

Union Calendar No. 213

115TH CONGRESS
1ST SESSION

H. R. 2997

[Report No. 115–296]

To transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 2017

Mr. SHUSTER (for himself, Mr. LOBIONDO, Mr. GRAVES of Missouri, Mr. MITCHELL, Ms. HANABUSA, and Ms. SINEMA) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 6, 2017

Additional sponsors: Mr. SMUCKER, Mr. FARENTHOLD, Mr. WESTERMAN, Mr. FASO, Mr. LAMALFA, Mr. MAST, Mr. SANFORD, Mr. DENHAM, Mr. LEWIS of Minnesota, Mr. BIGGS, Mr. RODNEY DAVIS of Illinois, Mr. DUNCAN of Tennessee, Mr. CRAWFORD, Mr. WOODALL, Mr. MESSER, Mr. BACON, and Mr. GONZALEZ of Texas

SEPTEMBER 6, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

[For text of introduced bill, see copy of bill as introduced on June 22, 2017]

A BILL

To transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

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

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

4 (a) *SHORT TITLE.*—*This Act may be cited as the “21st*
 5 *Century Aviation Innovation, Reform, and Reauthorization*
 6 *Act” or the “21st Century AIRR Act”.*

7 (b) *TABLE OF CONTENTS.*—*The table of contents for*
 8 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Sec. 2. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning
and programs.

Sec. 102. Facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Adjustment to AIP program funding.

Sec. 105. Funding for aviation programs.

Sec. 106. Applicability.

Subtitle B—Passenger Facility Charges

Sec. 111. Passenger facility charge modernization.

Sec. 112. Pilot program for passenger facility charge authorizations.

Subtitle C—Airport Improvement Program Modifications

Sec. 121. Clarification of airport obligation to provide FAA airport space.

Sec. 122. Mothers’ rooms at airports.

Sec. 123. Extension of competitive access reports.

Sec. 124. Grant assurances.

Sec. 125. Government share of project costs.

Sec. 126. Updated veterans’ preference.

Sec. 127. Special rule.

Sec. 128. Marshall Islands, Micronesia, and Palau.

Sec. 129. Nondiscrimination.

Sec. 130. State block grant program expansion.

Sec. 131. Midway Island Airport.

Sec. 132. Property conveyance releases.

Sec. 133. Minority and disadvantaged business participation.

Sec. 134. Contract tower program.

Sec. 135. Airport access roads in remote locations.

Sec. 136. Buy America requirements.

Subtitle D—Airport Noise and Environmental Streamlining

- Sec. 151. Recycling plans for airports.*
Sec. 152. Pilot program sunset.
Sec. 153. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 154. Updating airport noise exposure maps.
Sec. 155. Stage 3 aircraft study.
Sec. 156. Addressing community noise concerns.
Sec. 157. Study on potential health impacts of overflight noise.
Sec. 158. Environmental mitigation pilot program.
Sec. 159. Aircraft noise exposure.
Sec. 160. Community involvement in FAA NextGen projects located in metroplexes.
Sec. 161. Critical habitat on or near airport property.
Sec. 162. Clarification of reimbursable allowed costs of FAA memoranda of agreement.

TITLE II—AMERICAN AIR NAVIGATION SERVICES CORPORATION

- Sec. 201. Purposes.*

Subtitle A—Establishment of Air Traffic Services Provider

- Sec. 211. American Air Navigation Services Corporation.*

Subtitle B—Amendments to Federal Aviation Laws

- Sec. 221. Definitions.*
Sec. 222. Sunset of FAA air traffic entities and officers.
Sec. 223. Role of Administrator.
Sec. 224. Emergency powers.
Sec. 225. Presidential transfers in time of war.
Sec. 226. Airway capital investment plan before date of transfer.
Sec. 227. Aviation facilities before date of transfer.
Sec. 228. Judicial review.
Sec. 229. Civil penalties.

Subtitle C—Other Matters

- Sec. 241. Use of Federal technical facilities.*
Sec. 242. Ensuring progress on NextGen priorities before date of transfer.
Sec. 243. Severability.
Sec. 244. Prohibition on receipt of Federal funds.

TITLE III—FAA SAFETY CERTIFICATION REFORM

Subtitle A—General Provisions

- Sec. 301. Definitions.*
Sec. 302. Safety Oversight and Certification Advisory Committee.

Subtitle B—Aircraft Certification Reform

- Sec. 311. Aircraft certification performance objectives and metrics.*
Sec. 312. Organization designation authorizations.
Sec. 313. ODA review.
Sec. 314. Type certification resolution process.

Sec. 315. Safety enhancing equipment and systems for small general aviation airplanes.

Sec. 316. Review of certification process for small general aviation airplanes.

Subtitle C—Flight Standards Reform

Sec. 331. Flight standards performance objectives and metrics.

Sec. 332. FAA task force on flight standards reform.

Sec. 333. Centralized safety guidance database.

Sec. 334. Regulatory Consistency Communications Board.

Subtitle D—Safety Workforce

Sec. 341. Safety workforce training strategy.

Sec. 342. Workforce review.

Subtitle E—International Aviation

Sec. 351. Promotion of United States aerospace standards, products, and services abroad.

Sec. 352. Bilateral exchanges of safety oversight responsibilities.

Sec. 353. FAA leadership abroad.

Sec. 354. Registration, certification, and related fees.

TITLE IV—SAFETY

Subtitle A—General Provisions

Sec. 401. FAA technical training.

Sec. 402. Safety critical staffing.

Sec. 403. International efforts regarding tracking of civil aircraft.

Sec. 404. Aircraft data access and retrieval systems.

Sec. 405. Advanced cockpit displays.

Sec. 406. Marking of towers.

Sec. 407. Cabin evacuation.

Sec. 408. ODA staffing and oversight.

Sec. 409. Funding for additional safety needs.

Sec. 410. Funding for additional FAA licensing needs.

Sec. 411. Emergency medical equipment on passenger aircraft.

Sec. 412. HIMS program.

Sec. 413. Acceptance of voluntarily provided safety information.

Sec. 414. Flight attendant duty period limitations and rest requirements.

Sec. 415. Secondary cockpit barriers.

Sec. 416. Aviation maintenance industry technical workforce.

Sec. 417. Critical airfield markings.

Subtitle B—Unmanned Aircraft Systems

Sec. 431. Definitions.

Sec. 432. Codification of existing law; additional provisions.

Sec. 433. Unmanned aircraft test ranges.

Sec. 434. Sense of Congress regarding unmanned aircraft safety.

Sec. 435. UAS privacy review.

Sec. 436. Public UAS operations by Tribal governments.

Sec. 437. Evaluation of aircraft registration for small unmanned aircraft.

Sec. 438. Study on roles of governments relating to low-altitude operation of small unmanned aircraft.

Sec. 439. Study on financing of unmanned aircraft services.

- Sec. 440. Update of FAA comprehensive plan.*
Sec. 441. Cooperation related to certain counter-UAS technology.

TITLE V—AIR SERVICE IMPROVEMENTS

Subtitle A—Airline Customer Service Improvements

- Sec. 501. Reliable air service in American Samoa.*
Sec. 502. Cell phone voice communication ban.
Sec. 503. Advisory committee for aviation consumer protection.
Sec. 504. Improved notification of insecticide use.
Sec. 505. Advertisements and disclosure of fees for passenger air transportation.
Sec. 506. Involuntarily bumping passengers after aircraft boarded.
Sec. 507. Availability of consumer rights information.
Sec. 508. Consumer complaints hotline.
Sec. 509. Widespread disruptions.
Sec. 510. Involuntarily denied boarding compensation.
Sec. 511. Consumer information on actual flight times.
Sec. 512. Advisory committee for transparency in air ambulance industry.
Sec. 513. Air ambulance complaints.
Sec. 514. Passenger rights.

Subtitle B—Aviation Consumers With Disabilities

- Sec. 541. Select subcommittee.*
Sec. 542. Aviation consumers with disabilities study.
Sec. 543. Feasibility study on in-cabin wheelchair restraint systems.
Sec. 544. Access advisory committee recommendations.

Subtitle C—Small Community Air Service

- Sec. 551. Essential air service authorization.*
Sec. 552. Extension of final order establishing mileage adjustment eligibility.
Sec. 553. Study on essential air service reform.
Sec. 554. Small community air service.
Sec. 555. Air transportation to noneligible places.

TITLE VI—MISCELLANEOUS

- Sec. 601. Review of FAA strategic cybersecurity plan.*
Sec. 602. Consolidation and realignment of FAA services and facilities.
Sec. 603. FAA review and reform.
Sec. 604. Aviation fuel.
Sec. 605. Right to privacy when using air traffic control system.
Sec. 606. Air shows.
Sec. 607. Part 91 review, reform, and streamlining.
Sec. 608. Aircraft registration.
Sec. 609. Air transportation of lithium cells and batteries.
Sec. 610. Remote tower pilot program for rural and small communities.
Sec. 611. Ensuring FAA readiness to provide seamless oceanic operations.
Sec. 612. Sense of Congress regarding women in aviation.
Sec. 613. Obstruction evaluation aeronautical studies.
Sec. 614. Aircraft leasing.
Sec. 615. Report on obsolete test equipment.
Sec. 616. Retired military controllers.
Sec. 617. Pilots sharing flight expenses with passengers.
Sec. 618. Aviation rulemaking committee for part 135 pilot rest and duty rules.

- Sec. 619. *Metropolitan Washington Airports Authority.*
 Sec. 620. *Terminal Aerodrome Forecast.*
 Sec. 621. *Federal Aviation Administration employees stationed on Guam.*
 Sec. 622. *Technical corrections.*
 Sec. 623. *Application of veterans' preference to Federal Aviation Administration personnel management system.*
 Sec. 624. *Public aircraft eligible for logging flight times.*
 Sec. 625. *Federal Aviation Administration workforce review.*
 Sec. 626. *State taxation.*
 Sec. 627. *Aviation and aerospace workforce of the future.*
 Sec. 628. *Future aviation and aerospace workforce study.*
 Sec. 629. *FAA leadership on civil supersonic aircraft.*
 Sec. 630. *Oklahoma registry office.*
 Sec. 631. *Foreign air transportation under United States-European Union Air Transport Agreement.*
 Sec. 632. *Training on human trafficking for certain staff.*
 Sec. 633. *Part 107 implementation improvements.*
 Sec. 634. *Part 107 transparency and technology improvements.*
 Sec. 635. *Prohibitions against smoking on passenger flights.*
 Sec. 636. *Consumer protection requirements relating to large ticket agents.*
 Sec. 637. *Agency procurement reporting requirements.*
 Sec. 638. *Zero-emission vehicles and technology.*
 Sec. 639. *Employee Assault Prevention and Response Plans.*
 Sec. 640. *Study on training of customer-facing air carrier employees.*
 Sec. 641. *Minimum dimensions for passenger seats.*
 Sec. 642. *Study of ground transportation options.*

1 **SEC. 2. 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. 101. AIRPORT PLANNING AND DEVELOPMENT AND**
 9 **NOISE COMPATIBILITY PLANNING AND PRO-**
 10 **GRAMS.**

11 *(a) AUTHORIZATION.—Section 48103(a) of title 49,*
 12 *United States Code, is amended by striking “section*

1 47504(c)” and all that follows through the period at the
2 end and inserting the following: “section 47504(c)—

3 “(1) \$3,597,000,000 for fiscal year 2018;

4 “(2) \$3,666,000,000 for fiscal year 2019;

5 “(3) \$3,746,000,000 for fiscal year 2020;

6 “(4) \$3,829,000,000 for fiscal year 2021;

7 “(5) \$3,912,000,000 for fiscal year 2022; and

8 “(6) \$3,998,000,000 for fiscal year 2023.”.

9 (b) *OBLIGATION AUTHORITY*.—Section 47104(c) of
10 title 49, United States Code, is amended in the matter pre-
11 ceding paragraph (1) by striking “September 30, 2017,”
12 and inserting “September 30, 2023,”.

13 **SEC. 102. FACILITIES AND EQUIPMENT.**

14 (a) *AUTHORIZATION OF APPROPRIATIONS FROM AIR-*
15 *PORT AND AIRWAY TRUST FUND*.—Section 48101(a) of title
16 49, United States Code, is amended by striking paragraphs
17 (1) through (5) and inserting the following:

18 “(1) \$2,920,000,000 for fiscal year 2018.

19 “(2) \$2,984,000,000 for fiscal year 2019.

20 “(3) \$3,049,000,000 for fiscal year 2020.”.

21 (b) *SET ASIDES*.—Section 48101(d) of title 49, United
22 States Code, is amended by inserting “, carried out using
23 amounts appropriated under subsection (a),” after “air
24 traffic control modernization project”.

1 (c) *AUTHORIZATION OF APPROPRIATIONS FROM GEN-*
2 *ERAL FUND.*—

3 (1) *IN GENERAL.*—*Title 49, United States Code,*
4 *is amended by inserting after section 48101 the fol-*
5 *lowing:*

6 **“§ 48101a. Other facilities and equipment**

7 *“There is authorized to be appropriated to the Sec-*
8 *retary of Transportation to acquire, establish, and improve*
9 *facilities and equipment (other than facilities and equip-*
10 *ment relating to air traffic services)—*

11 *“(1) \$189,000,000 for fiscal year 2021;*

12 *“(2) \$193,000,000 for fiscal year 2022; and*

13 *“(3) \$198,000,000 for fiscal year 2023.”.*

14 (2) *CLERICAL AMENDMENT.*—*The analysis for*
15 *chapter 481 of title 49, United States Code, is amend-*
16 *ed by inserting after the item relating to section*
17 *48101 the following:*

“48101a. Other facilities and equipment.”.

18 (3) *CONFORMING AMENDMENTS.*—

19 (A) *SUBMISSION OF BUDGET INFORMATION*
20 *AND LEGISLATIVE RECOMMENDATIONS AND COM-*
21 *MENTS.*—*Section 48109 of title 49, United States*
22 *Code, is amended by inserting “, 48101a,” before*
23 *“or 48102”.*

24 (B) *REPROGRAMMING NOTIFICATION RE-*
25 *QUIREMENT.*—*Section 48113 of title 49, United*

1 *States Code, is amended by inserting “48101a,”*
2 *before “or 48103”.*

3 **SEC. 103. FAA OPERATIONS.**

4 *(a) AUTHORIZATION OF APPROPRIATIONS FROM GEN-*
5 *ERAL FUND.—Section 106(k)(1) of title 49, United States*
6 *Code, is amended—*

7 *(1) in the paragraph heading by inserting*
8 *“FROM GENERAL FUND” after “MAINTENANCE”; and*

9 *(2) by striking subparagraphs (A) through (E)*
10 *and inserting the following:*

11 *“(A) \$2,059,000,000 for fiscal year 2018;*

12 *“(B) \$2,126,000,000 for fiscal year 2019;*

13 *“(C) \$2,197,000,000 for fiscal year 2020;*

14 *“(D) \$1,957,000,000 for fiscal year 2021;*

15 *“(E) \$2,002,000,000 for fiscal year 2022;*

16 *and*

17 *“(F) \$2,047,000,000 for fiscal year 2023.”.*

18 *(b) AUTHORIZATION OF APPROPRIATIONS FROM AIR-*
19 *PORT AND AIRWAY TRUST FUND.—Section 106(k)(2) of title*
20 *49, United States Code, is amended to read as follows:*

21 *“(2) SALARIES, OPERATIONS, AND MAINTENANCE*
22 *FROM AIRPORT AND AIRWAY TRUST FUND.—There is*
23 *authorized to be appropriated to the Secretary out of*
24 *the Airport and Airway Trust Fund established under*
25 *section 9502 of the Internal Revenue Code of 1986 for*

1 *salaries, operations, and maintenance of the Adminis-*
2 *tration—*

3 *“(A) \$8,073,000,000 for fiscal year 2018;*

4 *“(B) \$8,223,000,000 for fiscal year 2019;*

5 *and*

6 *“(C) \$8,374,000,000 for fiscal year 2020.”.*

7 *(c) AUTHORITY TO TRANSFER FUNDS.—Section*
8 *106(k)(3) of title 49, United States Code, is amended—*

9 *(1) by striking “fiscal years 2012 through 2017”*
10 *and inserting “fiscal years 2018 through 2020”; and*

11 *(2) by striking “paragraph (1)” each place it*
12 *appears and inserting “paragraphs (1) and (2)”.*

13 ***SEC. 104. ADJUSTMENT TO AIP PROGRAM FUNDING.***

14 *Section 48112 of title 49, United States Code, and the*
15 *item relating to such section in the analysis for chapter 481*
16 *of such title, are repealed.*

17 ***SEC. 105. FUNDING FOR AVIATION PROGRAMS.***

18 *Section 48114(a)(1)(A)(ii) of title 49, United States*
19 *Code, is amended by striking “in fiscal year 2014 and each*
20 *fiscal year thereafter” and inserting “in fiscal years 2014*
21 *through 2017”.*

22 ***SEC. 106. APPLICABILITY.***

23 *This subtitle, and the amendments made by this sub-*
24 *title, shall apply only to fiscal years beginning after Sep-*
25 *tember 30, 2017.*

1 **Subtitle B—Passenger Facility**
2 **Charges**

3 **SEC. 111. PASSENGER FACILITY CHARGE MODERNIZATION.**

4 Section 40117(b) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (1) by striking “or \$3” and in-
7 serting “\$3, \$4, or \$4.50”;

8 (2) by repealing paragraph (4);

9 (3) in paragraph (6)—

10 (A) by striking “specified in paragraphs (1)
11 and (4)” and inserting “specified in paragraph
12 (1)”; and

13 (B) by striking “imposed under paragraph
14 (1) or (4)” and inserting “imposed under para-
15 graph (1)”; and

16 (4) in paragraph (7)(A)—

17 (A) by striking “specified in paragraphs
18 (1), (4), and (6)” and inserting “specified in
19 paragraphs (1) and (6)”; and

20 (B) by striking “imposed under paragraph
21 (1) or (4)” and inserting “imposed under para-
22 graph (1)”.

1 **SEC. 112. PILOT PROGRAM FOR PASSENGER FACILITY**
 2 **CHARGE AUTHORIZATIONS.**

3 *Section 40117(l) of title 49, United States Code, is*
 4 *amended—*

5 *(1) in the subsection heading by striking “AT*
 6 *NONHUB AIRPORTS”;* and

7 *(2) in paragraph (1) by striking “nonhub”.*

8 ***Subtitle C—Airport Improvement***
 9 ***Program Modifications***

10 **SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO**
 11 **PROVIDE FAA AIRPORT SPACE.**

12 *Section 44502 of title 49, United States Code, is*
 13 *amended by adding at the end the following:*

14 *“(f) AIRPORT SPACE.—*

15 *“(1) IN GENERAL.—Except as provided in para-*
 16 *graph (2), the Administrator of the Federal Aviation*
 17 *Administration may not require an airport owner,*
 18 *operator, or sponsor (as defined in section 47102) to*
 19 *provide building construction, maintenance, utilities,*
 20 *administrative support, or space on airport property*
 21 *to the Federal Aviation Administration without ade-*
 22 *quate compensation.*

23 *“(2) EXCEPTIONS.—Paragraph (1) does not*
 24 *apply in any case in which an airport owner, oper-*
 25 *ator, or sponsor—*

1 “(A) provides land or buildings without
2 compensation prior to the date of transfer (as de-
3 fined in section 90101(a)) to the Federal Avia-
4 tion Administration for facilities used to carry
5 out activities related to air traffic control or
6 navigation pursuant to a grant assurance; or

7 “(B) provides goods or services to the Fed-
8 eral Aviation Administration without compensa-
9 tion or at below-market rates pursuant to a ne-
10 gotiated agreement between the owner, operator,
11 or sponsor and the Administrator.”.

