating under the*
 12 *provisions of part 121 of title 14, Code of Federal Regula-*
 13 *tions.*

14 **SEC. 5008. RESEARCH AND DEPLOYMENT OF CERTAIN AIR-**
 15 **FIELD PAVEMENT TECHNOLOGIES.**

16 *Using amounts made available under section 48102(a)*
 17 *of title 49, United States Code, the Administrator of the*
 18 *Federal Aviation Administration shall carry out a program*
 19 *for the research and development of aircraft pavement tech-*
 20 *nologies under which the Administrator makes grants to,*
 21 *and enters into cooperative agreements with, institutions of*
 22 *higher education and nonprofit organizations that—*

23 (1) *research concrete and asphalt airfield pave-*
 24 *ment technologies that extend the life of airfield pave-*
 25 *ments;*

- 1 (2) *develop and conduct training;*
- 2 (3) *provide for demonstration projects; and*
- 3 (4) *promote the latest airfield pavement tech-*
- 4 *nologies to aid in the development of safer, more cost*
- 5 *effective, and more durable airfield pavements.*

6 **SEC. 5009. INCREASE IN DURATION OF GENERAL AVIATION**
 7 **AIRCRAFT REGISTRATION.**

8 *Not later than 180 days after the date of enactment*
 9 *of this Act, the Administrator of the Federal Aviation Ad-*
 10 *ministration shall initiate a rulemaking to increase the du-*
 11 *ration of aircraft registrations for noncommercial general*
 12 *aviation aircraft to 5 years.*

13 **SEC. 5010. MODIFICATION OF LIMITATION OF LIABILITY RE-**
 14 **LATING TO AIRCRAFT.**

15 *Section 44112(b) is amended—*

- 16 (1) *by striking “on land or water”; and*
- 17 (2) *by inserting “operational” before “control”.*

18 **SEC. 5011. GOVERNMENT ACCOUNTABILITY OFFICE STUDY**
 19 **OF ILLEGAL DRUGS SEIZED AT INTER-**
 20 **NATIONAL AIRPORTS IN THE UNITED STATES.**

21 (a) *IN GENERAL.—The Comptroller General of the*
 22 *United States shall conduct a study of illegal drugs, includ-*
 23 *ing heroin, fentanyl, and cocaine, seized by Federal authori-*
 24 *ties at international airports in the United States.*

1 (b) *ELEMENTS.*—*In conducting the study required by*
2 *subsection (a), the Comptroller General shall address, at a*
3 *minimum—*

4 (1) *the types and quantities of drugs seized;*

5 (2) *the origin of the drugs seized;*

6 (3) *the airport at which the drugs were seized;*

7 (4) *the manner in which the drugs were seized;*

8 *and*

9 (5) *the manner in which the drugs were trans-*
10 *ported.*

11 (c) *USE OF DATA; RECOMMENDATIONS FOR ADDI-*
12 *TIONAL DATA COLLECTION.*—*In conducting the study re-*
13 *quired by subsection (a), the Comptroller General shall use*
14 *all available data. If the Comptroller General determines*
15 *that additional data is needed to fully understand the extent*
16 *to which illegal drugs enter the United States through inter-*
17 *national airports in the United States, the Comptroller*
18 *General shall develop recommendations for the collection of*
19 *that data.*

20 (d) *SUBMISSION TO CONGRESS.*—*Not later than 180*
21 *days after the date of enactment of this Act, the Comptroller*
22 *General shall submit to the appropriate committees of Con-*
23 *gress a report on the study conducted under subsection (a)*
24 *that includes any recommendations developed under sub-*
25 *section (c).*

1 **SEC. 5012. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW**
2 **OF UNMANNED AIRCRAFT SYSTEMS.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General of the
5 United States shall submit to the appropriate committees
6 of Congress a report examining law enforcement challenges
7 posed by the use of unmanned aircraft systems for illegal
8 drug trafficking.

9 (b) *CONTENTS.*—The report submitted under sub-
10 section (a) shall examine how unmanned aircraft systems
11 are being used to transport illegal drugs across the inter-
12 national borders of the United States, including—

13 (1) *how international drug traffickers have used*
14 *unmanned aircraft systems to fly packages of illegal*
15 *drugs into the United States;*

16 (2) *how international drug traffickers have used*
17 *unmanned aircraft systems to survey international*
18 *borders, providing intelligence to smugglers on*
19 *vulnerabilities in the border security efforts of the*
20 *United States; and*

21 (3) *other ways in which international drug traf-*
22 *fickers have used unmanned aircraft systems to assist*
23 *their efforts to smuggle illegal drugs into the United*
24 *States.*

1 **SEC. 5013. SENSE OF CONGRESS ON PREVENTING THE**
2 **TRANSPORTATION OF DISEASE-CARRYING**
3 **MOSQUITOES AND OTHER INSECTS ON COM-**
4 **MERCIAL AIRCRAFT.**

5 *It is the sense of Congress that the Secretary of Trans-*
6 *portation and the Secretary of Agriculture should, in co-*
7 *ordination and consultation with the World Health Organi-*
8 *zation, develop a framework and guidance for the use of*
9 *safe, effective, and nontoxic means of preventing the trans-*
10 *portation of disease-carrying mosquitoes and other insects*
11 *on commercial aircraft.*

12 **SEC. 5014. TREATMENT OF MULTI-YEAR LESSEES OF LARGE**
13 **AND TURBINE-POWERED MULTIENGINE AIR-**
14 **CRAFT.**

15 *The Secretary of Transportation shall revise such regu-*
16 *lations as may be necessary to ensure that multi-year lessees*
17 *and owners of large and turbine-powered multiengine air-*
18 *craft are treated equally for purposes of joint ownership*
19 *policies of the Federal Aviation Administration.*

20 **SEC. 5015. STUDENT OUTREACH REPORT.**

21 *Not later than 180 days after the date of enactment*
22 *of this Act, the Administrator of the Federal Aviation Ad-*
23 *ministration shall submit to the appropriate committees of*
24 *Congress a report that describes the Administration's exist-*
25 *ing outreach efforts, such as the STEM Aviation and Space*
26 *Education Outreach Program, to elementary and secondary*

1 *students who are interested in careers in science, technology,*
 2 *engineering, art, and mathematics—*

3 *(1) to prepare and inspire such students for*
 4 *aeronautical careers; and*

5 *(2) to mitigate an anticipated shortage of pilots*
 6 *and other aviation professionals.*

7 **SEC. 5016. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE**

8 **2 AIRCRAFT.**

9 *(a) IN GENERAL.—Notwithstanding chapter 475 of*
 10 *title 49, United States Code, not later than 180 days after*
 11 *the date of enactment of this Act, the Administrator of the*
 12 *Federal Aviation Administration shall initiate a pilot pro-*
 13 *gram to permit 1 or more operators of a stage 2 aircraft*
 14 *to operate that aircraft in nonrevenue service into not more*
 15 *than 4 medium hub airports or nonhub airports if—*

16 *(1) the airport—*

17 *(A) is certified under part 139 of title 14,*
 18 *Code of Federal Regulations;*

19 *(B) has a runway that—*

20 *(i) is longer than 8,000 feet and not*
 21 *less than 200 feet wide; and*

22 *(ii) is load bearing with a pavement*
 23 *classification number of not less than 38;*
 24 *and*

1 (C) has a maintenance facility with a
 2 maintenance certificate issued under part 145 of
 3 such title; and

4 (2) the operator of the stage 2 aircraft operates
 5 not more than 10 flights per month using that air-
 6 craft.

7 (b) *TERMINATION.*—The pilot program shall terminate
 8 on the earlier of—

9 (1) the date that is 10 years after the date of the
 10 enactment of this Act; or

11 (2) the date on which the Administrator deter-
 12 mines that no stage 2 aircraft remain in service.

13 (c) *DEFINITIONS.*—In this section:

14 (1) *MEDIUM HUB AIRPORT; NONHUB AIRPORT.*—
 15 The terms “medium hub airport” and “nonhub air-
 16 port” have the meanings given those terms in section
 17 40102 of title 49, United States Code.