12 **SEC. 122. MOTHERS’ ROOMS AT AIRPORTS.**

13 (a) *LACTATION AREA DEFINED.*—Section 47102 of
14 title 49, United States Code, is amended by adding at the
15 end the following:

16 “(29) ‘lactation area’ means a room or other lo-
17 cation in a commercial service airport that—

18 “(A) provides a location for members of the
19 public to express breast milk that is shielded
20 from view and free from intrusion from the pub-
21 lic;

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

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

1 “(D) is readily accessible to and usable by
2 individuals with disabilities, including individ-
3 uals who use wheelchairs; and

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

5 (b) *PROJECT GRANT WRITTEN ASSURANCES FOR*
6 *LARGE AND MEDIUM HUB AIRPORTS.*—

7 (1) *IN GENERAL.*—Section 47107(a) of title 49,
8 *United States Code, is amended—*

9 (A) *in paragraph (20) by striking “and” at*
10 *the end;*

11 (B) *in paragraph (21) by striking the pe-*
12 *riod at the end and inserting “; and”; and*

13 (C) *by adding at the end the following:*

14 “(22) *with respect to a medium or large hub air-*
15 *port, the airport owner or operator will maintain a*
16 *lactation area in each passenger terminal building of*
17 *the airport in the sterile area (as defined in section*
18 *1540.5 of title 49, Code of Federal Regulations) of the*
19 *building.”.*

20 (2) *APPLICABILITY.*—

21 (A) *IN GENERAL.*—*The amendment made*
22 *by paragraph (1) shall apply to a project grant*
23 *application submitted for a fiscal year beginning*
24 *on or after the date that is 2 years after the date*
25 *of enactment of this Act.*

1 (B) *SPECIAL RULE.*—*The requirement in*
2 *the amendment made by paragraph (1) that a*
3 *lactation area be located in the sterile area of a*
4 *passenger terminal building shall not apply with*
5 *respect to a project grant application for a pe-*
6 *riod of time, determined by the Secretary of*
7 *Transportation, if the Secretary determines that*
8 *construction or maintenance activities make it*
9 *impracticable or unsafe for the lactation area to*
10 *be located in the sterile area of the building.*

11 (c) *TERMINAL DEVELOPMENT COSTS.*—*Section*
12 *47119(a) of title 49, United States Code, is amended by*
13 *adding at the end the following:*

14 “(3) *LACTATION AREAS.*—*In addition to the*
15 *projects described in paragraph (1), the Secretary*
16 *may approve a project for terminal development for*
17 *the construction or installation of a lactation area at*
18 *a commercial service airport.”.*

19 (d) *PRE-EXISTING FACILITIES.*—*On application by*
20 *an airport sponsor, the Secretary may determine that a lac-*
21 *tation area in existence on the date of enactment of this*
22 *Act complies with the requirement of section 47107(a)(22)*
23 *of title 49, United States Code, as added by this section,*
24 *notwithstanding the absence of one of the facilities or char-*
25 *acteristics referred to in the definition of the term “lacta-*

1 *tion area” in section 47102 of such title, as added by this*
2 *section.*

3 **SEC. 123. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

4 *Section 47107(r)(3) of title 49, United States Code, is*
5 *amended by striking “October 1, 2017” and inserting “Oc-*
6 *tober 1, 2023”.*

7 **SEC. 124. GRANT ASSURANCES.**

8 *(a) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—*
9 *Section 47107 is amended by adding at the end the fol-*
10 *lowing:*

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

12 *“(1) IN GENERAL.—The construction of a covered*
13 *aircraft shall be treated as an aeronautical activity*
14 *for purposes of—*

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

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

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

23 *“(A) used or intended to be used exclusively*
24 *for recreational purposes; and*

1 “(B) constructed or under construction by a
2 private individual at a general aviation air-
3 port.”.

4 (b) *COMMUNITY USE OF AIRPORT LAND.*—Section
5 47107 of title 49, United States Code, as amended by this
6 section, is further amended by adding at the end the fol-
7 lowing:

8 “(v) *COMMUNITY USE OF AIRPORT LAND.*—

9 “(1) *IN GENERAL.*—Notwithstanding subsection
10 (a)(13), and subject to paragraph (2), the sponsor of
11 a public-use airport shall not be considered to be in
12 violation of this subtitle, or to be found in violation
13 of a grant assurance made under this section, or
14 under any other provision of law, as a condition for
15 the receipt of Federal financial assistance for airport
16 development, solely because the sponsor has entered
17 into an agreement, including a revised agreement,
18 with a local government providing for the use of air-
19 port property for an interim compatible recreational
20 purpose at below fair market value.

21 “(2) *RESTRICTIONS.*—This subsection shall
22 apply only—

23 “(A) to an agreement regarding airport
24 property that was initially entered into before
25 the publication of the Federal Aviation Adminis-

1 *tration’s Policy and Procedures Concerning the*
2 *Use of Airport Revenue, dated February 16,*
3 *1999;*

4 “(B) *if the agreement between the sponsor*
5 *and the local government is subordinate to any*
6 *existing or future agreements between the sponsor*
7 *and the Secretary, including agreements related*
8 *to a grant assurance under this section;*

9 “(C) *to airport property that was acquired*
10 *under a Federal airport development grant pro-*
11 *gram;*

12 “(D) *if the airport sponsor has provided a*
13 *written statement to the Administrator that the*
14 *property made available for a recreational pur-*
15 *pose will not be needed for any aeronautical pur-*
16 *pose during the next 10 years;*

17 “(E) *if the agreement includes a term of not*
18 *more than 2 years to prepare the airport prop-*
19 *erty for the interim compatible recreational pur-*
20 *pose and not more than 10 years of use for that*
21 *purpose;*

22 “(F) *if the recreational purpose will not im-*
23 *act the aeronautical use of the airport;*

24 “(G) *if the airport sponsor provides a cer-*
25 *tification that the sponsor is not responsible for*

1 *preparation, start-up, operations, maintenance,*
2 *or any other costs associated with the rec-*
3 *reational purpose; and*

4 “(H) *if the recreational purpose is con-*
5 *sistent with Federal land use compatibility cri-*
6 *teria under section 47502.*”

7 “(3) *STATUTORY CONSTRUCTION.—Nothing in*
8 *this subsection may be construed as permitting a di-*
9 *version of airport revenue for the capital or operating*
10 *costs associated with the community use of airport*
11 *land.*”

12 **SEC. 125. GOVERNMENT SHARE OF PROJECT COSTS.**

13 *Section 47109(a) of title 49, United States Code, is*
14 *amended—*

15 (1) *in paragraph (1) by striking “primary air-*
16 *port having at least .25 percent of the total number*
17 *of passenger boardings each year at all commercial*
18 *service airports;” and inserting “medium or large hub*
19 *airport;”;* and

20 (2) *by striking paragraph (5) and inserting the*
21 *following:*

22 “(5) *95 percent for a project that—*

23 “(A) *the Administrator determines is a suc-*
24 *cessive phase of a multi-phase construction*

1 *project for which the sponsor received a grant in*
2 *fiscal year 2011; and*

3 “(B) *for which the United States Govern-*
4 *ment’s share of allowable project costs could oth-*
5 *erwise be 90 percent under paragraph (2) or*
6 *(3).”.*

7 **SEC. 126. UPDATED VETERANS’ PREFERENCE.**

8 *Section 47112(c)(1)(C) of title 49, United States Code,*
9 *is amended—*

10 (1) *by striking “or Operation New Dawn for*
11 *more” and inserting “Operation New Dawn, Oper-*
12 *ation Inherent Resolve, Operation Freedom’s Sentinel,*
13 *or any successor contingency operation to such oper-*
14 *ations for more”;* and

15 (2) *by striking “or Operation New Dawn*
16 *(whichever is later)” and inserting “Operation New*
17 *Dawn, Operation Inherent Resolve, Operation Free-*
18 *dom’s Sentinel, or any successor contingency oper-*
19 *ation to such operations (whichever is later).”.*

20 **SEC. 127. SPECIAL RULE.**

21 *Section 47114(d)(3) of title 49, United States Code,*
22 *is amended by adding at the end the following:*

23 “(C) *During fiscal years 2018 through*
24 *2020—*

1 “(i) an airport that accrued apportionment funds under subparagraph (A) in fiscal year 2013 that is listed as having an unclassified status under the most recent national plan of integrated airport systems shall continue to accrue apportionment funds under subparagraph (A) at the same amount the airport accrued apportionment funds in fiscal year 2013, subject to the conditions of this paragraph;

11 “(ii) notwithstanding the period of availability as described in section 47117(b), an amount apportioned to an airport under clause (i) shall be available to the airport only during the fiscal year in which the amount is apportioned; and

17 “(iii) notwithstanding the waiver permitted under section 47117(c)(2), an airport receiving apportionment funds under clause (i) may not waive its claim to any part of the apportioned funds in order to make the funds available for a grant for another public-use airport.

24 “(D) An airport that re-establishes its classified status shall be eligible to accrue apportion-

1 *ment funds pursuant to subparagraph (A) so*
2 *long as such airport retains its classified sta-*
3 *tus.”.*

4 **SEC. 128. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

5 *Section 47115 of title 49, United States Code, is*
6 *amended—*

7 (1) *by striking subsection (i);*

8 (2) *by redesignating subsection (j) as subsection*
9 *(i); and*

10 (3) *in subsection (i) (as so redesignated) by*
11 *striking “fiscal years 2012 through 2017” and insert-*
12 *ing “fiscal years 2017 through 2023”.*

13 **SEC. 129. NONDISCRIMINATION.**

14 *Section 47123 of title 49, United States Code, is*
15 *amended—*

16 (1) *by striking “The Secretary of Transpor-*
17 *tation” and inserting the following:*

18 “(a) *IN GENERAL.—The Secretary of Transportation*”;

19 *and*

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

21 “(b) *INDIAN EMPLOYMENT.—*

22 “(1) *TRIBAL SPONSOR PREFERENCE.—Consistent*
23 *with section 703(i) of the Civil Rights Act of 1964 (42*
24 *U.S.C. 2000e-2(i)), nothing in this section shall pre-*

1 *clude the preferential employment of Indians living*
2 *on or near a reservation on a project or contract at—*

3 *“(A) an airport sponsored by an Indian*
4 *tribal government; or*

5 *“(B) an airport located on an Indian res-*
6 *ervation.*

7 *“(2) STATE PREFERENCE.—A State may imple-*
8 *ment a preference for employment of Indians on a*
9 *project carried out under this subchapter near an In-*
10 *dian reservation.*

11 *“(3) IMPLEMENTATION.—The Secretary shall co-*
12 *operate with Indian tribal governments and the*
13 *States to implement this subsection.*

14 *“(4) INDIAN TRIBAL GOVERNMENT DEFINED.—In*
15 *this section, the term ‘Indian tribal government’ has*
16 *the same meaning given that term in section 102 of*
17 *the Robert T. Stafford Disaster Relief and Emergency*
18 *Assistance Act (42 U.S.C. 5122).”.*

19 **SEC. 130. STATE BLOCK GRANT PROGRAM EXPANSION.**

20 *Section 47128(a) of title 49, United States Code, is*
21 *amended by striking “not more than 9 qualified States for*
22 *fiscal years 2000 and 2001 and 10 qualified States for each*
23 *fiscal year thereafter” and inserting “not more than 20*
24 *qualified States for each fiscal year”.*

1 **SEC. 131. MIDWAY ISLAND AIRPORT.**

2 *Section 186(d) of the Vision 100—Century of Aviation*
3 *Reauthorization Act (117 Stat. 2518) is amended in the*
4 *first sentence by striking “fiscal years 2012 through 2017”*
5 *and inserting “fiscal years 2017 through 2023”.*

6 **SEC. 132. PROPERTY CONVEYANCE RELEASES.**

7 *Section 817(a) of the FAA Modernization and Reform*
8 *Act of 2012 (49 U.S.C. 47125 note) is amended—*

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

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

13 **SEC. 133. MINORITY AND DISADVANTAGED BUSINESS PAR-**
14 **TICIPATION.**

15 *Congress finds the following:*

16 *(1) While significant progress has occurred due*
17 *to the establishment of the airport disadvantaged*
18 *business enterprise program (49 U.S.C. 47107(e) and*
19 *47113), discrimination and related barriers continue*
20 *to pose significant obstacles for minority- and*
21 *women-owned businesses seeking to do business in air-*
22 *port-related markets across the Nation. These con-*
23 *tinuing barriers merit the continuation of the airport*
24 *disadvantaged business enterprise program.*

25 *(2) Congress has received and reviewed testimony*
26 *and documentation of race and gender discrimination*

1 *from numerous sources, including congressional hear-*
2 *ings and roundtables, scientific reports, reports issued*
3 *by public and private agencies, news stories, reports*
4 *of discrimination by organizations and individuals,*
5 *and discrimination lawsuits. This testimony and doc-*
6 *umentation shows that race- and gender-neutral ef-*
7 *forts alone are insufficient to address the problem.*

8 *(3) This testimony and documentation dem-*
9 *onstrates that discrimination across the Nation poses*
10 *a barrier to full and fair participation in airport-re-*
11 *lated businesses of women business owners and minor-*
12 *ity business owners in the racial groups detailed in*
13 *parts 23 and 26 of title 49, Code of Federal Regula-*
14 *tions, and has impacted firm development and many*
15 *aspects of airport-related business in the public and*
16 *private markets.*

17 *(4) This testimony and documentation provides*
18 *a strong basis that there is a compelling need for the*
19 *continuation of the airport disadvantaged business*
20 *enterprise program and the airport concessions dis-*
21 *advantaged business enterprise program to address*
22 *race and gender discrimination in airport-related*
23 *business.*

24 **SEC. 134. CONTRACT TOWER PROGRAM.**

25 *(a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—*

1 (1) *SPECIAL RULE.*—Section 47124(b)(1)(B) of
2 title 49, United States Code, is amended by striking
3 “exceeds the benefit for a period of 18 months after
4 such determination is made” and inserting the fol-
5 lowing: “exceeds the benefit—

6 “(i) for the 1-year period after such de-
7 termination is made; or

8 “(ii) if an appeal of such determina-
9 tion is requested, for the 1-year period de-
10 scribed in subsection (d)(4)(D)”.

11 (2) *FUNDING OF COST-SHARE PROGRAM.*—Sec-
12 tion 47124(b)(3)(E) of title 49, United States Code, is
13 amended to read as follows:

14 “(E) *FUNDING.*—Amounts appropriated
15 pursuant to section 106(k)(1) may be used to
16 carry out this paragraph.”.

17 (3) *CONSTRUCTION OF AIR TRAFFIC CONTROL*
18 *TOWERS.*—

19 (A) *GRANTS.*—Section 47124(b)(4)(A) of
20 title 49, United States Code, is amended in each
21 of clauses (i)(III) and (ii)(III) by inserting “,
22 including remote air traffic control tower equip-
23 ment certified by the Federal Aviation Adminis-
24 tration” after “1996”.

1 (B) *ELIGIBILITY.*—Section 47124(b)(4)(B)
2 of title 49, United States Code, is amended to
3 read as follows:

4 “(B) *ELIGIBILITY.*—

5 “(i) *BEFORE DATE OF TRANSFER.*—
6 Before the date of transfer (as defined in
7 section 90101(a)), an airport sponsor shall
8 be eligible for a grant under this paragraph
9 only if—

10 “(I)(aa) the sponsor is a partici-
11 pant in the Federal Aviation Adminis-
12 tration contract tower program estab-
13 lished under subsection (a) and contin-
14 ued under paragraph (1) or the pilot
15 program established under paragraph
16 (3); or

17 “(bb) construction of a non-
18 approach control tower would qualify
19 the sponsor to be eligible to participate
20 in such program;

21 “(II) the sponsor certifies that it
22 will pay not less than 10 percent of the
23 cost of the activities for which the
24 sponsor is receiving assistance under
25 this paragraph;

1 “(III) the Secretary affirmatively
2 accepts the proposed contract tower
3 into a contract tower program under
4 this section and certifies that the Sec-
5 retary will seek future appropriations
6 to pay the Federal Aviation Adminis-
7 tration’s cost of the contract to operate
8 the tower to be constructed under this
9 paragraph;

10 “(IV) the sponsor certifies that it
11 will pay its share of the cost of the con-
12 tract to operate the tower to be con-
13 structed under this paragraph; and

14 “(V) in the case of a tower to be
15 constructed under this paragraph from
16 amounts made available under section
17 47114(d)(2) or 47114(d)(3)(B), the
18 Secretary certifies that—

19 “(aa) the Federal Aviation
20 Administration has consulted the
21 State within the borders of which
22 the tower is to be constructed and
23 the State supports the construc-
24 tion of the tower as part of its
25 State airport capital plan; and

1 “(bb) the selection of the
2 tower for funding is based on ob-
3 jective criteria.

4 “(ii) ON AND AFTER DATE OF TRANS-
5 FER.—On and after the date of transfer (as
6 defined in section 90101(a)), an airport
7 sponsor shall be eligible for a grant under
8 this paragraph only if—

9 “(I) the Secretary determines that
10 the tower to be constructed at the spon-
11 sor’s airport using the amounts of the
12 grant will be operated pursuant to an
13 agreement entered into by the Amer-
14 ican Air Navigation Services Corpora-
15 tion and an entity pursuant to section
16 90302(c)(3);

17 “(II) the sponsor certifies that it
18 will pay not less than 10 percent of the
19 cost of the activities for which the
20 sponsor is receiving assistance under
21 this paragraph; and

22 “(III) in the case of a tower to be
23 constructed under this paragraph from
24 amounts made available under section

1 47114(d)(2) or 47114(d)(3)(B), the
2 Secretary certifies that—

3 “(aa) the Federal Aviation
4 Administration has consulted the
5 State within the borders of which
6 the tower is to be constructed and
7 the State supports the construc-
8 tion of the tower as part of its
9 State airport capital plan; and

10 “(bb) the selection of the
11 tower for funding is based on ob-
12 jective criteria.”.

13 (C) *LIMITATION ON FEDERAL SHARE.*—Sec-
14 tion 47124(b)(4) of title 49, United States Code,
15 is amended by striking subparagraph (C).