18 (2) *STAGE 2 AIRCRAFT.*—The term “stage 2 air-
 19 craft” has the meaning given the term “stage 2 air-
 20 plane” in section 91.851 of title 14, Code of Federal
 21 Regulations (as in effect on the day before the date of
 22 the enactment of this Act).

1 **SEC. 5017. RULEMAKING ON OVERLAND SUPERSONIC**
2 **FLIGHT.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, the Secretary of Transportation
5 shall publish in the Federal Register a notice of proposed
6 rulemaking that—

7 (1) *permits the development, testing, manufac-*
8 *turing, and operation of civil supersonic aircraft in*
9 *the United States;*

10 (2) *specifies a noise standard for sonic boom over*
11 *the United States that—*

12 (A) *is economically reasonable and techno-*
13 *logically practicable;*

14 (B) *is informed by noise levels that are tol-*
15 *erated in the United States for non-aviation*
16 *purposes; and*

17 (C) *will foster employment in aircraft and*
18 *aircraft engine manufacturing in the United*
19 *States; and*

20 (3) *specifies a noise standard for landing and*
21 *take-off of civil supersonic aircraft that is no more*
22 *stringent than large subsonic aircraft in use for*
23 *transporting passengers in the United States on Jan-*
24 *uary 1, 2017.*

25 (b) *FINAL RULE.*—Not later than 18 months after the
26 date of publication of the notice under subsection (a), the

1 *Secretary shall publish the final rule in the Federal Reg-*
 2 *ister.*

3 (c) *CONTINGENT REPEAL OF RULE.—If the Secretary*
 4 *has not published the final rule in under subsection (b) by*
 5 *the date that is 36 months after the date of the enactment*
 6 *of this Act, section 91.817 of title 14, Code of Federal Regu-*
 7 *lations, shall have no force or effect on or after that date.*

8 **SEC. 5018. TERMINAL AERODROME FORECAST.**

9 (a) *TERMINAL AERODROME FORECAST.—The Admin-*
 10 *istrator of the Federal Aviation Administration shall per-*
 11 *mit an air carrier operation under part 121 of title 14,*
 12 *Code of Federal Regulations, to operate to a destination de-*
 13 *termined to be under visual flight rules without a Terminal*
 14 *Aerodrome Forecast (referred to in this section as “TAF”)*
 15 *or Meteorological Aerodrome Report (METAR) if a current*
 16 *Area Forecast, supplemented by other local weather observa-*
 17 *tions or reports, is available, and an alternate airport that*
 18 *has an available TAF and weather report is specified. The*
 19 *air carrier shall have approved procedures for dispatch and*
 20 *enroute weather evaluation and shall operate under instru-*
 21 *ment flight rules enroute to the destination.*

22 (b) *LIMITATION.—Without a written finding of neces-*
 23 *sity, based on objective and historical evidence of imminent*
 24 *threat to safety, the Administrator shall not promulgate*
 25 *any operation specification, policy, or guidance document*

1 *that is more restrictive than, or requires procedures that*
 2 *are not expressly stated in, the regulations.*

3 **SEC. 5019. TECHNICAL AND CONFORMING AMENDMENTS.**

4 *(a) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*
 5 *CONGESTED AIRPORTS.—Section 40104(c) is amended by*
 6 *striking “47176” and inserting “47175”.*

7 *(b) CONSULTATION ON CARRIER RESPONSE NOT COV-*
 8 *ERED BY PLAN.—Section 41313(c)(16), as amended by sec-*
 9 *tion 3103 of this Act, is further amended by striking “the*
 10 *foreign air carrier will consult” and inserting “will con-*
 11 *sult”.*

12 *(c) WEIGHING MAIL.—Section 41907 is amended by*
 13 *striking “and –administrative” and inserting “and admin-*
 14 *istrative”.*

15 *(d) FLIGHT ATTENDANT CERTIFICATION.—Section*
 16 *44728 is amended—*

17 *(1) in subsection (c), by striking “chapter” and*
 18 *inserting “title”; and*

19 *(2) in subsection (d)(3), by striking “is” and in-*
 20 *serting “be”.*

21 *(e) SCHEDULE OF FEES.—Section 45301(a)(1) is*
 22 *amended by striking “United States government” and in-*
 23 *serting “United States Government”.*

1 (f) *CLASSIFIED EVIDENCE*.—Section 46111(g)(2)(A) is
 2 amended by striking “(18 U.S.C. App.)” and inserting “(18
 3 U.S.C. App.)”.