16 (4) *BENEFIT-TO-COST CALCULATION FOR PRO-*
17 *GRAM APPLICANTS.*—Section 47124(b)(3) of title 49,
18 United States Code, is amended by adding at the end
19 the following:

20 “(G) *BENEFIT-TO-COST CALCULATION.*—Not
21 later than 90 days after receiving an application
22 to the Contract Tower Program, the Secretary
23 shall calculate a benefit-to-cost ratio (as de-
24 scribed in subsection (d)) for the applicable air
25 traffic control tower for purposes of selecting

1 *towers for participation in the Contract Tower*
2 *Program.”.*

3 **(b) SAFETY AUDITS.**—*Section 47124(c) of title 49,*
4 *United States Code, is amended—*

5 *(1) by striking “The Secretary” and inserting*
6 *the following:*

7 *“(1) BEFORE DATE OF TRANSFER.—Before the*
8 *date of transfer (as defined in section 90101(a)), the*
9 *Secretary”;* and

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

11 *“(2) ON AND AFTER DATE OF TRANSFER.—On*
12 *and after the date of transfer (as defined in section*
13 *90101(a)), oversight of air traffic control towers that*
14 *receive funding under this section shall be carried out*
15 *in accordance with performance-based regulations*
16 *and minimum safety standards prescribed under sec-*
17 *tion 90501.”.*

18 **(c) CRITERIA TO EVALUATE PARTICIPANTS.**—*Section*
19 *47124 of title 49, United States Code, is amended by adding*
20 *at the end the following:*

21 **“(d) CRITERIA TO EVALUATE PARTICIPANTS.—**

22 **“(1) TIMING OF EVALUATIONS.—**

23 **“(A) TOWERS PARTICIPATING IN COST-**
24 **SHARE PROGRAM.—In the case of an air traffic**
25 *control tower that is operated under the program*

1 *established under subsection (b)(3), the Secretary*
2 *shall annually calculate a benefit-to-cost ratio*
3 *with respect to the tower.*

4 “(B) *TOWERS PARTICIPATING IN CONTRACT*
5 *TOWER PROGRAM.—In the case of an air traffic*
6 *control tower that is operated under the program*
7 *established under subsection (a) and continued*
8 *under subsection (b)(1), the Secretary shall not*
9 *calculate a benefit-to-cost ratio after the date of*
10 *enactment of this subsection with respect to the*
11 *tower unless the Secretary determines that the*
12 *annual aircraft traffic at the airport where the*
13 *tower is located has decreased—*

14 “(i) *by more than 25 percent from the*
15 *previous year; or*

16 “(ii) *by more than 60 percent cumula-*
17 *tively in the preceding 3-year period.*

18 “(2) *COSTS TO BE CONSIDERED.—In establishing*
19 *a benefit-to-cost ratio under this section with respect*
20 *to an air traffic control tower, the Secretary shall*
21 *consider only the following costs:*

22 “(A) *The Federal Aviation Administration’s*
23 *actual cost of wages and benefits of personnel*
24 *working at the tower.*

1 “(B) *The Federal Aviation Administration’s*
2 *actual telecommunications costs directly associ-*
3 *ated with the tower.*

4 “(C) *The Federal Aviation Administration’s*
5 *costs of purchasing and installing any air traffic*
6 *control equipment that would not have been pur-*
7 *chased or installed except for the operation of the*
8 *tower.*

9 “(D) *The Federal Aviation Administra-*
10 *tion’s actual travel costs associated with main-*
11 *taining air traffic control equipment that is*
12 *owned by the Administration and would not be*
13 *maintained except for the operation of the tower.*

14 “(3) *OTHER CRITERIA TO BE CONSIDERED.—In*
15 *establishing a benefit-to-cost ratio under this section*
16 *with respect to an air traffic control tower, the Sec-*
17 *retary shall add a 10 percentage point margin of*
18 *error to the benefit-to-cost ratio determination to ac-*
19 *knowledge and account for the direct and indirect eco-*
20 *nomie and other benefits that are not included in the*
21 *criteria the Secretary used in calculating that ratio.*

22 “(4) *REVIEW OF COST-BENEFIT DETERMINA-*
23 *TIONS.—In issuing a benefit-to-cost ratio determina-*
24 *tion under this section with respect to an air traffic*

1 *control tower located at an airport, the Secretary*
2 *shall implement the following procedures:*

3 “(A) *The Secretary shall provide the airport*
4 *(or the State or local government having juris-*
5 *isdiction over the airport) at least 90 days fol-*
6 *lowing the date of receipt of the determination to*
7 *submit to the Secretary a request for an appeal*
8 *of the determination, together with updated or*
9 *additional data in support of the appeal.*

10 “(B) *Upon receipt of a request for an ap-*
11 *peal submitted pursuant to subparagraph (A),*
12 *the Secretary shall—*

13 “(i) *transmit to the Administrator of*
14 *the Federal Aviation Administration any*
15 *updated or additional data submitted in*
16 *support of the appeal; and*

17 “(ii) *provide the Administrator not*
18 *more than 90 days to review the data and*
19 *provide a response to the Secretary based on*
20 *the review.*

21 “(C) *After receiving a response from the Ad-*
22 *ministrator pursuant to subparagraph (B), the*
23 *Secretary shall—*

1 “(i) provide the airport, State, or local
2 government that requested the appeal at
3 least 30 days to review the response; and

4 “(ii) withhold from taking further ac-
5 tion in connection with the appeal during
6 that 30-day period.

7 “(D) If, after completion of the appeal pro-
8 cedures with respect to the determination, the
9 Secretary requires the tower to transition into
10 the program established under subsection (b)(3),
11 the Secretary shall not require a cost-share pay-
12 ment from the airport, State, or local govern-
13 ment for 1 year following the last day of the 30-
14 day period described in subparagraph (C).”.

15 **SEC. 135. AIRPORT ACCESS ROADS IN REMOTE LOCATIONS.**

16 Notwithstanding section 47102 of title 49, United
17 States Code, for fiscal years 2017 through 2020, the defini-
18 tion of the term “terminal development” under that section
19 includes the development of an airport access road that—

20 (1) is located in a noncontiguous State;

21 (2) is not more than 3 miles in length;

22 (3) connects to the nearest public roadways of
23 not more than the 2 closest census designated places;

24 and

1 (4) *is constructed for the purpose of connecting*
2 *the census designated places with a planned or newly*
3 *constructed airport.*

4 **SEC. 136. BUY AMERICA REQUIREMENTS.**

5 (a) *NOTICE OF WAIVERS.—If the Secretary of Trans-*
6 *portation determines that it is necessary to waive the appli-*
7 *cation of section 50101(a) of title 49, United States Code,*
8 *based on a finding under section 50101(b) of that title, the*
9 *Secretary, at least 10 days before the date on which the*
10 *waiver takes effect, shall—*

11 (1) *make publicly available, in an easily identi-*
12 *fiable location on the website of the Department of*
13 *Transportation, a detailed written justification of the*
14 *waiver determination; and*

15 (2) *provide an informal public notice and com-*
16 *ment opportunity on the waiver determination.*

17 (b) *ANNUAL REPORT.—For each fiscal year, the Sec-*
18 *retary shall submit to the Committee on Transportation*
19 *and Infrastructure of the House of Representatives and the*
20 *Committee on Commerce, Science, and Transportation of*
21 *the Senate a report on waivers issued under section 50101*
22 *of title 49, United States Code, during the fiscal year.*

1 ***Subtitle D—Airport Noise and***
2 ***Environmental Streamlining***

3 **SEC. 151. RECYCLING PLANS FOR AIRPORTS.**

4 *Section 47106(a)(6) of title 49, United States Code,*
5 *is amended by inserting “that includes the project” before*
6 *“, the master plan”.*

7 **SEC. 152. PILOT PROGRAM SUNSET.**

8 *(a) IN GENERAL.—Section 47140 of title 49, United*
9 *States Code, is repealed.*

10 *(b) CONFORMING AMENDMENT.—Section 47140a of*
11 *title 49, United States Code, is redesignated as section*
12 *47140.*

13 *(c) CLERICAL AMENDMENTS.—The analysis for chap-*
14 *ter 471 of title 49, United States Code, is amended—*

15 *(1) by striking the items relating to sections*
16 *47140 and 47140a; and*

17 *(2) by inserting after the item relating to section*
18 *47139 the following:*

“47140. Increasing the energy efficiency of airport power sources.”.

19 **SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
20 ***IBLE LAND USE PLANNING AND PROJECTS BY***
21 ***STATE AND LOCAL GOVERNMENTS.***

22 *Section 47141(f) of title 49, United States Code, is*
23 *amended by striking “September 30, 2017” and inserting*
24 *“September 30, 2023”.*

1 **SEC. 154. UPDATING AIRPORT NOISE EXPOSURE MAPS.**

2 *Section 47503(b) of title 49, United States Code, is*
3 *amended to read as follows:*

4 “(b) *REVISED MAPS.*—

5 “(1) *IN GENERAL.*—*An airport operator that*
6 *submitted a noise exposure map under subsection (a)*
7 *shall submit a revised map to the Secretary if, in an*
8 *area surrounding an airport, a change in the oper-*
9 *ation of the airport would establish a substantial new*
10 *noncompatible use, or would significantly reduce*
11 *noise over existing noncompatible uses, that is not re-*
12 *flected in either the existing conditions map or fore-*
13 *cast map currently on file with the Federal Aviation*
14 *Administration.*

15 “(2) *TIMING.*—*A submission under paragraph*
16 *(1) shall be required only if the relevant change in the*
17 *operation of the airport occurs during—*

18 “(A) *the forecast period of the applicable*
19 *noise exposure map submitted by an airport op-*
20 *erator under subsection (a); or*

21 “(B) *the implementation period of the air-*
22 *port operator’s noise compatibility program.”*

23 **SEC. 155. STAGE 3 AIRCRAFT STUDY.**

24 (a) *STUDY.*—*Not later than 180 days after the date*
25 *of enactment of this Act, the Comptroller General of the*
26 *United States shall initiate a review of the potential bene-*

1 *fits, costs, and other impacts that would result from a*
2 *phaseout of covered stage 3 aircraft.*

3 (b) *CONTENTS.—The review shall include—*

4 (1) *a determination of the number, types, fre-*
5 *quency of operations, and owners and operators of*
6 *covered stage 3 aircraft;*

7 (2) *an analysis of the potential benefits, costs,*
8 *and other impacts to air carriers, general aviation*
9 *operators, airports, communities surrounding air-*
10 *ports, and the general public associated with phasing*
11 *out or reducing the operations of covered stage 3 air-*
12 *craft, assuming such a phaseout or reduction is put*
13 *into effect over a reasonable period of time;*

14 (3) *a determination of lessons learned from the*
15 *phaseout of stage 2 aircraft that might be applicable*
16 *to a phaseout or reduction in the operations of cov-*
17 *ered stage 3 aircraft, including comparisons between*
18 *the benefits, costs, and other impacts associated with*
19 *the phaseout of stage 2 aircraft and the potential ben-*
20 *efits, costs, and other impacts determined under para-*
21 *graph (2);*

22 (4) *a determination of the costs and logistical*
23 *challenges associated with recertifying stage 3 aircraft*
24 *capable of meeting stage 4 noise levels; and*

1 (5) *a determination of stakeholder views on the*
2 *feasibility and desirability of phasing out covered*
3 *stage 3 aircraft, including the views of—*

4 (A) *air carriers;*

5 (B) *airports;*

6 (C) *communities surrounding airports;*

7 (D) *aircraft and avionics manufacturers;*

8 (E) *operators of covered stage 3 aircraft*
9 *other than air carriers; and*

10 (F) *such other stakeholders and aviation ex-*
11 *perts as the Comptroller General considers ap-*
12 *propriate.*

13 (c) *REPORT.—Not later than 18 months after the date*
14 *of enactment of this Act, the Comptroller General shall sub-*
15 *mit to the Committee on Transportation and Infrastructure*
16 *of the House of Representatives and the Committee on Com-*
17 *merce, Science, and Transportation of the Senate a report*
18 *on the results of the review.*

19 (d) *COVERED STAGE 3 AIRCRAFT DEFINED.—In this*
20 *section, the term “covered stage 3 aircraft” means an air-*
21 *craft weighing more than 75,000 pounds that is not capable*
22 *of meeting the stage 4 noise levels in part 36 of title 14,*
23 *Code of Federal Regulations.*

1 **SEC. 156. ADDRESSING COMMUNITY NOISE CONCERNS.**

2 *When proposing a new area navigation departure pro-*
3 *cedure, or amending an existing procedure that would di-*
4 *rect aircraft between the surface and 6,000 feet above*
5 *ground level over noise sensitive areas, the Administrator*
6 *of the Federal Aviation Administration shall consider the*
7 *feasibility of dispersal headings or other lateral track vari-*
8 *ations to address community noise concerns, if—*

9 (1) *the affected airport operator, in consultation*
10 *with the affected community, submits a request to the*
11 *Administrator for such a consideration;*

12 (2) *the airport operator's request would not, in*
13 *the judgment of the Administrator, conflict with the*
14 *safe and efficient operation of the national airspace*
15 *system; and*

16 (3) *the effect of a modified departure procedure*
17 *would not significantly increase noise over noise sen-*
18 *sitive areas, as determined by the Administrator.*

19 **SEC. 157. STUDY ON POTENTIAL HEALTH IMPACTS OF**
20 **OVERFLIGHT NOISE.**

21 (a) *IN GENERAL.—Not later than 180 days after the*
22 *date of enactment of this Act, the Administrator of the Fed-*
23 *eral Aviation Administration shall enter into an agreement*
24 *with an eligible institution of higher education to conduct*
25 *a study on the health impacts of noise from aircraft flights*

1 *on residents exposed to a range of noise levels from such*
2 *flights.*

3 (b) *SCOPE OF STUDY.—The study shall—*

4 (1) *include an examination of the incremental*
5 *health impacts attributable to noise exposure that re-*
6 *sult from aircraft flights, including sleep disturbance*
7 *and elevated blood pressure;*

8 (2) *be focused on residents in the metropolitan*
9 *area of—*

10 (A) *Boston;*

11 (B) *Chicago;*

12 (C) *the District of Columbia;*

13 (D) *New York;*

14 (E) *the Northern California Metroplex;*

15 (F) *Phoenix;*

16 (G) *the Southern California Metroplex; or*

17 (H) *such other area as may be identified by*
18 *the Administrator;*

19 (3) *consider, in particular, the incremental*
20 *health impacts on residents living partly or wholly*
21 *underneath flight paths most frequently used by air-*
22 *craft flying at an altitude lower than 10,000 feet, in-*
23 *cluding during takeoff or landing; and*

24 (4) *include an assessment of the relationship be-*
25 *tween a perceived increase in aircraft noise, including*

1 *as a result of a change in flight paths that increases*
2 *the visibility of aircraft from a certain location, and*
3 *an actual increase in aircraft noise, particularly in*
4 *areas with high or variable levels of nonaircraft-re-*
5 *lated ambient noise.*

6 (c) *ELIGIBILITY.*—*An institution of higher education*
7 *is eligible to conduct the study if the institution—*

8 (1) *has—*

9 (A) *a school of public health that has par-*
10 *ticipated in the Center of Excellence for Aircraft*
11 *Noise and Aviation Emissions Mitigation of the*
12 *Federal Aviation Administration; or*

13 (B) *a center for environmental health that*
14 *receives funding from the National Institute of*
15 *Environmental Health Sciences;*

16 (2) *is located in one of the areas identified in*
17 *subsection (b);*

18 (3) *applies to the Administrator in a timely*
19 *fashion;*

20 (4) *demonstrates to the satisfaction of the Ad-*
21 *ministrator that the institution is qualified to con-*
22 *duct the study;*

23 (5) *agrees to submit to the Administrator, not*
24 *later than 3 years after entering into an agreement*

1 *under subsection (a), the results of the study, includ-*
2 *ing any source materials used; and*

3 *(6) meets such other requirements as the Admin-*
4 *istrator determines necessary.*

5 *(d) REPORT.—Not later than 90 days after the Admin-*
6 *istrator receives the results of the study, the Administrator*
7 *shall submit to the Committee on Transportation and In-*
8 *frastructure of the House of Representatives and the Com-*
9 *mittee on Commerce, Science, and Transportation of the*
10 *Senate a report containing the results.*

11 **SEC. 158. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

12 *(a) IN GENERAL.—The Secretary of Transportation*
13 *shall carry out a pilot program involving not more than*
14 *6 projects at public-use airports in accordance with this*
15 *section.*

16 *(b) GRANTS.—In carrying out the program, the Sec-*
17 *retary may make grants to sponsors of public-use airports*
18 *from funds apportioned under section 47117(e)(1)(A) of*
19 *title 49, United States Code.*

20 *(c) USE OF FUNDS.—Amounts from a grant received*
21 *by the sponsor of a public-use airport under the program*
22 *shall be used for environmental mitigation projects that will*
23 *measurably reduce or mitigate aviation impacts on noise,*
24 *air quality, or water quality at the airport or within 5*
25 *miles of the airport.*

1 (d) *ELIGIBILITY.*—Notwithstanding any other provi-
2 sion of chapter 471 of title 49, United States Code, an envi-
3 ronmental mitigation project approved under this section
4 shall be treated as eligible for assistance under that chapter.

5 (e) *SELECTION CRITERIA.*—In selecting from among
6 applicants for participation in the program, the Secretary
7 may give priority consideration to projects that—

8 (1) will achieve the greatest reductions in air-
9 craft noise, airport emissions, or airport water qual-
10 ity impacts either on an absolute basis or on a per
11 dollar of funds expended basis; and

12 (2) will be implemented by an eligible consor-
13 tium.

14 (f) *FEDERAL SHARE.*—The Federal share of the cost
15 of a project carried out under the program shall be 50 per-
16 cent.

17 (g) *MAXIMUM AMOUNT.*—Not more than \$2,500,000
18 may be made available by the Secretary in grants under
19 the program for any single project.

20 (h) *IDENTIFYING BEST PRACTICES.*—The Secretary
21 may establish and publish information identifying best
22 practices for reducing or mitigating aviation impacts on
23 noise, air quality, and water quality at airports or in the
24 vicinity of airports based on the projects carried out under
25 the program.

1 (i) *SUNSET.*—*The program shall terminate 5 years*
2 *after the Secretary makes the first grant under the program.*

3 (j) *DEFINITIONS.*—*In this section, the following defini-*
4 *tions apply:*

5 (1) *ELIGIBLE CONSORTIUM.*—*The term “eligible*
6 *consortium” means a consortium that is comprised of*
7 *2 or more of the following entities:*

8 (A) *Businesses incorporated in the United*
9 *States.*

10 (B) *Public or private educational or re-*
11 *search organizations located in the United*
12 *States.*

13 (C) *Entities of State or local governments*
14 *in the United States.*

15 (D) *Federal laboratories.*

16 (2) *ENVIRONMENTAL MITIGATION PROJECT.*—*The*
17 *term “environmental mitigation project” means a*
18 *project that—*

19 (A) *introduces new environmental mitiga-*
20 *tion techniques or technologies that have been*
21 *proven in laboratory demonstrations;*

22 (B) *proposes methods for efficient adapta-*
23 *tion or integration of new concepts into airport*
24 *operations; and*

1 (C) will demonstrate whether new tech-
2 niques or technologies for environmental mitiga-
3 tion are—

4 (i) practical to implement at or near
5 multiple public-use airports; and

6 (ii) capable of reducing noise, airport
7 emissions, or water quality impacts in
8 measurably significant amounts.

9 **SEC. 159. AIRCRAFT NOISE EXPOSURE.**

10 (a) *REVIEW.*—The Administrator of the Federal Avia-
11 tion Administration shall conduct a review of the relation-
12 ship between aircraft noise exposure and its effects on com-
13 munities around airports.

14 (b) *REPORT.*—

15 (1) *IN GENERAL.*—Not later than 2 years after
16 the date of enactment of this Act, the Administrator
17 shall submit to Congress a report containing the re-
18 sults of the review.

19 (2) *PRELIMINARY RECOMMENDATIONS.*—The re-
20 port shall contain such preliminary recommendations
21 as the Administrator determines appropriate for re-
22 vising the land use compatibility guidelines in part
23 150 of title 14, Code of Federal Regulations, based on
24 the results of the review and in coordination with
25 other agencies.

1 **SEC. 160. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
2 **PROJECTS LOCATED IN METROPLEXES.**

3 (a) *COMMUNITY INVOLVEMENT POLICY.*—Not later
4 than 180 days after the date of enactment of this Act, the
5 Administrator of the Federal Aviation Administration shall
6 complete a review of the Federal Aviation Administration’s
7 community involvement practices for Next Generation Air
8 Transportation System (NextGen) projects located in
9 metroplexes identified by the Administration. The review
10 shall include, at a minimum, a determination of how and
11 when to engage airports and communities in performance-
12 based navigation proposals.

13 (b) *REPORT.*—Not later than 60 days after completion
14 of the review, the Administrator shall submit to the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report on—

18 (1) *how the Administration will improve com-*
19 *munity involvement practices for NextGen projects lo-*
20 *cated in metroplexes;*

21 (2) *how and when the Administration will en-*
22 *gage airports and communities in performance-based*
23 *navigation proposals; and*

24 (3) *lessons learned from NextGen projects and*
25 *pilot programs and how those lessons learned are*
26 *being integrated into community involvement prac-*

1 *tices for future NextGen projects located in*
2 *metropolises.*

3 **SEC. 161. CRITICAL HABITAT ON OR NEAR AIRPORT PROP-**
4 **ERTY.**

5 *(a) FEDERAL AGENCY REQUIREMENTS.—The Sec-*
6 *retary of Transportation, to the maximum extent prac-*
7 *ticable, shall work with the heads of appropriate Federal*
8 *agencies to ensure that designations of critical habitat, as*
9 *that term is defined in section 3 of the Endangered Species*
10 *Act of 1973 (16 U.S.C. 1532), on or near airport property*
11 *do not—*

12 *(1) result in conflicting statutory, regulatory, or*
13 *Federal grant assurance requirements for airports or*
14 *aircraft operators;*

15 *(2) interfere with the safe operation of aircraft;*
16 *or*

17 *(3) occur on airport-owned lands that have be-*
18 *come attractive habitat for a threatened or endan-*
19 *gered species because such lands—*

20 *(A) have been prepared for future develop-*
21 *ment;*

22 *(B) have been designated as noise buffer*
23 *land; or*

1 (C) are held by the airport to prevent en-
2 croachment of uses that are incompatible with
3 airport operations.

4 (b) *STATE REQUIREMENTS.*—In a State where a State
5 agency is authorized to designate land on or near airport
6 property for the conservation of a threatened or endangered
7 species in the State, the Secretary, to the maximum extent
8 practicable, shall work with the State in the same manner
9 as the Secretary works with the heads of Federal agencies
10 under subsection (a).

11 **SEC. 162. CLARIFICATION OF REIMBURSABLE ALLOWED**
12 **COSTS OF FAA MEMORANDA OF AGREEMENT.**

13 Section 47504(c)(2) of title 49, United States Code, is
14 amended—

15 (1) in subparagraph (D) by striking “and” at
16 the end;

17 (2) in subparagraph (E) by striking the period
18 at the end and inserting “; and”; and

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

20 “(F) to an airport operator of a congested air-
21 port (as defined in section 47175) and a unit of local
22 government referred to in paragraph (1)(B) to carry
23 out a project to mitigate noise, if the project—

24 “(i) consists of—

1 “(I) replacement windows, doors, and
2 the installation of through-the-wall air-con-
3 ditioning units; or

4 “(II) a contribution of the equivalent
5 costs to be used for reconstruction, if recon-
6 struction is the preferred local solution;

7 “(ii) is located at a school near the airport;
8 and

9 “(iii) is included in a memorandum of
10 agreement entered into before September 30,
11 2002, even if the airport has not met the require-
12 ments of part 150 of title 14, Code of Federal
13 Regulations, and only if the financial limita-
14 tions of the memorandum are applied.”.

15 **TITLE II—AMERICAN AIR NAVI-**
16 **GATION SERVICES CORPORA-**
17 **TION**

18 **SEC. 201. PURPOSES.**

19 *It is declared to be the purpose of Congress in this title*
20 *to transfer operation of air traffic services currently pro-*
21 *vided by the Federal Aviation Administration to a separate*
22 *not-for-profit corporate entity to provide for the more effi-*
23 *cient operation and improvement of air traffic services.*

1 ***Subtitle A—Establishment of Air***
 2 ***Traffic Services Provider***

3 ***SEC. 211. AMERICAN AIR NAVIGATION SERVICES CORPORA-***
 4 ***TION.***

5 (a) *IN GENERAL.*—Title 49, United States Code, is
 6 amended by adding at the end the following:

7 ***“Subtitle XI—American Air***
 8 ***Navigation Services Corporation***

<i>“Chapter</i>	<i>Sec.</i>
“901. General Provisions	90101
“903. Establishment of Air Traffic Services Provider; Transfer of Air Traffic Services	90301
“905. Regulation of Air Traffic Services Provider	90501
“907. General Rights of Access to Airspace, Airports, and Air Traffic Services Vital for Ensuring Safe Operations for All Users	90701
“909. Continuity of Air Traffic Services to Department of Defense and Other Public Agencies	90901
“911. Employee Management	91101
“913. Other Matters	91301
“915. Congressional Oversight of Air Traffic Services Provider	91501

9 ***“CHAPTER 901—GENERAL PROVISIONS***

“Sec.
“90101. Definitions.

10 ***“§90101. Definitions***

11 “(a) *IN GENERAL.*—In this subtitle, the following defi-
 12 nitions apply:

13 “(1) *ADMINISTRATOR.*—The term ‘Adminis-
 14 trator’ means the Administrator of the FAA.

15 “(2) *AIR TRAFFIC SERVICES.*—The term ‘air
 16 traffic services’ means services—

1 “(A) used for the monitoring, directing,
2 control, and guidance of aircraft or flows of air-
3 craft and for the safe conduct of flight, including
4 communications, navigation, and surveillance
5 services and provision of aeronautical informa-
6 tion; and

7 “(B) provided directly, or contracted for, by
8 the FAA before the date of transfer.

9 “(3) AIR TRAFFIC SERVICES USER.—The term
10 ‘air traffic services user’ means any individual or en-
11 tity using air traffic services provided by the Cor-
12 poration within United States airspace or inter-
13 national airspace delegated to the United States.

14 “(4) BOARD.—The term ‘Board’ means the
15 Board of Directors of the Corporation.

16 “(5) CEO.—The term ‘CEO’ means the Chief
17 Executive Officer of the Corporation.

18 “(6) CHARGE; FEE.—The terms ‘charge’ and ‘fee’
19 mean any rate, charge, fee, or other service charge for
20 the use of air traffic services.

21 “(7) CORPORATION.—The term ‘Corporation’
22 means the American Air Navigation Services Cor-
23 poration established under this subtitle.

24 “(8) DATE OF TRANSFER.—The term ‘date of
25 transfer’ means the date on which the Corporation as-

1 *sumes operational control of air traffic services from*
2 *the FAA pursuant to this subtitle, which shall be Oc-*
3 *tober 1, 2020.*

4 “(9) *DIRECTOR.*—*The term ‘Director’ means a*
5 *Director of the Board.*

6 “(10) *FAA.*—*The term ‘FAA’ means the Federal*
7 *Aviation Administration.*

8 “(11) *INTERIM CEO.*—*The term ‘Interim CEO’*
9 *means the Interim Chief Executive Officer of the Cor-*
10 *poration.*

11 “(12) *REGIONAL AIR CARRIER.*—*The term ‘re-*
12 *gional air carrier’ means an air carrier operating*
13 *under part 121 of title 14, Code of Federal Regula-*
14 *tions, that—*

15 “(A) *exclusively or primarily operates air-*
16 *craft with a seating capacity of 76 seats or*
17 *fewer; and*

18 “(B) *is not majority owned or controlled by*
19 *any other air carrier or air carrier holding com-*
20 *pany.*

21 “(13) *SECRETARY.*—*The term ‘Secretary’ means*
22 *the Secretary of Transportation.*

23 “(b) *APPLICABILITY OF OTHER DEFINITIONS.*—*Except*
24 *with respect to the terms specifically defined in this subtitle,*

1 *the definitions contained in section 40102(a) shall apply*
 2 *to the terms used in this subtitle.*

3 **“CHAPTER 903—ESTABLISHMENT OF AIR**
 4 **TRAFFIC SERVICES PROVIDER; TRANS-**
 5 **FER OF AIR TRAFFIC SERVICES**

“Sec.

“90301. *Establishment of Corporation.*

“90302. *Transfer of air traffic services.*

“90303. *Role of Secretary in transferring air traffic services to Corporation.*

“90304. *Status and applicable laws.*

“90305. *Nomination Panels for Board.*

“90306. *Board of Directors.*

“90307. *Fiduciary duties and qualifications of Directors.*

“90308. *Bylaws and duties.*

“90309. *Committees of Board; independent auditors.*

“90310. *Advisory Board.*

“90311. *Officers and their responsibilities.*

“90312. *Authority of Corporation.*

“90313. *Charges and fees for air traffic services.*

“90314. *Preemption of authority over air traffic services.*

“90315. *Actions by and against Corporation.*

“90316. *Transfer of Federal personnel to Corporation.*

“90317. *Transfer of facilities to Corporation.*

“90318. *Approval of transferred air navigation facilities and other equipment.*

“90319. *Use of spectrum systems and data.*

“90320. *Transition plan.*

6 **“§90301. *Establishment of Corporation***

7 “(a) *FEDERAL CHARTER.—There is established a fed-*
 8 *erally chartered, not-for-profit corporation to be known as*
 9 *the ‘American Air Navigation Services Corporation’, which*
 10 *shall be incorporated in a State of its choosing.*

11 “(b) *CORPORATION NAME.—*

12 “(1) *IN GENERAL.—The Corporation may con-*
 13 *duct its business and affairs, and otherwise hold itself*
 14 *out, as the ‘American Air Navigation Services Cor-*
 15 *poration’ in any jurisdiction.*

1 “(2) *EXCLUSIVE RIGHT.*—*The Corporation shall*
2 *have the exclusive right to use the name ‘American*
3 *Air Navigation Services Corporation’.*

4 “(3) *ALTERNATIVE NAME.*—*The Corporation*
5 *may do business under a name other than the ‘Amer-*
6 *ican Air Navigation Services Corporation’ at its*
7 *choosing.*

8 **“§90302. *Transfer of air traffic services***

9 “(a) *IN GENERAL.*—*The Secretary shall transfer oper-*
10 *ational control over air traffic services within United States*
11 *airspace and international airspace delegated to the United*
12 *States to the Corporation on the date of transfer in a sys-*
13 *tematic and orderly manner that ensures continuity of safe*
14 *air traffic services.*

15 “(b) *MANAGEMENT AND OPERATION OF AIR TRAFFIC*
16 *SERVICES.*—*Subject to section 90501, including the per-*
17 *formance-based regulations and minimum safety standards*
18 *prescribed under that section, the Corporation may estab-*
19 *lish and carry out plans for the management and operation*
20 *of air traffic services within United States airspace and*
21 *international airspace delegated to the United States.*

22 “(c) *ENTITIES AUTHORIZED TO PROVIDE AIR TRAF-*
23 *FIC SERVICES AFTER DATE OF TRANSFER.*—*After the date*
24 *of transfer, no entity, other than the Corporation, is author-*
25 *ized or permitted to provide air traffic services within*

1 *United States airspace or international airspace delegated*
2 *to the United States, except for—*

3 “(1) *the Department of Defense, as authorized by*
4 *chapter 909;*

5 “(2) *entities to which the United States has dele-*
6 *gated certain air traffic services responsibilities;*

7 “(3) *entities with which the Corporation has*
8 *contracted for the provision of air traffic services; and*

9 “(4) *entities authorized to operate an unmanned*
10 *aircraft traffic management system or service pursu-*
11 *ant to section 45506 or 45507.*

12 **“§ 90303. *Role of Secretary in transferring air traffic***
13 ***services to Corporation***

14 “(a) *IN GENERAL.—As appropriate, and except as oth-*
15 *erwise provided, the Secretary shall manage and execute the*
16 *transfer of operational control over air traffic services pur-*
17 *suant to section 90302(a) and any related transition proc-*
18 *esses and procedures.*

19 “(b) *NONDELEGATION.—Except as otherwise provided,*
20 *the Secretary may not delegate any of the authority or re-*
21 *quirements under this subtitle to the Administrator.*

22 **“§ 90304. *Status and applicable laws***

23 “(a) *NON-FEDERAL ENTITY.—The Corporation is not*
24 *a department, agency, or instrumentality of the United*
25 *States Government, and is not subject to title 31.*

1 “(b) *LIABILITY.*—*The United States Government shall*
2 *not be liable for the actions or inactions of the Corporation.*

3 “(c) *NOT-FOR-PROFIT CORPORATION.*—*The Corpora-*
4 *tion shall maintain its status as a not-for-profit corpora-*
5 *tion exempt from taxation under the Internal Revenue Code*
6 *of 1986.*

7 “(d) *NO FEDERAL GUARANTEE.*—*Any debt assumed*
8 *by the Corporation shall not have an implied or explicit*
9 *Federal guarantee.*

10 **“§ 90305. *Nomination Panels for Board***

11 “(a) *IN GENERAL.*—*The Nomination Panels described*
12 *in subsection (b) shall be responsible for nominating indi-*
13 *viduals to serve as Directors pursuant to section 90306.*

14 “(b) *NOMINATION PANELS.*—*The Nomination Panels*
15 *shall be as follows:*

16 “(1) *PASSENGER AIR CARRIER NOMINATION*
17 *PANEL.*—*A Passenger Air Carrier Nomination Panel*
18 *composed of passenger air carrier representatives,*
19 *with each air carrier with more than 30,000,000 an-*
20 *nuual passenger enplanements designating 1 represent-*
21 *ative to the Panel.*

22 “(2) *CARGO AIR CARRIER NOMINATION PANEL.*—
23 *A Cargo Air Carrier Nomination Panel composed of*
24 *cargo air carrier representatives, with each all-cargo*
25 *air carrier with more than 1,000,000 total annual en-*

1 *planed cargo revenue tons designating 1 representa-*
2 *tive to the Panel.*

3 “(3) *REGIONAL AIR CARRIER NOMINATION*
4 *PANEL.—A Regional Air Carrier Nomination Panel*
5 *composed of regional air carrier representatives, with*
6 *each of the 3 largest regional air carriers, as meas-*
7 *ured by annual passenger enplanements, designating*
8 *1 representative to the Panel.*

9 “(4) *GENERAL AVIATION NOMINATION PANEL.—A*
10 *General Aviation Nomination Panel composed of 6*
11 *representatives designated by the principal organiza-*
12 *tion representing noncommercial owners and rec-*
13 *reational operators of general aviation aircraft.*

14 “(5) *BUSINESS AVIATION NOMINATION PANEL.—*
15 *A Business Aviation Nomination Panel composed*
16 *of—*

17 “(A) *2 representatives designated by the*
18 *principal organization representing owners, op-*
19 *erators, and users of general aviation aircraft*
20 *used exclusively in furtherance of business enter-*
21 *prises;*

22 “(B) *2 representatives designated by the*
23 *principal organization representing aviation-re-*
24 *lated businesses, including fixed-base operators;*
25 *and*

1 “(C) 2 representatives designated by the
2 principal organization representing aerospace
3 manufacturers of general aviation aircraft and
4 equipment.

5 “(6) AIR TRAFFIC CONTROLLER NOMINATION
6 PANEL.—An Air Traffic Controller Nomination Panel
7 composed of 6 representatives designated by the larg-
8 est organization engaged in collective bargaining on
9 behalf of air traffic controllers employed by the Cor-
10 poration.

11 “(7) AIRPORT NOMINATION PANEL.—An Airport
12 Nomination Panel composed of—

13 “(A) 3 representatives designated by the
14 principal organization representing commercial
15 service airports; and

16 “(B) 3 representatives designated by the
17 principal organization representing airport ex-
18 ecutives.

19 “(8) COMMERCIAL PILOT NOMINATION PANEL.—
20 A Commercial Pilot Nomination Panel composed of
21 commercial pilot representatives, with each organiza-
22 tion engaged in collective bargaining on behalf of air
23 carrier pilots with more than 5,000 members desig-
24 nating 1 member to the Panel.

25 “(c) DETERMINATION OF ENTITIES.—

1 “(1) *BEFORE DATE OF TRANSFER.*—*Before the*
2 *date of transfer, and not later than 30 days after the*
3 *date of enactment of this subtitle, the Secretary shall*
4 *determine the entities referred to in subsection (b).*

5 “(2) *AFTER DATE OF TRANSFER.*—*On and after*
6 *the date of transfer, the Board shall determine the en-*
7 *tities referred to in subsection (b), in accordance with*
8 *the bylaws of the Corporation.*

9 “(3) *STATISTICS.*—*In determining annual statis-*
10 *tics for purposes of this subsection, the Secretary and*
11 *the Board shall utilize data published by the Depart-*
12 *ment of Transportation for the most recent calendar*
13 *year.*

14 “(4) *LIMITATIONS.*—

15 “(A) *SINGLE DESIGNATION.*—*No entity de-*
16 *termined under this subsection may designate a*
17 *representative to more than 1 Nomination Panel.*

18 “(B) *CARRIERS OWNED OR CONTROLLED BY*
19 *SAME HOLDING COMPANY.*—*If 2 or more air car-*
20 *riers determined under this subsection are owned*
21 *or controlled by the same holding company, only*
22 *1 of those air carriers may designate a represent-*
23 *ative to a Nomination Panel.*

1 “(d) *TERMS.*—*An individual on a Nomination Panel*
2 *shall serve at the pleasure of the entity that the individual*
3 *is representing.*

4 “(e) *QUALIFICATIONS.*—*Only an individual who is a*
5 *citizen of the United States may be designated to a Nomina-*
6 *tion Panel.*

7 “(f) *PROHIBITIONS.*—*An individual may not serve on*
8 *a Nomination Panel if the individual is—*

9 “(1) *an officer or employee of the Corporation;*

10 “(2) *a Member of Congress or an elected official*
11 *-serving in a State, local, or Tribal government; or*

12 “(3) *an officer or employee of the Federal Gov-*
13 *ernment or any State, local, or Tribal government.*

14 “(g) *LARGEST ORGANIZATION ENGAGED IN COLLEC-*
15 *TIVE BARGAINING ON BEHALF OF AIR TRAFFIC CONTROL-*
16 *TERS EMPLOYED BY THE CORPORATION DEFINED.*—*Before*
17 *the date of transfer, in this section, the term ‘largest organi-*
18 *zation engaged in collective bargaining on behalf of air traf-*
19 *fic controllers employed by the Corporation’ means the larg-*
20 *est organization engaged in collective bargaining on behalf*
21 *of air traffic controllers employed by the FAA.*

22 “**§90306. Board of Directors**

23 “(a) *AUTHORITY.*—*The powers of the Corporation*
24 *shall be vested in a Board of Directors that governs the Cor-*
25 *poration.*

1 “(b) *COMPOSITION OF BOARD.*—*The Board shall be*
2 *composed of the following Directors:*

3 “(1) *The CEO.*

4 “(2) *2 Directors appointed by the Secretary.*

5 “(3) *1 Director nominated by the Passenger Air*
6 *Carrier Nomination Panel.*

7 “(4) *1 Director nominated by the Cargo Air Car-*
8 *rier Nomination Panel.*

9 “(5) *1 Director nominated by the Regional Air*
10 *Carrier Nomination Panel.*

11 “(6) *1 Director nominated by the General Avia-*
12 *tion Nomination Panel.*

13 “(7) *1 Director nominated by the Business Avia-*
14 *tion Nomination Panel.*

15 “(8) *1 Director nominated by the Air Traffic*
16 *Controller Nomination Panel.*

17 “(9) *1 Director nominated by the Airport Nomi-*
18 *nation Panel.*

19 “(10) *1 Director nominated by the Commercial*
20 *Pilot Nomination Panel.*

21 “(11) *2 Directors nominated and selected by the*
22 *other Directors.*

23 “(c) *NOMINATIONS AND APPOINTMENTS.*—

24 “(1) *PRIOR TO DATE OF TRANSFER.*—

1 “(A) *SUBMISSION OF NOMINATION LISTS.*—
2 *Before the date of transfer, and not later than 60*
3 *days after the date of enactment of this subtitle,*
4 *each Nomination Panel shall submit to the Sec-*
5 *retary a list, chosen by consensus, of 4 individ-*
6 *uals nominated to be Directors.*

7 “(B) *APPOINTMENT AND SELECTION.*—*Not*
8 *later than 30 days after the date on which the*
9 *last nomination list is submitted under subpara-*
10 *graph (A), the Secretary shall—*

11 “(i) *appoint 2 individuals to be Direc-*
12 *tors under subsection (b)(2); and*

13 “(ii) *select, pursuant to subsection (b),*
14 *the appropriate number of individuals to be*
15 *Directors from each nomination list.*

16 “(C) *RESUBMISSION.*—*A Nomination Panel*
17 *shall resubmit a list submitted under subpara-*
18 *graph (A), not later than 15 days after notifica-*
19 *tion by the Secretary of the need to resubmit the*
20 *list, if the Secretary determines that an indi-*
21 *vidual on the list is—*

22 “(i) *not qualified to serve as a Director*
23 *under section 90307; or*

24 “(ii) *otherwise not fit to serve as a Di-*
25 *rector.*

1 “(D) *AT-LARGE DIRECTORS.*—Not later
2 than 30 days after the Secretary appoints and
3 selects the Directors pursuant to subparagraph
4 (B), the Board shall nominate and select the ad-
5 ditional Directors under subsection (b)(11) by a
6 two-thirds vote.