4 (g) *ALLOWABLE COST STANDARDS*.—Section
 5 47110(b)(2) is amended—

6 (1) in subparagraph (B), by striking
 7 “compatability” and inserting “compatibility”; and

8 (2) in subparagraph (D)(i), by striking “cli-
 9 mactic” and inserting “climatic”.

10 (h) *DEFINITION OF QUALIFIED HUBZONE SMALL*
 11 *BUSINESS CONCERN*.—Section 47113(a)(3) is amended by
 12 striking “(15 U.S.C. 632(o))” and inserting “(15 U.S.C.
 13 632(p))”.

14 (i) *DISCRETIONARY FUND*.—Section 47115, as amend-
 15 ed by section 1006 of this Act, is further amended—

16 (1) by striking subsection (i); and

17 (2) by redesignating subsection (j) as subsection
 18 (i).

19 (j) *SPECIAL APPORTIONMENT CATEGORIES*.—Section
 20 47117(e)(1)(B) is amended by striking “at least” and in-
 21 serting “At least”.

22 (k) *SOLICITATION AND CONSIDERATION OF COM-*
 23 *MENTS*.—Section 47171(l) is amended by striking “4371”
 24 and inserting “4321”.

1 (l) *OPERATIONS AND MAINTENANCE.—Section 48104*
 2 *is amended by striking “(a) AUTHORIZATION OF APPRO-*
 3 *PRIATIONS.—the” and inserting “The”.*

4 (m) *EXPENDITURES FROM AIRPORT AND AIRWAY*
 5 *TRUST FUND.—Section 9502(d)(2) of the Internal Revenue*
 6 *Code of 1986 is amended by striking “farms” and inserting*
 7 *“farms)”.*

8 **SEC. 5020. AVIATION WEATHER OBSERVATIONS.**

9 *The Administrator of the Federal Aviation Adminis-*
 10 *tration shall use the National Airspace Data Interchange*
 11 *Network of the Federal Aviation Administration to publish*
 12 *weather observation data provided by—*

13 (a) *weather stations of the National Weather Service*
 14 *that are approved by the Federal Aviation Administration*
 15 *as air traffic control facilities and are located in a non-*
 16 *contiguous State; and*

17 (b) *modular automated weather stations located in a*
 18 *noncontiguous State.*

19 **SEC. 5021. ROLE OF NATIONAL ADVISORY COMMITTEE ON**
 20 **TRAVEL AND TOURISM INFRASTRUCTURE.**

21 *Section 1431(d) of the Fixing America’s Surface*
 22 *Transportation Act (Public Law 114–94; 49 U.S.C. 301*
 23 *note) is amended—*

24 (1) *in paragraph (7), by striking “; and” and*
 25 *inserting a semicolon;*

1 (2) *in paragraph (8), by striking the period at*
 2 *the end and inserting “; and”; and*

3 (3) *by adding at the end the following:*

4 “(9) *consider the effect of the domestic and inter-*
 5 *national aviation market on travel and tourism in*
 6 *the United States.”.*

7 **SEC. 5022. SENSE OF CONGRESS REGARDING WOMEN IN**
 8 **AVIATION.**

9 *It is the sense of Congress that the aviation industry*
 10 *should explore all opportunities to encourage and support*
 11 *female students and aviators to pursue a career in aviation,*
 12 *including by providing—*

13 (1) *pilot training;*

14 (2) *science, technology, engineering, and mathe-*
 15 *matics education; and*

16 (3) *mentorship programs.*

17 **SEC. 5023. SPECTRUM AVAILABILITY.**

18 (a) *FINDINGS.—Congress makes the following findings:*

19 (1) *The Spectrum Pipeline Act of 2015 (47*
 20 *U.S.C. 921 note) requires the Secretary of Commerce*
 21 *to identify 30 megahertz of electromagnetic spectrum*
 22 *below the frequency of 3 gigahertz to be reallocated to*
 23 *non-Federal use, to shared Federal and non-Federal*
 24 *use, or to a combination thereof.*