7 “(2) *AFTER DATE OF TRANSFER.*—

8 “(A) *NOMINATION.*—As appropriate, a
9 Nomination Panel shall submit to the Board a
10 list, chosen by consensus, of 4 individuals nomi-
11 nated to be Directors.

12 “(B) *SELECTION.*—The Board shall select,
13 pursuant to subsection (b), the appropriate num-
14 ber of individuals to be Directors from a list sub-
15 mitted by a Nomination Panel.

16 “(C) *RESUBMISSION.*—A Nomination Panel
17 shall resubmit a list submitted under subpara-
18 graph (A), not later than 15 days after notifica-
19 tion by the Board of the need to resubmit the
20 list, if the Board determines that more than 1
21 individual on the list is—

22 “(i) not qualified to serve as a Director
23 under section 90307; or

24 “(ii) otherwise not fit to serve as a Di-
25 rector.

1 “(D) *AT-LARGE DIRECTORS.*—*The Board*
2 *shall nominate and select Directors under sub-*
3 *section (b)(11) in accordance with the bylaws of*
4 *the Corporation.*

5 “(E) *APPOINTED DIRECTORS.*—*None of the*
6 *Directors appointed by the Secretary under sub-*
7 *section (b)(2) shall be subject to approval by the*
8 *Board.*

9 “(d) *CHAIRPERSON.*—*The Chairperson of the Board*
10 *shall—*

11 “(1) *be selected from among the Directors (other*
12 *than the CEO) by a majority vote of the Directors;*
13 *and*

14 “(2) *subject to subsection (e), serve until replaced*
15 *by a majority vote of the Directors.*

16 “(e) *TERMS.*—

17 “(1) *INITIAL TERMS.*—*The term of each Director*
18 *appointed, or nominated and selected, before the date*
19 *of transfer (other than the CEO) shall expire on the*
20 *date that is 2 years after the date of transfer.*

21 “(2) *SUBSEQUENT TERMS.*—*The term of each*
22 *Director appointed, or nominated and selected, on or*
23 *after the date of transfer (other than the CEO) shall*
24 *be 4 years, except as provided by paragraph (3).*

1 “(3) *STAGGERING.*—*The Board shall stagger the*
2 *duration of the terms of the initial Directors ap-*
3 *pointed, or nominated and selected, after the date of*
4 *transfer to promote the stability of the Board.*

5 “(4) *TERM LIMIT.*—*Except as provided by sub-*
6 *section (f)(3), a Director may not serve on the Board*
7 *for more than 8 years.*

8 “(f) *VACANCIES.*—

9 “(1) *BEFORE DATE OF TRANSFER.*—*Before the*
10 *date of transfer, a vacancy on the Board shall be*
11 *filled in the manner in which the original appoint-*
12 *ment or selection was made.*

13 “(2) *AFTER DATE OF TRANSFER.*—*After the date*
14 *of transfer, a vacancy on the Board shall be filled in*
15 *the manner in which the original appointment was*
16 *made (in the case of Directors appointed under sub-*
17 *section (b)(2)) or in the manner described under sub-*
18 *section (c)(2) (in the case of Directors nominated by*
19 *Nomination Panels or the Board).*

20 “(3) *SERVICE UNTIL SUCCESSOR TAKES OF-*
21 *FICE.*—*A Director may serve after the expiration of*
22 *the Director’s term until a successor has been ap-*
23 *pointed or nominated and selected.*

24 “(g) *MEETINGS AND QUORUM.*—

25 “(1) *MEETINGS.*—

1 “(A) *IN GENERAL.*—*The Board shall meet*
 2 *at the call of the Chairperson (or as otherwise*
 3 *provided in the bylaws) and, at a minimum, on*
 4 *a quarterly basis.*

5 “(B) *INITIAL MEETING.*—*Not later than 90*
 6 *days after the date of enactment of this subtitle,*
 7 *the Board shall hold its initial meeting.*

8 “(C) *IN-PERSON MEETING.*—*At least 1*
 9 *meeting of the Board each year shall be con-*
 10 *ducted in person.*

11 “(2) *QUORUM.*—*A quorum of the Board, con-*
 12 *sisting of a majority of the Directors then in office,*
 13 *shall be required to conduct any business of the*
 14 *Board.*

15 “(3) *APPROVAL OF BOARD ACTIONS.*—*Except as*
 16 *otherwise provided, the threshold for approving Board*
 17 *actions shall be as set forth in the bylaws.*

18 “(h) *REMOVAL OF DIRECTORS.*—*A Director may be re-*
 19 *moved in accordance with section 90307(c) and the bylaws*
 20 *of the Corporation.*

21 **“§ 90307. Fiduciary duties and qualifications of Direc-**
 22 **tors**

23 “(a) *FIDUCIARY DUTIES.*—*The fiduciary duties of a*
 24 *Director shall be solely and exclusively to the Corporation.*

25 “(b) *QUALIFICATIONS.*—

1 “(1) *IN GENERAL.*—Only a citizen of the United
2 States may be appointed or nominated as a Director.

3 “(2) *PROHIBITIONS.*—An individual may not
4 serve as a Director if the individual—

5 “(A) is an officer, agent, or employee of the
6 Corporation (other than the CEO);

7 “(B) is, or has been within the preceding 2
8 years, a Member of Congress;

9 “(C) is an elected official serving in a
10 State, local, or Tribal government;

11 “(D) is an officer or employee of the Federal
12 Government or any State, local, or Tribal gov-
13 ernment;

14 “(E) is a director, officer, trustee, agent, or
15 employee of—

16 “(i) a bargaining agent that represents
17 employees of the Corporation;

18 “(ii) an entity that has a material in-
19 terest as a supplier, client, or user of the
20 Corporation’s services; or

21 “(iii) any of the entities determined
22 under section 90305(c);

23 “(F) receives any form of compensation or
24 material benefit from an entity that has a mate-
25 rial interest as a supplier, client, or user of the

1 *Corporation’s services, excluding compensation*
2 *from a defined benefit plan resulting from the*
3 *individual’s past employment; or*

4 “(G) *has or holds any other fiduciary duty,*
5 *legal obligation, office, employed position, or ma-*
6 *terial interest that would prevent the individual*
7 *from satisfying the requirements of subsection (a)*
8 *under the applicable laws of the State in which*
9 *the Corporation is incorporated.*

10 “(3) *EXCEPTION.—Subparagraphs (C) and (D)*
11 *of paragraph (2) shall not apply to an individual*
12 *solely because the individual is an elected member of*
13 *a school board or is employed by an institution of*
14 *higher education (as defined in section 101 of the*
15 *Higher Education Act of 1965 (20 U.S.C. 1001)).*

16 “(c) *BREACH OF FIDUCIARY DUTY TO CORPORA-*
17 *TION.—*

18 “(1) *IN GENERAL.—The Board shall remove any*
19 *Director who breaches a fiduciary duty to the Cor-*
20 *poration—*

21 “(A) *pursuant to procedures to be estab-*
22 *lished in the bylaws of the Corporation; and*

23 “(B) *not later than 30 days after deter-*
24 *mining that a breach has occurred.*

1 “(2) *LIMITED PRIVATE RIGHT OF ACTION.*—The
2 *Corporation shall have the exclusive right to seek in-*
3 *junction or monetary relief (or both) against a Direc-*
4 *tor or former Director for a breach of a fiduciary*
5 *duty to the Corporation.*

6 “(d) *PROHIBITION ON INDEMNIFICATION AND CERTAIN*
7 *INSURANCE.*—Notwithstanding section 90312 or any other
8 *provision of law, the Corporation shall neither indemnify*
9 *nor procure insurance to indemnify any Director for liabil-*
10 *ity relating to a breach of a fiduciary duty to the Corpora-*
11 *tion.*

12 **“§ 90308. *Bylaws and duties***

13 “(a) *IN GENERAL.*—The Board shall adopt and amend
14 *the bylaws of the Corporation.*

15 “(b) *BYLAWS.*—The bylaws of the Corporation shall
16 *include, at a minimum—*

17 “(1) *the duties and responsibilities of the Board*
18 *(including those described in subsection (c)), officers,*
19 *Advisory Board, and committees of the Corporation;*
20 *and*

21 “(2) *the operational procedures of the Corpora-*
22 *tion.*

23 “(c) *DUTIES AND RESPONSIBILITIES OF BOARD.*—The
24 *Board shall be responsible for actions of the Corporation,*
25 *including—*

1 “(1) adoption of an annual budget;

2 “(2) approval of a strategic plan, including up-
3 dates thereto, and other plans supporting the strategy
4 laid out in the strategic plan;

5 “(3) adoption of an annual action plan;

6 “(4) authorization of any form or instrument of
7 indebtedness, including loans and bond issues;

8 “(5) assessment, modification, and collection of
9 charges and fees for air traffic services in accordance
10 with the standards described in section 90313;

11 “(6) hiring and supervision of the CEO;

12 “(7) establishment and maintenance of an ap-
13 propriately funded reserve fund;

14 “(8) adoption of a code of conduct and code of
15 ethics for Directors, officers, agents, and employees of
16 the Corporation;

17 “(9) establishment of a process for ensuring that
18 the fiduciary duties of a Director are solely and ex-
19 clusively to the Corporation;

20 “(10) establishment of a process for the removal
21 of a Director, including the removal of a Director for
22 breach of a fiduciary duty to the Corporation; and

23 “(11) adoption of a process for filling vacancies
24 on the Board.

1 **“§ 90309. Committees of Board; independent auditors**

2 “(a) *COMMITTEES OF BOARD.*—*The Board shall estab-*
3 *lish and maintain a Safety Committee, a Compensation*
4 *Committee, a Technology Committee, and such other com-*
5 *mittees as the Board determines are necessary or appro-*
6 *priate to carry out the responsibilities of the Board effec-*
7 *tively. Such committees shall be composed solely of Direc-*
8 *tors.*

9 “(b) *INDEPENDENT AUDITORS.*—*The Board shall re-*
10 *tain independent auditors to conduct annual audits of the*
11 *Corporation’s financial statements and internal controls.*

12 **“§ 90310. Advisory Board**

13 “(a) *ESTABLISHMENT.*—*There shall be an Advisory*
14 *Board of the Corporation.*

15 “(b) *DUTIES.*—*The Advisory Board—*

16 “(1) *shall conduct such activities as the Board*
17 *determines appropriate;*

18 “(2) *shall submit to the Board recommendations*
19 *for Directors to be nominated and selected under sec-*
20 *tion 90306(b)(11); and*

21 “(3) *may, on its own initiative, study, report,*
22 *and make recommendations to the Board on matters*
23 *relating to the Corporation’s provision of air traffic*
24 *services and associated safety considerations.*

25 “(c) *MEMBERSHIP.*—

1 “(1) *NUMBER.*—*The Advisory Board shall con-*
2 *sist of not more than 15 individuals, who are citizens*
3 *of the United States, representing interested entities.*

4 “(2) *REPRESENTATIVES.*—*The members of the*
5 *Advisory Board shall include, at a minimum, rep-*
6 *resentatives of the following:*

7 “(A) *Air carriers.*

8 “(B) *General aviation.*

9 “(C) *Business aviation.*

10 “(D) *Commercial service airports.*

11 “(E) *Operators and manufacturers of com-*
12 *mercial unmanned aircraft systems.*

13 “(F) *Appropriate labor organizations.*

14 “(G) *The Department of Defense.*

15 “(H) *Small communities, including at least*
16 *1 community primarily served by a nonhub air-*
17 *port.*

18 “(d) *STRUCTURE; TERMS.*—*The membership and*
19 *structure of the Advisory Board, including the duration*
20 *that individuals may serve on the Advisory Board, shall*
21 *be determined by the Board in accordance with the bylaws*
22 *of the Corporation.*

23 **“§90311. Officers and their responsibilities**

24 “(a) *CHIEF EXECUTIVE OFFICER.*—

25 “(1) *HIRING.*—

1 “(A) *IN GENERAL.*—*The Corporation shall*
2 *have a Chief Executive Officer, who shall be*
3 *hired by the Board to manage the Corporation.*

4 “(B) *QUALIFICATIONS.*—*The CEO shall be*
5 *an individual who—*

6 “(i) *is a citizen of the United States;*

7 “(ii) *satisfies the qualifications to serve*
8 *as a Director under section 90307; and*

9 “(iii) *by reason of professional back-*
10 *ground and experience, is especially quali-*
11 *fied to manage the Corporation.*

12 “(2) *DUTIES.*—*The CEO shall—*

13 “(A) *be responsible for the management and*
14 *direction of the Corporation, including its offi-*
15 *cers and employees, and for the exercise of all*
16 *powers and responsibilities of the Corporation;*

17 “(B) *establish Corporation offices and de-*
18 *fine the responsibilities and duties of the offices,*
19 *with full authority to organize the Corporation*
20 *as required; and*

21 “(C) *designate an officer of the Corporation*
22 *who is vested with the authority to act in the ca-*
23 *capacity of the CEO if the CEO is absent or inca-*
24 *pacitated.*

25 “(3) *SCOPE OF AUTHORITY.*—

1 “(A) *IN GENERAL.*—*The CEO shall be sub-*
2 *ject to the policy guidance of the Board, report*
3 *to the Board, and serve at the pleasure of the*
4 *Board.*

5 “(B) *AUTHORITY OF BOARD.*—*The Board*
6 *may modify or revoke actions of the CEO pursu-*
7 *ant to procedures set forth in the bylaws of the*
8 *Corporation.*

9 “(b) *OTHER OFFICERS AND EMPLOYEES.*—

10 “(1) *IN GENERAL.*—*The CEO shall appoint such*
11 *other officers and employees of the Corporation as the*
12 *CEO determines appropriate.*

13 “(2) *CHIEF OPERATING OFFICER; CHIEF FINAN-*
14 *CIAL OFFICER.*—*An appointment of an individual as*
15 *chief operating officer or chief financial officer by the*
16 *CEO shall be subject to the approval of the Board.*

17 “(3) *DELEGATION OF FUNCTIONS.*—*The CEO*
18 *may delegate to the other officers and employees of the*
19 *Corporation any of the functions of the Corporation.*

20 “(4) *COMPENSATION.*—*Compensation for the*
21 *CEO, chief operating officer, and chief financial offi-*
22 *cer shall be set by the Board.*

23 “(c) *INTERIM CEO.*—

24 “(1) *HIRING.*—*Not later than 60 days after the*
25 *date of the Secretary’s appointment and selection of*

1 *Directors under section 90306(c)(1)(B), the Board*
 2 *shall hire an Interim Chief Executive Officer who*
 3 *meets the qualifications specified in subsection*
 4 *(a)(1)(B).*

5 *“(2) AUTHORITY AND TERM.—*

6 *“(A) AUTHORITY.—The Interim CEO*
 7 *shall—*

8 *“(i) exercise the same authority as the*
 9 *CEO, including serving on the Board;*

10 *“(ii) carry out the same duties as the*
 11 *CEO; and*

12 *“(iii) be subject to the same prohibi-*
 13 *tions and limitations as the CEO.*

14 *“(B) TERM.—The Interim CEO shall serve*
 15 *until the Board hires a CEO.*

16 *“(3) STATUTORY CONSTRUCTION.—Nothing in*
 17 *this subsection may be construed to restrict the ability*
 18 *of the Board to hire the individual serving as the In-*
 19 *terim CEO to be the CEO.*

20 **“§90312. Authority of Corporation**

21 *“(a) GENERAL AUTHORITY.—Except as otherwise pro-*
 22 *vided in this subtitle, the Corporation—*

23 *“(1) shall have perpetual succession in its cor-*
 24 *porate name unless dissolved by law;*

25 *“(2) may adopt and use a corporate seal;*

1 “(3) may own, lease, use, improve, and dispose
2 of such property as the Corporation considers nec-
3 essary to carry out the purposes of the Corporation;

4 “(4) may contract with other parties;

5 “(5) may sue or be sued;

6 “(6) may be held liable under civil and criminal
7 law;

8 “(7) may indemnify the Directors, including the
9 Interim CEO or CEO, and other officers, agents, and
10 employees of the Corporation; and

11 “(8) shall have such other corporate powers as
12 are necessary or appropriate to carry out the pur-
13 poses of this subtitle and of the Corporation.

14 “(b) LIMITATIONS.—

15 “(1) BUSINESS ACTIVITIES.—The Corporation
16 may only engage in business activities that are—

17 “(A) related to carrying out air traffic serv-
18 ices; or

19 “(B) ancillary or incidental to carrying out
20 such services.

21 “(2) EQUITY SHARES.—The Corporation may
22 not issue or sell equity shares in the Corporation.

23 **“§90313. Charges and fees for air traffic services**

24 “(a) ASSESSMENT AND COLLECTION OF CHARGES AND
25 FEES.—Beginning on the date of transfer, and subject to

1 *this section and section 90502, the Corporation may assess*
2 *and collect charges and fees from air traffic services users*
3 *for air traffic services provided by the Corporation in*
4 *United States airspace or international airspace delegated*
5 *to the United States.*

6 “(b) *BOARD APPROVAL OF CHARGES AND FEES.—The*
7 *Board shall—*

8 “(1) *approve a proposal for—*

9 “(A) *an initial schedule of charges and fees*
10 *pursuant to subsection (g); and*

11 “(B) *any change in the charges or fees;*

12 “(2) *provide air traffic services users and other*
13 *interested persons notice of a proposal approved*
14 *under paragraph (1) in a manner and form pre-*
15 *scribed by the Secretary; and*

16 “(3) *submit a proposal approved under para-*
17 *graph (1) (other than a proposal to decrease a charge*
18 *or fee) to the Secretary 90 days prior to the effective*
19 *date of the proposal in a manner and form prescribed*
20 *by the Secretary.*

21 “(c) *SECRETARIAL REVIEW.—*

22 “(1) *PUBLIC COMMENT.—Upon receiving a pro-*
23 *posal from the Corporation under subsection (b)(3),*
24 *the Secretary shall solicit public comments on the*
25 *proposal for a 30-day period.*

1 “(2) *SECRETARIAL APPROVAL.*—

2 “(A) *IN GENERAL.*—Not later than 15 days
3 after the last day of the 30-day public comment
4 period, the Secretary shall—

5 “(i) approve the proposal upon deter-
6 mining that the proposal complies with the
7 standards in subsection (d); or

8 “(ii) disapprove the proposal upon de-
9 termining that the proposal does not comply
10 with the standards in subsection (d).

11 “(B) *EFFECTIVENESS OF PROPOSAL.*—If the
12 Secretary does not issue a timely decision pursu-
13 ant to subparagraph (A), the proposal shall be
14 deemed approved.

15 “(d) *STANDARDS.*—The Secretary shall apply the fol-
16 lowing standards in reviewing a proposal from the Cor-
17 poration under subsection (c):

18 “(1) The amount or type of charges and fees
19 paid by an air traffic services user may not—

20 “(A) be determinant of the air traffic serv-
21 ices provided to the user; or

22 “(B) adversely impact the ability of the user
23 to use or access any part of the national airspace
24 system.

1 “(2) Charges and fees shall be consistent with the
2 document titled ‘ICAO’s Policies on Charges for Air-
3 ports and Air Navigation Services’, Ninth Edition,
4 2012.

5 “(3) Charges and fees may not be discrimina-
6 tory.

7 “(4) Charges and fees shall be consistent with
8 United States international obligations.

9 “(5) Certain categories of air traffic services
10 users may be charged on a flat fee basis so long as
11 the charge or fee is otherwise consistent with this sub-
12 section.

13 “(6) Charges and fees may not be imposed for
14 air traffic services provided with respect to operations
15 of aircraft that qualify as public aircraft under sec-
16 tions 40102(a) and 40125.

17 “(7) Charges and fees may not be imposed for
18 air traffic services provided with respect to aircraft
19 operations conducted pursuant to part 91, 133, 135,
20 136, or 137 of title 14, Code of Federal Regulations.

21 “(8) Charges and fees may not be structured such
22 that air traffic services users have incentives to oper-
23 ate in ways that diminish safety to avoid the charges
24 and fees.

1 “(9) *Charges and fees, based on reasonable and*
2 *financially sound projections, may not generate reve-*
3 *nuces exceeding the Corporation’s current and antici-*
4 *ipated financial requirements in relation to the provi-*
5 *sion of air traffic services.*

6 “(e) *CORPORATION’S FINANCIAL REQUIREMENTS.—In*
7 *determining whether a proposal received from the Corpora-*
8 *tion under subsection (b) would generate revenues in com-*
9 *pliance with subsection (d)(9), the Secretary shall consider*
10 *costs and other liabilities of the Corporation, including—*

11 “(1) *costs incurred before the date of transfer;*

12 “(2) *operations and maintenance costs;*

13 “(3) *management and administrative costs;*

14 “(4) *depreciation costs;*

15 “(5) *interest costs and other expenses related to*
16 *debt servicing;*

17 “(6) *cash reserves or other requirements needed*
18 *to maintain credit ratings or comply with debt cov-*
19 *enants; and*

20 “(7) *any tax liability.*

21 “(f) *PAYMENT OF CHARGES AND FEES.—*

22 “(1) *IN GENERAL.—An air traffic services user*
23 *shall pay a charge or fee assessed by the Corporation*
24 *under subsection (a) for services rendered and any in-*
25 *terest and penalties assessed under paragraph (2).*

1 “(2) *LATE PAYMENT OR NONPAYMENT.*—*The Cor-*
2 *poration may assess and collect interest and penalties*
3 *for late payment or nonpayment of a charge or fee as-*
4 *essed by the Corporation under subsection (a).*

5 “(3) *PRIVATE RIGHT OF ACTION.*—*The Corpora-*
6 *tion may file suit in any district court of the United*
7 *States having jurisdiction over the parties, without*
8 *respect to the amount in controversy and without re-*
9 *gard to the citizenship of the parties, to enforce this*
10 *subsection not later than 2 years after the date on*
11 *which a claim accrues. A claim accrues, under this*
12 *paragraph, upon the rendering of the relevant air*
13 *traffic services by the Corporation.*

14 “(g) *INITIAL SCHEDULE.*—*Notwithstanding subsection*
15 *(b)(3), the Corporation shall propose an initial schedule of*
16 *charges and fees at least 180 days before the date of transfer.*

17 “(h) *AIRCRAFT OPERATION DEFINED.*—*In this section,*
18 *the term ‘aircraft operation’ means the movement of an air-*
19 *craft beginning with the take-off of the aircraft and ending*
20 *with the landing of the aircraft.*

21 **“§ 90314. Preemption of authority over air traffic serv-**
22 **ices**

23 “(a) *STATE DEFINED.*—*In this section, the term*
24 *‘State’ means a State, the District of Columbia, and a terri-*
25 *tory or possession of the United States.*

1 “(b) *PREEMPTION.*—A State, political subdivision of
2 a State, or political authority of at least 2 States may not
3 enact or enforce a law, regulation, or other provision having
4 the force and effect of law related to air traffic services.

5 “(c) *AIRPORT OWNER OR OPERATOR.*—Subsection (b)
6 may not be construed to limit a State, political subdivision
7 of a State, or political authority of at least 2 States that
8 owns or operates a landing area from carrying out its pro-
9 prietary powers and rights over the landing area.

10 **“§90315. Actions by and against Corporation**

11 “(a) *JURISDICTION FOR LEGAL ACTIONS GEN-*
12 *ERALLY.*—

13 “(1) *JURISDICTION OF UNITED STATES DISTRICT*
14 *COURTS.*—The United States district courts shall have
15 original jurisdiction over all actions brought by or
16 against the Corporation, except as otherwise provided
17 in this subtitle.

18 “(2) *REMOVAL OF ACTIONS IN STATE COURTS.*—
19 Any action brought in a State court to which the Cor-
20 poration is a party shall be removed to the appro-
21 priate United States district court under the provi-
22 sions of chapter 89 of title 28.

23 “(b) *TESTIMONY OF CORPORATION EMPLOYEES.*—

24 “(1) *IN GENERAL.*—Except with the consent of
25 the chief legal officer of the Corporation, employees of

1 *the Corporation may not provide expert opinion or*
2 *expert testimony in civil litigation related to the Cor-*
3 *poration.*

4 “(2) *EXCEPTIONS.*—*The Corporation may pre-*
5 *scribe the circumstances, if any, under which employ-*
6 *ees of the Corporation may provide expert opinion or*
7 *expert testimony in civil litigation related to the Cor-*
8 *poration.*

9 **“§90316. Transfer of Federal personnel to Corpora-**
10 **tion**

11 “(a) *TRANSFER OF FAA EMPLOYEES TO CORPORA-*
12 *TION.*—

13 “(1) *PROCESS.*—*Not later than 180 days after*
14 *the date of enactment of this subtitle, the Secretary,*
15 *after meeting and conferring with the CEO and rep-*
16 *resentatives of the labor organizations recognized*
17 *under section 7111 of title 5 as exclusive representa-*
18 *tives of FAA employees, shall commence a process to*
19 *determine, consistent with the purposes of this sub-*
20 *title, which activities and employees, or categories of*
21 *employees, of the FAA shall be transferred to the Cor-*
22 *poration on or before the date of transfer.*

23 “(2) *DETERMINATION; TRANSFER.*—*The Sec-*
24 *retary shall—*

1 “(A) not later than 180 days prior to the
2 date of transfer, complete the determination of
3 which activities, employees, or categories of em-
4 ployees shall be transferred to the Corporation
5 under paragraph (1);

6 “(B) upon completing the determination,
7 notify the CEO, the labor organizations recog-
8 nized under section 7111 of title 5 as exclusive
9 representatives of FAA employees, and all af-
10 fected employees of such determination; and

11 “(C) on or before the date of transfer, trans-
12 fer such activities, employees, or categories of em-
13 ployees.

14 “(b) *SUBSEQUENT TRANSFER OF EMPLOYEES.*—

15 “(1) *IN GENERAL.*—

16 “(A) *TRANSFERS FROM FAA TO CORPORA-*
17 *TION.*—During the 180-day period beginning on
18 the date of transfer, the Secretary, after meeting
19 and conferring with the CEO and representatives
20 of the certified labor organizations recognized
21 under section 91105 and labor organizations rec-
22 ognized under section 7111 of title 5 as exclusive
23 representatives of FAA employees, may transfer
24 an employee from the FAA to the Corporation if
25 the Secretary, after meeting and conferring with

1 *the CEO and the representatives, finds that the*
2 *determination with respect to the employee under*
3 *subsection (a) was inconsistent with the purposes*
4 *of this subtitle.*

5 “(B) *TRANSFERS FROM CORPORATION TO*
6 *FAA.—During the 180-day period beginning on*
7 *the date of transfer, the Secretary, after meeting*
8 *and conferring with the CEO and representatives*
9 *of the certified labor organizations recognized*
10 *under section 91105 and labor organizations rec-*
11 *ognized under section 7111 of title 5 as exclusive*
12 *representatives of FAA employees, may transfer*
13 *an employee from the Corporation to the FAA if*
14 *the Secretary, after the consultation with the*
15 *CEO and the representatives, finds that the de-*
16 *termination with respect to the employee under*
17 *subsection (a) was inconsistent with the purposes*
18 *of this subtitle.*

19 “(2) *REEMPLOYMENT OF FEDERAL EMPLOY-*
20 *EES.—An employee transferred from the Corporation*
21 *to the FAA under this subsection shall be entitled to*
22 *the same rights and benefits, and reemployment, in*
23 *the same manner as if covered by section 3582 of title*
24 *5 notwithstanding section 8347(o), 8713, or 8914 of*
25 *such title.*

1 “(3) *ELECTION OF BENEFITS FOR EMPLOYEES*
2 *SUBJECT TO DELAYED TRANSFER TO CORPORATION.—*
3 *In the case of an employee of the FAA transferred to*
4 *the Corporation under this subsection, such employee*
5 *shall be afforded the opportunity to make the election*
6 *provided under section 91102(b) with respect to bene-*
7 *fits.*

8 “(c) *CORPORATION EMPLOYEE BENEFITS.—At least*
9 *180 days before the date of transfer, the Corporation shall*
10 *establish a compensation and benefits program for—*

11 “(1) *employees hired by the Corporation after the*
12 *date of transfer; and*

13 “(2) *employees that make the election under sec-*
14 *tion 91102(b)(1)(A)(ii).*

15 “(d) *PROTECTIONS FOR EMPLOYEES NOT TRANS-*
16 *FERRED TO CORPORATION.—For those employees of the*
17 *FAA directly involved in the operation of air traffic services*
18 *who are not transferred to the Corporation pursuant to sub-*
19 *section (a) or who transferred back to the FAA pursuant*
20 *to subsection (b), the Secretary shall provide to such em-*
21 *ployees compensation and benefits consistent with the ap-*
22 *plicable collective-bargaining agreement that are not less*
23 *than the level of compensation and benefits provided to such*
24 *FAA employees prior to the date of transfer unless mutually*

1 *agreed to by the FAA and representatives of the certified*
2 *labor organization.*

3 “(e) *SUITABILITY, CLEARANCES, AND MEDICAL QUALI-*
4 *FICATIONS.—All federally issued or federally required cre-*
5 *dentials, certificates, clearances, medical qualifications, ac-*
6 *cess rights, substance testing results, and any other Federal*
7 *permissions or approvals held by any employee of the FAA*
8 *in the operation of air traffic services that are valid and*
9 *effective on the day prior to the date of transfer shall re-*
10 *main valid and effective after the date of transfer—*

11 “(1) *unless revoked for cause; or*

12 “(2) *until equivalent or substantially equivalent*
13 *credentials, certificates, clearances, medical qualifica-*
14 *tions, access rights, substance testing results, and any*
15 *other Federal permissions or approvals have been*
16 *issued to the employee on or after the date of transfer.*

17 “(f) *TRANSITION AGREEMENTS.—*

18 “(1) *BIPARTITE AGREEMENT.—*

19 “(A) *MEETINGS.—At least 180 days before*
20 *the date of transfer, the Corporation shall meet*
21 *with the labor organizations recognized under*
22 *section 7111 of title 5 as exclusive representatives*
23 *of FAA employees to resolve employment-related*
24 *transition matters that affect employees rep-*

1 *resented by those labor organizations and that*
2 *are not otherwise covered under this section.*

3 “(B) *DUTY TO BARGAIN IN GOOD FAITH.*—
4 *The Corporation and the labor organizations de-*
5 *scribed in subparagraph (A) (in this subsection*
6 *referred to as the ‘parties’) shall be subject to the*
7 *duty to bargain in good faith under chapter 911*
8 *in any meetings pursuant to this paragraph.*

9 “(C) *DISPUTE RESOLUTION PROCEDURES.*—
10 *If the parties fail to reach an agreement over the*
11 *initial or subsequent employment-related transi-*
12 *tion issues not otherwise covered under this sec-*
13 *tion, the matters shall be subject to the dispute*
14 *resolution procedures established under sub-*
15 *sections (a), (b), and (e) of section 91107.*

16 “(2) *TRIPARTITE AGREEMENT.*—

17 “(A) *MEETINGS.*—*At least 1 year before the*
18 *date of transfer, the Corporation and the FAA*
19 *shall meet with the labor organizations recog-*
20 *nized under section 7111 of title 5 as exclusive*
21 *representatives of FAA employees to resolve tran-*
22 *sition matters related to the separation of air*
23 *traffic services from the FAA pursuant to this*
24 *subtitle that affect employees represented by those*

1 *labor organizations and that are not otherwise*
2 *covered under this section.*

3 “(B) *DUTY TO BARGAIN IN GOOD FAITH.*—
4 *To the extent applicable, the Corporation and the*
5 *labor organizations described in subparagraph*
6 *(A) shall be subject to the duty to bargain in*
7 *good faith under chapter 911 in any meetings*
8 *pursuant to this paragraph.*

9 “(C) *DISPUTE RESOLUTION PROCEDURES.*—
10 *If the Corporation and the certified labor organi-*
11 *zations described in subparagraph (A) fail to*
12 *reach an agreement over the initial or subsequent*
13 *transition issues related to the separation of air*
14 *traffic services from the FAA, not otherwise cov-*
15 *ered under this section, the matters shall be sub-*
16 *ject to the dispute resolution procedures estab-*
17 *lished under subsections (a), (b), and (e) of sec-*
18 *tion 91107.*

19 **“§90317. Transfer of facilities to Corporation**

20 “(a) *INVENTORY OF FAA PROPERTY AND FACILI-*
21 *TIES.*—*At least 1 year before the date of transfer, the Sec-*
22 *retary, in consultation with the CEO, shall identify the li-*
23 *censes, patents, software rights, and real and personal prop-*
24 *erty, including air navigation facilities (as defined in sec-*
25 *tion 40102(a)) of the United States under FAA jurisdiction,*

1 *that are necessary and appropriate for the Corporation to*
2 *carry out the air traffic services transferred to the Corpora-*
3 *tion under this subtitle.*

4 “(b) *TRANSFER OF FEDERAL PROPERTY.—*

5 “(1) *CONVEYANCE OF PROPERTY TO CORPORA-*
6 *TION.—On the date of transfer, the Secretary shall*
7 *convey, without charge, all right, title, and interest of*
8 *the United States in, and the use, possession, and*
9 *control of, properties identified under subsection (a).*

10 “(2) *SALE OF PROPERTY BY CORPORATION*
11 *AFTER DATE OF TRANSFER.—If the Corporation sells*
12 *any of the property conveyed to the Corporation*
13 *under paragraph (1), the Corporation shall use the*
14 *proceeds received from the sale of such property for*
15 *the acquisition or improvement of air navigation fa-*
16 *cilities or other capital assets.*

17 “(3) *REVERSIONARY INTEREST.—Any convey-*
18 *ance of real property under this section located at an*
19 *FAA technical facility shall be subject to the condition*
20 *that all right, title, and interest in the real property*
21 *shall revert to the United States and be placed under*
22 *the administrative control of the Secretary if—*

23 “(A) *the Corporation determines the real*
24 *property is no longer necessary to carry out the*

1 *air traffic services transferred to the Corporation*
2 *under this subtitle; and*

3 “(B) *the Secretary determines the reversion*
4 *is necessary to protect the interests of the United*
5 *States.*

6 “(4) *SAFETY AIR TRAFFIC SERVICES EQUIPMENT*
7 *IN REMOTE LOCATIONS.—*

8 “(A) *MAINTENANCE BY CORPORATION.—*
9 *Any equipment identified pursuant to subsection*
10 *(a) and conveyed to the Corporation pursuant to*
11 *paragraph (1) that is located in a noncontiguous*
12 *State of the United States and is critical to the*
13 *safe provision of air traffic services in that State*
14 *may not be sold and shall be maintained and, as*
15 *determined necessary by the Corporation, up-*
16 *graded by the Corporation.*

17 “(B) *EQUIPMENT CRITICAL TO SAFE PROVI-*
18 *SION OF AIR TRAFFIC SERVICES.—For purposes*
19 *of this paragraph, equipment critical to the safe*
20 *provision of air traffic services includes GPS re-*
21 *ceivers, data link transceivers, ADS-B, multi-*
22 *function displays, flight information services,*
23 *moving map displays, terrain databases, airport*
24 *lighting, and mountain pass cameras.*

1 “(c) *CONSOLIDATION AND REALIGNMENT OF TRANS-*
2 *FERRED SERVICES AND FACILITIES.*—

3 “(1) *IN GENERAL.*—*At least 180 days before the*
4 *date of transfer, and subject to section 91107, the Cor-*
5 *poration, in consultation with representatives of labor*
6 *organizations representing operations and mainte-*
7 *nance employees of the air traffic control system, shall*
8 *establish a process for the realignment and consolida-*
9 *tion of services and facilities to be transferred to the*
10 *Corporation from the FAA.*

11 “(2) *MORATORIUM.*—*Except as otherwise pro-*
12 *vided, there shall be a moratorium on any effort by*
13 *the Administrator or the Corporation to consolidate*
14 *or realign air traffic services or facilities until the*
15 *process required by paragraph (1) is established.*

16 **“§90318. *Approval of transferred air navigation fa-***
17 ***cilities and other equipment***

18 “*On the date of transfer, the Corporation is authorized*
19 *to operate all air navigation facilities and other equipment*
20 *conveyed pursuant to section 90317 without additional ap-*
21 *proval or certification by the Secretary.*

22 **“§90319. *Use of spectrum systems and data***

23 “*Beginning on the date of transfer, the Secretary shall*
24 *provide the Corporation with such access to the spectrum*
25 *systems used by the FAA before the date of transfer to pro-*

1 *vide air traffic services, and any successor spectrum sys-*
2 *tems, and to the data from such systems, as is necessary*
3 *to enable the Corporation to provide air traffic services*
4 *under this subtitle.*

5 **“§ 90320. Transition plan**

6 “(a) *TRANSITION TEAM.—Not later than 120 days*
7 *after the date of enactment of this subtitle, the Secretary,*
8 *after meeting and conferring with the CEO or Interim*
9 *CEO, shall establish a transition team to develop, consistent*
10 *with this subtitle, a transition plan to be reviewed by the*
11 *Secretary and, if approved, utilized by the Department of*
12 *Transportation during the period in which air traffic serv-*
13 *ices are transferred from the FAA to the Corporation.*

14 “(b) *MEMBERSHIP.—The transition team shall consist*
15 *of 12 individuals, who are citizens of the United States,*
16 *as follows:*

17 “(1) *5 representatives appointed by the Sec-*
18 *retary, including—*

19 “(A) *the Deputy Administrator of the FAA;*

20 “(B) *the Director of the FAA Mike*
21 *Monroney Aeronautical Center;*

22 “(C) *the Director of the FAA William J.*
23 *Hughes Technical Center; and*

24 “(D) *2 representatives from the Office of*
25 *Management and Budget, appointed with the*

1 *concurrence of the Director of the Office of Man-*
2 *agement and Budget.*

3 “(2) 1 representative appointed by the exclusive
4 *bargaining representative of air traffic controllers cer-*
5 *tified under section 7111 of title 5.*

6 “(3) 1 representative appointed by the exclusive
7 *bargaining representative for airway transportation*
8 *systems specialists in the Air Traffic Organization*
9 *technical operations services certified under section*
10 *7111 of title 5.*

11 “(4) 5 representatives appointed by the CEO.