1 (2) *The Spectrum Pipeline Act of 2015* (47
2 *U.S.C. 921 note*) authorized the Director of the Office
3 of Management and Budget to use amounts made
4 available through the Spectrum Relocation Fund to
5 make payments to Federal entities for research and
6 development, engineering studies, economic analyses,
7 and other activities intended to improve the efficiency
8 and effectiveness of Federal spectrum use in order to
9 make such spectrum available for reallocation for
10 non-Federal use, for shared Federal and non-Federal
11 use, or for a combination thereof.

12 (3) *The Federal Aviation Administration, in co-*
13 *ordination with the Department of Commerce, the De-*
14 *partment of Defense, and the Department of Home-*
15 *land Security, established the Spectrum Efficient Na-*
16 *tional Surveillance Radar (referred to in this section*
17 *as “SENSR”) Program to assess the feasibility of*
18 *consolidating certain long-range, short-range, and*
19 *weather radar systems in order to make available the*
20 *1300–1350 megahertz band.*

21 (4) *The SENSR Program received approval and*
22 *approximately \$71,500,000 from Office of Manage-*
23 *ment and Budget on June 2, 2017, to proceed with*
24 *Phase I of the SENSR Spectrum Pipeline Plan,*
25 *which will focus on requirements and concept develop-*

1 *ment as well as documenting expected costs and infor-*
2 *mation for all impacted Federal spectrum systems.*

3 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
4 *that the SENSR Program of the Federal Aviation Adminis-*
5 *tration should continue its assessment of the feasibility of*
6 *making the 1300–1350 megahertz band of electromagnetic*
7 *spectrum available for non-Federal use.*

8 **SEC. 5024. REPORT ON ILLEGAL CHARTER FLIGHTS.**

9 *Not later than 180 days after the date of enactment*
10 *of this Act, the Administrator of the Federal Aviation Ad-*
11 *ministration shall submit to the appropriate committees of*
12 *Congress an analysis of reports filed during the 10-year pe-*
13 *riod preceding such date of enactment through the illegal*
14 *charter hotline of the Federal Aviation Administration and*
15 *other sources that includes—*

16 *(1) what follow-up action the Federal Aviation*
17 *Administration takes when a report of illegal charter*
18 *operations is received;*

19 *(2) how the Federal Aviation Administration de-*
20 *cides to allocate resources;*

21 *(3) challenges the Federal Aviation Administra-*
22 *tion faces in identifying illegal operators; and*

23 *(4) recommendations for improving the efforts of*
24 *the Federal Aviation Administration to combat illegal*
25 *charter carrier operations.*

1 **SEC. 5025. FEDERAL AUTHORITY OVER INTERSTATE TRANS-**
 2 **PORTATION.**

3 *Section 14501(c) is amended—*

4 *(1) in paragraph (2), by striking “Paragraph*
 5 *(1)” and inserting “Paragraphs (1) and (6)”;*

6 *(2) in paragraph (3)(A), by striking “Paragraph*
 7 *(1)” and inserting “Paragraphs (1) and (6)”;* and

8 *(3) by adding at the end the following:*

9 *“(6) ADDITIONAL LIMITATIONS.—*

10 *“(A) IN GENERAL.—A State, a political*
 11 *subdivision of a State, or a political authority*
 12 *composed of 2 or more States may not enact or*
 13 *enforce a law, regulation, or other provision hav-*
 14 *ing the force and effect of law relating to meal*
 15 *or rest breaks applicable to employees whose*
 16 *hours of service are subject to regulation by the*
 17 *Secretary under section 31502.*

18 *“(B) SAVINGS PROVISION.—Nothing in this*
 19 *paragraph may be construed to limit the provi-*
 20 *sions under paragraph (1).”.*

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115TH CONGRESS
2D Session

S. 1405

[Report No. 115-243]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration, and for other purposes.

MAY 9, 2018

Reported with an amendment