12 “(c) *TRANSITION PLAN.*—

13 “(1) *IN GENERAL.*—*Not later than 45 days after*
14 *the establishment of the transition team, the transi-*
15 *tion team shall develop and submit to the Secretary*
16 *an executable transition plan.*

17 “(2) *CONTENTS.*—*The transition plan shall set*
18 *forth a plan for the Secretary, in consultation with*
19 *the CEO or Interim CEO, to—*

20 “(A) *identify property, facilities, equip-*
21 *ment, and obligations, contractual or otherwise,*
22 *related to the provision of air traffic services;*
23 *and*

24 “(B) *safely and efficiently transfer Federal*
25 *personnel, property, facilities, equipment, and*

1 *obligations, contractual and otherwise, related to*
 2 *the provision of air traffic services to the Cor-*
 3 *poration on or before the date of transfer.*

4 “(d) *SECRETARIAL REVIEW.*—

5 “(1) *IN GENERAL.*—*Not later than 30 days after*
 6 *receipt of the transition plan, the Secretary shall re-*
 7 *view and, if appropriate, approve the plan.*

8 “(2) *DISAPPROVAL.*—*If the Secretary does not*
 9 *approve a submitted transition plan, the transition*
 10 *team shall revise the plan and resubmit it to the Sec-*
 11 *retary not later than 30 days after receiving notice of*
 12 *the disapproval by the Secretary.*

13 “(e) *TERMINATION.*—*The transition team shall termi-*
 14 *nate upon approval of a transition plan by the Secretary.*

15 **“CHAPTER 905—REGULATION OF AIR**
 16 **TRAFFIC SERVICES PROVIDER**

“*Sec.*

“90501. *Safety oversight and regulation of Corporation.*

“90502. *Resolution of disputes concerning air traffic services charges and fees.*

“90503. *International agreements and activities.*

“90504. *Availability of safety information.*

“90505. *Reporting of safety violations to FAA.*

“90506. *Insurance requirements.*

17 **“§ 90501. Safety oversight and regulation of Corpora-**
 18 **tion**

19 “(a) *PERFORMANCE-BASED REGULATIONS AND MIN-*
 20 *IMUM SAFETY STANDARDS.*—*After consultation with the*
 21 *Corporation and the FAA’s certified bargaining representa-*
 22 *tives and before the date of transfer, the Secretary shall—*

1 “(1) prescribe performance-based regulations and
2 minimum safety standards for the operation of air
3 traffic services by the Corporation;

4 “(2) prescribe performance-based regulations and
5 minimum safety standards for the certification and
6 operation of air navigation facilities (other than fa-
7 cilities that may be operated without additional ap-
8 proval or certification pursuant to section 90318);
9 and

10 “(3) identify policies and other administrative
11 materials of the FAA in effect before the date of trans-
12 fer for providing air traffic services that will apply
13 to the Corporation.

14 “(b) SAFETY MANAGEMENT SYSTEM.—

15 “(1) IN GENERAL.—The regulations and stand-
16 ards prescribed pursuant to subsection (a) shall in-
17 clude a safety management system for air traffic serv-
18 ices provided by the Corporation.

19 “(2) FOUNDATION.—The safety management sys-
20 tem shall be based on the safety management system
21 used by the Air Traffic Organization of the FAA be-
22 fore the date of transfer.

23 “(3) USE BY CORPORATION.—Beginning on the
24 date of transfer, the Corporation shall use the safety
25 management system, including any changes thereto,

1 *when assessing and managing risks in all procedures,*
2 *processes, and practices necessary to provide air traf-*
3 *fic services.*

4 “(4) *FAA OVERSIGHT.*—*To the maximum extent*
5 *practicable, for at least 2 years after the date of*
6 *transfer, the Air Traffic Safety Oversight Service of*
7 *the FAA shall employ the same oversight processes*
8 *and procedures in use before the date of transfer.*

9 “(c) *PROPOSALS TO MODIFY AIR TRAFFIC MANAGE-*
10 *MENT PROCEDURES, ASSIGNMENTS, AND CLASSIFICATIONS*
11 *OF AIRSPACE.*—

12 “(1) *SUBMISSION OF PROPOSALS TO SEC-*
13 *RETARY.*—*The Corporation or another interested*
14 *party may submit to the Secretary a proposal to*
15 *modify—*

16 “(A) *air traffic management procedures, as-*
17 *signments, classifications of airspace, or other*
18 *actions affecting airspace access that are devel-*
19 *oped pursuant to the safety management system;*
20 *and*

21 “(B) *FAA policies and other administrative*
22 *materials identified under subsection (a)(2).*

23 “(2) *REVIEW AND APPROVAL OF PROPOSALS.*—
24 *The regulations and standards prescribed under sub-*
25 *section (a)(1) shall include a process for expedited re-*

1 *view and approval of a proposal received under para-*
2 *graph (1).*

3 “(3) *STANDARD FOR APPROVAL.*—*The Secretary*
4 *shall approve a proposal received under paragraph*
5 *(1) if the Secretary determines that the proposal com-*
6 *plies with the regulations and standards prescribed*
7 *under subsection (a)(1) and is otherwise consistent*
8 *with the public interest, including that the proposal*
9 *would not materially reduce access to a public-use*
10 *airport.*

11 “(4) *APPROVALS AND DISAPPROVALS.*—

12 “(A) *IN GENERAL.*—*During the 45-day pe-*
13 *riod beginning on the date of receipt of a pro-*
14 *posal under paragraph (1), the Secretary shall*
15 *approve or disapprove the proposal.*

16 “(B) *WRITTEN EXPLANATION.*—*If the Sec-*
17 *retary disapproves the proposal, the Secretary*
18 *shall provide—*

19 “(i) *a written explanation of the Sec-*
20 *retary’s decision, including—*

21 “(I) *any instances of inconsist-*
22 *ency with the regulations and stand-*
23 *ards prescribed under subsection*
24 *(a)(1); and*

1 “(II) any other information that
2 formed the basis for the Secretary’s de-
3 cision; and

4 “(ii) a description of any modifica-
5 tions to the proposal that are necessary to
6 obtain approval.

7 “(5) *FAILURE TO ACT.*—If the Secretary fails to
8 act on a proposal received under paragraph (1) dur-
9 ing the 45-day period described in paragraph (4)(A),
10 the Corporation or other party making the proposal
11 shall be entitled to a writ of mandamus in a Federal
12 district court with venue.

13 “(d) *JUDICIAL REVIEW.*—

14 “(1) *IN GENERAL.*—Any decision made by the
15 Secretary to approve or disapprove a proposal re-
16 ceived under subsection (c)(1) shall be subject to judi-
17 cial review pursuant to subsections (a), (b), (d), and
18 (e) of section 46110.

19 “(2) *STANDARD OF REVIEW.*—

20 “(A) *DISAPPROVALS.*—In the case of a peti-
21 tion filed under section 46110(a) to review a de-
22 cision of the Secretary that disapproves a pro-
23 posal received from the Corporation under sub-
24 section (c)(1), the court shall, without deference
25 to the Secretary’s determination, review de novo

1 *the record to determine if the Secretary's deter-*
2 *mination is consistent with the regulations and*
3 *standards prescribed under subsection (a)(1).*

4 “(B) *APPROVALS.*—*In the case of a petition*
5 *filed under section 46110(a) to review a decision*
6 *of the Secretary that approves a proposal re-*
7 *ceived from the Corporation under subsection*
8 *(c)(1), the court may overturn the approval only*
9 *upon a finding of clear error or an abuse of dis-*
10 *cretion.*

11 “(e) *COMPILATION.*—

12 “(1) *ESTABLISHMENT.*—*The Corporation shall*
13 *establish and maintain a compilation of the policies*
14 *and other materials identified under subsection*
15 *(a)(2).*

16 “(2) *UPDATES.*—*The Corporation shall update*
17 *the compilation each time a proposal described in*
18 *subsection (c)(1)(B) is approved.*

19 “(3) *PUBLICATION.*—*The Corporation shall make*
20 *the compilation available to the public.*

21 “(f) *SPECIAL RULES FOR PROPOSALS AFFECTING*
22 *CERTAIN AIRSPACE.*—*The regulations and standards pre-*
23 *scribed under subsection (a)(1) shall include procedures (in-*
24 *cluding advance submission of necessary supporting data,*
25 *analysis, and documentation) for the Secretary to evaluate,*

1 *at least 180 days before its submission under subsection*
2 *(c)(1), a proposal for an airspace change that would affect*
3 *airspace that is—*

4 “(1) *within an area designated as a ‘Metroplex’*
5 *by the FAA as of March 30, 2017;*

6 “(2) *within an area subject to a major, large-*
7 *scale airspace redesign project; or*

8 “(3) *adjacent to or containing special use air-*
9 *space.*

10 “(g) *EXEMPTED AIRSPACE ACTIONS.—The require-*
11 *ments of this section shall not apply to—*

12 “(1) *temporary airspace actions directed by the*
13 *Administrator or Secretary;*

14 “(2) *airspace actions as described in section*
15 *90904; or*

16 “(3) *certain emergency circumstances, as defined*
17 *by the Secretary by regulation.*

18 “(h) *DELEGATION.—Notwithstanding section*
19 *90303(b), and except for the process and procedures re-*
20 *quired by section 90703(b), the Secretary may delegate safe-*
21 *ty oversight functions to the Administrator.*

22 “**§90502. Resolution of disputes concerning air traffic**
23 *services charges and fees*

24 “(a) *AUTHORITY TO REQUEST SECRETARY’S DETER-*
25 *MINATION.—*

1 “(1) *IN GENERAL.*—*The Secretary shall issue a*
2 *determination as to whether a charge or fee assessed*
3 *by the Corporation for the use of air traffic services*
4 *in United States airspace or international airspace*
5 *delegated to the United States is correct if a written*
6 *complaint for such determination is filed with the*
7 *Secretary by an air traffic services user not later*
8 *than 60 days after the air traffic services user receives*
9 *an assessment or invoice from the Corporation.*

10 “(2) *TREATMENT OF INTEREST AND PEN-*
11 *ALTIES.*—*In this section, the terms ‘charge’ and ‘fee’*
12 *include any interest and penalty relating thereto.*

13 “(b) *PROCEDURAL REGULATIONS.*—*At least 270 days*
14 *before the date of transfer, the Secretary shall publish in*
15 *the Federal Register final regulations, policy statements, or*
16 *guidelines establishing the procedures for acting upon writ-*
17 *ten complaints filed under subsection (a)(1) and requests*
18 *of the Corporation pursuant to subsection (e)(3).*

19 “(c) *DETERMINATION OF CORRECTNESS.*—*In deter-*
20 *mining under subsection (a)(1) whether a charge or fee is*
21 *correct, the Secretary shall determine only if the charge or*
22 *fee is consistent with approved charges or fees pursuant to*
23 *section 90313.*

1 “(d) *DECISIONS BY SECRETARY.*—*The final regula-*
2 *tions, policy statements, or guidelines required in subsection*
3 *(b) shall provide for the following:*

4 “(1) *Not later than 90 days after an air traffic*
5 *services user files with the Secretary a written com-*
6 *plaint relating to an assessed or invoiced air traffic*
7 *services charge or fee, the Secretary shall issue a final*
8 *order determining whether the charge or fee is correct.*

9 “(2) *Not later than 30 days after such complaint*
10 *is filed with the Secretary, the Secretary shall dismiss*
11 *the complaint if no significant dispute exists or shall*
12 *assign the matter to an administrative law judge.*
13 *Thereafter, the matter shall be handled in accordance*
14 *with part 302 of title 14, Code of Federal Regula-*
15 *tions, or as modified by the Secretary, to ensure an*
16 *orderly disposition of the matter within the 90-day*
17 *period referred to in paragraph (1) and any specifi-*
18 *cally applicable provisions of this section.*

19 “(3) *The administrative law judge shall issue a*
20 *recommended decision not later than 45 days after the*
21 *complaint is assigned or within such shorter period*
22 *as the Secretary may specify.*

23 “(4) *If the Secretary, upon the expiration of 90*
24 *days after the filing of the complaint, has not issued*
25 *a final order, the decision of the administrative law*

1 *judge shall be deemed to be the final order of the Sec-*
2 *retary.*

3 “(5) *Any party to the dispute may seek review*
4 *of a final order of the Secretary under this subsection*
5 *in the Circuit Court of Appeals for the District of Co-*
6 *lumbia Circuit or the court of appeals in the circuit*
7 *with venue.*

8 “(6) *Any findings of fact in a final order of the*
9 *Secretary under this subsection, if supported by sub-*
10 *stantial evidence, shall be conclusive if challenged in*
11 *a court pursuant to this subsection. No objection to*
12 *such a final order may be considered by the court un-*
13 *less objection was urged before an administrative law*
14 *judge or the Secretary at a proceeding under this sub-*
15 *section or, if not so urged, unless there were reason-*
16 *able grounds for failure to do so.*

17 “(e) *PAYMENT UNDER PROTEST; GUARANTEE OF AIR*
18 *TRAFFIC SERVICES USER ACCESS.—*

19 “(1) *PAYMENT UNDER PROTEST.—*

20 “(A) *IN GENERAL.—Any charge or fee that*
21 *is the subject of a complaint that is not dis-*
22 *missed by the Secretary shall be paid by the*
23 *complainant air traffic services user to the Cor-*
24 *poration under protest.*

1 “(B) *REFERRAL OR CREDIT.*—Any amounts
2 paid under this subsection by a complainant air
3 traffic services user to the Corporation under
4 protest shall be subject to refund or credit to the
5 air traffic services user in accordance with direc-
6 tions in the final order of the Secretary within
7 30 days of such order.

8 “(C) *TIMELY REPAYMENT.*—In order to en-
9 sure the timely repayment, with interest, of
10 amounts in dispute determined not to be correct
11 by the Secretary, the Corporation shall obtain a
12 letter of credit, or surety bond, or other suitable
13 credit facility, equal to the amount in dispute
14 that is due during the 90-day period referred to
15 in subsection (d)(1), plus interest, unless the Cor-
16 poration and the air traffic services user agree
17 otherwise.

18 “(D) *DEADLINE.*—The letter of credit, or
19 surety bond, or other suitable credit facility shall
20 be provided to the Secretary not later than 20
21 days after the filing of the complaint and shall
22 remain in effect for 30 days after the issuance of
23 a timely final order by the Secretary deter-
24 mining whether such charge or fee is correct.

1 “(2) *GUARANTEE OF AIR TRAFFIC SERVICES*
2 *USER ACCESS.*—Contingent upon an air traffic serv-
3 ices user’s compliance with the requirements of para-
4 graph (1) and pending the issuance of a final order
5 by the Secretary determining the correctness of a
6 charge or fee that is the subject of a complaint filed
7 under subsection (a)(1), the Corporation may not
8 withhold air traffic services as a means of enforcing
9 the charge or fee.

10 “(3) *NONCOMPLIANCE.*—Prior to the issuance of
11 a final order by the Secretary determining the cor-
12 rectness of a charge or fee that is the subject of a com-
13 plaint filed under subsection (a)(1), if an air traffic
14 services user does not comply with the requirements of
15 paragraph (1), the Corporation shall withhold air
16 traffic services from the user if the Corporation re-
17 quests and receives approval from the Secretary to
18 withhold air traffic services.

19 **“§ 90503. International agreements and activities**

20 “(a) *CONSISTENCY WITH INTERNATIONAL OBLIGA-*
21 *TIONS AND LAWS OF OTHER COUNTRIES.*—The Corporation
22 shall provide air traffic services under this subtitle in a
23 manner that is consistent with any obligation assumed by
24 the United States in a treaty, convention, or agreement that
25 may be in force between the United States and a foreign

1 *country or foreign countries or between the United States*
2 *and an international organization, and shall take into con-*
3 *sideration any applicable laws and requirements of foreign*
4 *countries.*

5 “(b) *PROHIBITION.*—*The Corporation may not nego-*
6 *tiate on behalf of or otherwise represent the United States*
7 *before any foreign government or international organiza-*
8 *tion.*

9 **“§ 90504. Availability of safety information**

10 “(a) *SAFETY INFORMATION.*—*The Corporation shall*
11 *make available to air traffic services users and the public—*

12 “(1) *the same type of safety information made*
13 *available by the FAA before the date of transfer;*

14 “(2) *any additional safety information needed*
15 *by air traffic services users to operate safely; and*

16 “(3) *any updates or revisions to the safety infor-*
17 *mation referred to in paragraphs (1) and (2).*

18 “(b) *METEOROLOGICAL SERVICES; AERONAUTICAL*
19 *CHARTS.*—*The Corporation may provide for the dissemina-*
20 *tion of available aviation-related meteorological informa-*
21 *tion and aeronautical charts to air traffic services users.*

22 **“§ 90505. Reporting of safety violations to FAA**

23 “(a) *IN GENERAL.*—*In a manner, form, and process*
24 *prescribed by the Administrator, the Corporation shall re-*
25 *port to the Administrator complaints or instances of—*

1 “(1) noncompliance with or deviations from air
2 traffic control clearances or instructions;

3 “(2) noncompliant operations in controlled air-
4 space or special use airspace; and

5 “(3) any other observed activities endangering
6 persons or property in the air or on the ground.

7 “(b) ASSISTANCE IN ENFORCEMENT ACTIONS.—The
8 Corporation shall provide necessary assistance in any en-
9 forcement action taken by the Administrator resulting from
10 a report of the Corporation or another person or entity.

11 “(c) STATUTORY CONSTRUCTION.—This section may
12 not be construed to limit the authority of the Administrator
13 to undertake enforcement actions upon the Administrator’s
14 initiative.

15 **“§ 90506. Insurance requirements**

16 “The Corporation shall maintain adequate liability
17 insurance policies and coverages, as determined by the Sec-
18 retary, including complete indemnification of employees of
19 the Corporation for acts within the scope of employment.

20 **“CHAPTER 907—GENERAL RIGHTS OF AC-
21 CESS TO AIRSPACE, AIRPORTS, AND
22 AIR TRAFFIC SERVICES VITAL FOR EN-
23 SURING SAFE OPERATIONS FOR ALL
24 USERS**

“Sec.

“90701. Access to airspace.

“90702. Access to airports.

“90703. *Contract tower service after date of transfer.*

“90704. *Availability of safety information to general aviation operators.*

“90705. *Special rules and appeals process for air traffic management procedures, assignments, and classifications of airspace.*

“90706. *Definitions.*

1 **“§ 90701. Access to airspace**

2 *“The Secretary shall take such actions as are necessary*
 3 *to ensure that an air traffic services user is not denied ac-*
 4 *cess to airspace or air traffic services on the basis that the*
 5 *user is exempt from charges and fees under section 90313.*

6 **“§ 90702. Access to airports**

7 *“In carrying out section 90501(c)(3), the Secretary*
 8 *shall determine whether a proposal would materially reduce*
 9 *access to a public-use airport, including a general aviation*
 10 *or rural airport.*

11 **“§ 90703. Contract tower service after date of transfer**

12 *“(a) TRANSFER OF CONTRACT TOWER AGREEMENTS*
 13 *TO CORPORATION.—In carrying out section 91302(e), the*
 14 *Secretary shall take such actions as are necessary to ensure*
 15 *that the Corporation assumes the contract and other obliga-*
 16 *tions associated with the operation of an air traffic control*
 17 *tower that, prior to the date of transfer, was operated under*
 18 *a contract pursuant to section 47124.*

19 *“(b) SPECIAL RULES FOR PROPOSALS RELATING TO*
 20 *OPERATION OF CONTRACT TOWERS.—*

21 *“(1) IN GENERAL.—The regulations and stand-*
 22 *ards prescribed under section 90501(a)(1) shall in-*
 23 *clude procedures for the Secretary to evaluate, under*

1 *section 90501(c), a proposal for an airspace change,*
2 *including an airspace reclassification, that results*
3 *from the proposed closure of a tower that is operating*
4 *under a contract with the Corporation and that, prior*
5 *to the date of transfer, was operated under a contract*
6 *with the Secretary pursuant to section 47124.*

7 “(2) *PROCEDURES.*—*The procedures required*
8 *pursuant to paragraph (1) shall include—*

9 “(A) *the advance submission by the Cor-*
10 *poration of necessary supporting data, analysis,*
11 *and documentation related to—*

12 “(i) *the safety risk management assess-*
13 *ment of the proposed contract tower closure;*

14 “(ii) *an assessment of the impact of the*
15 *proposed closure on the operation of the na-*
16 *tional airspace system;*

17 “(iii) *an assessment of the impact of*
18 *the proposed closure on local communities,*
19 *including with respect to air service;*

20 “(iv) *an assessment, in consultation*
21 *with the Secretary of Defense and the Sec-*
22 *retary of Homeland Security, as appro-*
23 *priate, of any impact of the proposed clo-*
24 *sure on military aviation readiness and*
25 *training, homeland security aviation oper-*

1 *ations, emergency management and disaster*
2 *aviation operations, and law enforcement*
3 *aviation operations; and*

4 “(v) *any other safety or operational in-*
5 *formation the Secretary determines to be*
6 *necessary to understand the safety impact of*
7 *the proposed closure; and*

8 “(B) *a process to receive input from the*
9 *public, impacted air traffic services users, local*
10 *communities, and the airport operator of the air-*
11 *port where the contract tower proposed to be*
12 *closed is located.*

13 **“§90704. Availability of safety information to general**
14 ***aviation operators***

15 *“In carrying out section 90504, the Corporation shall*
16 *ensure that the safety information referenced in that section*
17 *is made available to general aviation operators.*

18 **“§90705. Special rules and appeals process for air**
19 ***traffic management procedures, assign-***
20 ***ments, and classifications of airspace***

21 “(a) *IN GENERAL.—If the Corporation proposes to*
22 *modify, reduce, decommission, or eliminate an air traffic*
23 *service or air navigation facility that would result in the*
24 *loss of or material reduction in access to a public-use air-*
25 *port or adjacent airspace for any class, category, or type*

1 of aircraft or aircraft operation, as determined by the Sec-
2 retary, the Secretary shall designate an officer to issue a
3 notice in the Federal Register and establish a docket that
4 includes—

5 “(1) a copy of the Corporation’s proposal;

6 “(2) available data on the usage of the affected
7 air traffic service or air navigation facility;

8 “(3) an assessment of the designated officer on
9 the effects of the proposal; and

10 “(4) an assessment of the designated officer on
11 any proposed action to mitigate the loss of or mate-
12 rial reduction in access to the public-use airport or
13 adjacent airspace.

14 “(b) *PROCEEDING.*—The designated officer shall pro-
15 vide an opportunity for public comment on the proposal
16 for a period of at least 60 days.

17 “(c) *DECISION.*—Not later than 30 days after the last
18 day of the public comment period, the designated officer
19 shall—

20 “(1) determine whether the proposal is in the
21 public interest, including whether any material re-
22 duction in access to a public-use airport or adjacent
23 airspace has been mitigated to the maximum extent
24 practicable; and

1 “(2) approve or disapprove the proposal on that
2 basis.

3 “(d) *RELATIONSHIP TO OTHER REQUIREMENTS.*—
4 *Notwithstanding section 90501(c), a proposal described in*
5 *subsection (a)—*

6 “(1) shall be subject to the process established in
7 this section; and

8 “(2) may not be implemented unless approved
9 under this section.

10 “(e) *APPEALS AND SECRETARIAL REVIEW.*—

11 “(1) *WRITTEN PETITION FOR REVIEW.*—*A peti-*
12 *tion for an appeal of a decision of the designated offi-*
13 *cer under subsection (c) shall be submitted in writing*
14 *to the Secretary not later than 30 days after the date*
15 *of the decision.*

16 “(2) *SECRETARIAL REVIEW.*—*The Secretary*
17 *shall review and make a determination with respect*
18 *to a timely filed petition under paragraph (1) not*
19 *later than 30 days after the date of receipt of the peti-*
20 *tion.*

21 “(f) *DECISIONAL STANDARDS.*—*In making a deter-*
22 *mination under this section, neither the Secretary nor the*
23 *designated officer may consider any factor not directly ger-*
24 *mane to—*

1 “(1) *the safe operation or navigation of an air-*
2 *craft; or*

3 “(2) *the sufficiency of mitigation efforts related*
4 *to a material reduction in access to a public-use air-*
5 *port or adjacent airspace.*

6 “(g) *JUDICIAL REVIEW.—*

7 “(1) *IN GENERAL.—Any determination made by*
8 *the Secretary under subsection (e)(2) shall be subject*
9 *to judicial review pursuant to subsections (a), (b),*
10 *(d), and (e) of section 46110.*

11 “(2) *STANDARD OF REVIEW.—*

12 “(A) *DISAPPROVALS.—In the case of a peti-*
13 *tion filed under section 46110(a) to review a de-*
14 *termination of the Secretary that disapproves a*
15 *proposal, the court shall, without deference to the*
16 *Secretary’s determination, review de novo the*
17 *record to determine if the Secretary’s determina-*
18 *tion is in the public interest.*

19 “(B) *APPROVALS.—In the case of a petition*
20 *filed under section 46110(a) to review a deter-*
21 *mination of the Secretary that approves a pro-*
22 *posal, the court may overturn the approval only*
23 *upon a finding of clear error or an abuse of dis-*
24 *cretion.*

1 **“§ 90706. Definitions**

2 *“In this chapter, the following definitions apply:*

3 *“(1) MATERIAL REDUCTION.—The term ‘mate-*
 4 *rial reduction’ means, with respect to access to a pub-*
 5 *lic-use airport, including a general aviation or rural*
 6 *airport, a materially diminished ability to safely op-*
 7 *erate or navigate to or from the airport or adjacent*
 8 *airspace during a time of day, weather condition, or*
 9 *season of the year.*

10 *“(2) RURAL AIRPORT.—The term ‘rural airport’*
 11 *means a public-use airport located in a rural area*
 12 *(as that term is defined in section 520 of the Housing*
 13 *Act of 1949 (42 U.S.C. 1490)).*

14 **“CHAPTER 909—CONTINUITY OF AIR TRAF-**
 15 ***FIC SERVICES TO DEPARTMENT OF DE-***
 16 ***FENSE AND OTHER PUBLIC AGENCIES***

“Sec.

“90901. Continuity of air traffic services provided by Department of Defense.

“90902. Military and other public aircraft exempt from user fees.

“90903. Air traffic services for Federal agencies.

“90904. Emergency powers of Armed Forces.

*“90905. Adherence to international agreements related to operations of Armed
 Forces.*

“90906. Primacy of Armed Forces in times of war.

*“90907. Cooperation with Department of Defense and other Federal agencies after
 date of transfer.*

17 **“§ 90901. Continuity of air traffic services provided by**
 18 ***Department of Defense***

19 *“After the date of transfer, the Department of Defense,*
 20 *as directed by the President, is authorized and permitted*

1 *to provide air traffic services within United States airspace*
2 *and international airspace delegated to the United States.*

3 **“§ 90902. Military and other public aircraft exempt**
4 ***from user fees***

5 *“The Corporation may not impose charges or fees for*
6 *operations of aircraft owned or operated by the Armed*
7 *Forces or other aircraft that qualify as public aircraft*
8 *under sections 40102(a) and 40125.*

9 **“§ 90903. Air traffic services for Federal agencies**

10 *“Before the date of transfer, the Secretary shall estab-*
11 *lish processes, requirements, procedures, and regulations*
12 *and take any other measure necessary, consistent with the*
13 *purposes of this subtitle, to ensure that all United States*
14 *Government activities supported by the FAA’s operation of*
15 *air traffic services as of the date of transfer receive support*
16 *from the Corporation after the date of transfer and on an*
17 *ongoing basis.*

18 **“§ 90904. Emergency powers of Armed Forces**

19 *“The requirements of section 90501 shall not apply to*
20 *airspace actions necessitated by an exercise of authority*
21 *under section 40106.*

1 **“§ 90905. Adherence to international agreements re-**
2 **lated to operations of Armed Forces**

3 *“In carrying out section 90503, the Corporation shall*
4 *ensure that the obligations described in that section include*
5 *obligations related to operations of the Armed Forces.*

6 **“§ 90906. Primacy of Armed Forces in times of war**

7 *“The President may make temporary transfers to the*
8 *Secretary of Defense pursuant to section 40107(b).*

9 **“§ 90907. Cooperation with Department of Defense**
10 **and other Federal agencies after date of**
11 **transfer**

12 *“At least 1 year prior to the date of transfer, the Cor-*
13 *poration, the Department of Transportation, and each Fed-*
14 *eral department or agency supported by the FAA’s oper-*
15 *ation of air traffic services, including the Armed Forces,*
16 *shall enter into a tripartite agreement to—*

17 *“(1) ensure cooperation between the Corporation*
18 *and the department or agency on the delivery of air*
19 *traffic services;*

20 *“(2) facilitate the safe provision of air traffic*
21 *services to the department or agency; and*

22 *“(3) address how the Corporation and the de-*
23 *partment or agency will coordinate and communicate*
24 *on the day-to-day operations of the national airspace*
25 *system.*

1 **“CHAPTER 911—EMPLOYEE MANAGEMENT**

“Sec.

“91101. *Definitions.*

“91102. *Employee management and benefits election.*

“91103. *Labor and employment policy.*

“91104. *Bargaining units.*

“91105. *Recognition of labor organizations.*

“91106. *Collective-bargaining agreements.*

“91107. *Collective-bargaining dispute resolution.*

“91108. *Potential and pending grievances, arbitrations, and settlements.*

“91109. *Prohibition on striking and other activities.*

“91110. *Legal action.*

2 **“§91101. Definitions**

3 “*In this chapter, the following definitions apply:*

4 “(1) *AGENCY.—The term ‘Agency’ means, as the*
5 *context requires, the Department of Transportation or*
6 *the FAA.*

7 “(2) *AIR TRAFFIC CONTROLLER.—*

8 “(A) *IN GENERAL.—The term ‘air traffic*
9 *controller’ means an employee of the Corporation*
10 *who, in an air traffic control facility or flight*
11 *service station facility—*

12 “(i) *is actively engaged—*

13 “(I) *in the separation and control*
14 *of air traffic; or*

15 “(II) *in providing preflight,*
16 *inflight, or airport advisory service to*
17 *aircraft operators; or*

18 “(ii) *is the immediate supervisor of*
19 *any employee described in clause (i).*

1 “(B) *LIMITATION.*—*Notwithstanding sub-*
2 *paragraph (A), the definition of ‘air traffic con-*
3 *troller’ for purposes of section 8336(e) of chapter*
4 *83 of title 5 and section 8412(e) of chapter 84*
5 *of such title shall mean only employees actively*
6 *engaged in the separation of air traffic and the*
7 *immediate supervisors of such employees, as set*
8 *forth in section 8331(30) of such title, and sec-*
9 *tion 8401(35) of such title.*

10 “(3) *AUTHORITY.*—*The term ‘Authority’ means*
11 *the Federal Labor Relations Authority, as described*
12 *in section 7104(a) of title 5.*

13 “(4) *SERVICE.*—*The term ‘Service’ means the*
14 *Federal Mediation and Conciliation Service estab-*
15 *lished by section 202 of the Labor Management Rela-*
16 *tions Act, 1947 (29 U.S.C. 172).*

17 **“§91102. Employee management and benefits election**

18 “(a) *AUTHORITY OF CEO.*—

19 “(1) *IN GENERAL.*—*Except as otherwise provided*
20 *by law, the CEO shall classify and fix the compensa-*
21 *tion and benefits of employees in the Corporation.*

22 “(2) *NEGOTIATIONS.*—*In developing, making*
23 *changes to, and implementing wages, hours, and other*
24 *terms and conditions of employment, including when*
25 *establishing the compensation and benefits program*

1 *under section 90316(c), the Corporation shall nego-*
2 *tiate with exclusive representatives recognized under*
3 *section 91105.*

4 “(3) *BEFORE DATE OF TRANSFER.—For pur-*
5 *poses of paragraph (2), before the date of transfer, the*
6 *term ‘exclusive representatives recognized under sec-*
7 *tion 91105’ shall refer to labor organizations recog-*
8 *nized under section 7111 of title 5 as exclusive rep-*
9 *resentatives of FAA employees.*

10 “(b) *FORMER FEDERAL EMPLOYEES.—*

11 “(1) *FEDERAL RETIREMENT BENEFITS.—*

12 “(A) *ELECTION OF RETIREMENT BENE-*
13 *FITS.—At least 90 days before the date of trans-*
14 *fer, an employee transferring to the Corporation*
15 *who will be subject to either the Civil Service Re-*
16 *irement System under chapter 83 of title 5 (in*
17 *this section referred to as ‘CSRS’) or the Federal*
18 *Employees Retirement System under chapter 84*
19 *of title 5 (in this section referred to as ‘FERS’)*
20 *on the day immediately preceding the date of*
21 *transfer shall elect either to—*

22 “(i) *retain the employee’s coverage*
23 *under either CSRS or FERS, as applicable,*
24 *in lieu of coverage by the Corporation’s em-*

1 *mployee benefits system established under sec-*
2 *tion 90316(c); or*

3 *“(ii) receive a deferred annuity, lump-*
4 *sum benefit, or any other benefit available*
5 *to the employee under CSRS or FERS, in*
6 *the same manner that would have been*
7 *available to the employee if the employee*
8 *had voluntarily separated from Federal em-*
9 *ployment on the day before the date of*
10 *transfer.*

11 *“(B) THRIFT SAVINGS PLAN ACCOUNTS.—*
12 *An employee who makes the election under sub-*
13 *paragraph (A)(ii) shall have the option to trans-*
14 *fer the balance in the employee’s Thrift Savings*
15 *Plan account to the plan under the Corporation’s*
16 *retirement system, consistent with applicable law*
17 *and the terms of the Corporation’s plan.*

18 *“(C) PERIODIC ELECTION.—The Corpora-*
19 *tion shall provide for periodic election seasons*
20 *during which an employee who transferred to the*
21 *Corporation on the date of transfer may become*
22 *eligible for retirement benefits under the Cor-*
23 *poration’s employee benefits system established*
24 *under section 90316(c) by making an election*
25 *under subparagraph (A)(ii).*

1 “(D) *CONTINUITY OF ANNUITANT BENE-*
2 *FITS.—Notwithstanding any other provision of*
3 *law, any individual who is receiving an annuity*
4 *under chapter 83 or chapter 84 of title 5 may*
5 *continue to receive such annuity while employed*
6 *by the Corporation.*

7 “(E) *HIGH-3 DETERMINATION.—With re-*
8 *spect to any employee who retains CSRS or*
9 *FERS coverage pursuant to subparagraph (A),*
10 *such employee’s basic pay while with the Cor-*
11 *poration shall be included in any determination*
12 *of such employee’s average pay under section*
13 *8331(4) or 8401(3), as the case may be, of title*
14 *5 when calculating the annuity (if any) of such*
15 *employee. For purposes of this section, an em-*
16 *ployee’s basic pay shall be defined as such em-*
17 *ployee’s total annual salary or wages from the*
18 *Corporation, including any location-based ad-*
19 *justment.*

20 “(2) *PAYMENTS TO CIVIL SERVICE RETIREMENT*
21 *AND DISABILITY FUND.—For employees of the Cor-*
22 *poration who elect to retain their coverage under ei-*
23 *ther CSRS or FERS pursuant to paragraph (1), the*
24 *Corporation shall only be required to pay to the Civil*
25 *Service Retirement and Disability Fund—*

1 “(A) such employee deductions and agency
2 contributions as are required by sections 8334,
3 8422, and 8423 of title 5; and

4 “(B) such additional amounts, not to exceed
5 2 percent of the amounts under subparagraph
6 (A), as are determined necessary by the Office of
7 Personnel Management to pay the cost of admin-
8 istering retirement benefits for employees who re-
9 tire from the Corporation after the date of trans-
10 fer under either CSRS or FERS, for their sur-
11 vivors, and for survivors of employees of the Cor-
12 poration who die after the date of transfer
13 (which amounts shall be available to the Office
14 of Personnel Management as provided in section
15 8348(a)(1)(B) of title 5).

16 “(3) *THRIFT SAVINGS FUND.*—The Corporation
17 shall pay to the Thrift Savings Fund such employee
18 and agency contributions as are required by section
19 8432 of title 5 for employees who elect to retain their
20 coverage under FERS pursuant to paragraph (1).

21 “(4) *HEALTH BENEFITS PLAN ELECTION.*—Any
22 employee of the Corporation who was subject to the
23 Federal Employees Health Benefits Program under
24 chapter 89 of title 5 (in this section referred to as
25 ‘FEHBP’) on the day immediately preceding the date

1 of transfer shall have the option to receive health ben-
2 efits from a health benefit plan established by the Cor-
3 poration under section 90316(c) or to continue cov-
4 erage under FEHBP without interruption.

5 “(5) PAYMENTS TO EMPLOYEES HEALTH BENE-
6 FITS FUND.—For employees of the Corporation who
7 elect to retain their coverage under FEHBP pursuant
8 to paragraph (4), the Corporation shall pay to the
9 Employees Health Benefits Fund—

10 “(A) such employee deductions and agency
11 contributions as are required by subsections (a)
12 through (f) of section 8906 of title 5; and

13 “(B) such amounts as are determined nec-
14 essary by the Office of Personnel Management
15 under paragraph (6) to reimburse the Office of
16 Personnel Management for contributions under
17 section 8906(g)(1) of title 5.

18 “(6) REIMBURSEMENT AMOUNTS.—The amounts
19 required to be paid by the Corporation under para-
20 graph (5)(B) shall be equal to the amount of Govern-
21 ment contributions for retired employees who retire
22 from the Corporation after the date of transfer under
23 either CSRS or FERS, for survivors of such retired
24 employees, and for survivors of employees of the Cor-
25 poration who die after the date of transfer, with said

1 *amounts prorated to reflect only that portion of the*
2 *total service of such employees and retired persons*
3 *that was performed for the Corporation after the date*
4 *of transfer.*

5 *“(7) ADDITIONAL BENEFITS.—Subject to the pro-*
6 *visions of this chapter, any employee of the Corpora-*
7 *tion who was subject to the provisions of subchapter*
8 *I of chapter 85 (concerning unemployment compensa-*
9 *tion) and chapters 87 (concerning life insurance),*
10 *89A (concerning enhanced dental benefits), and 89B*
11 *(concerning enhanced vision benefits) of title 5 shall*
12 *have the option to continue coverage under such pro-*
13 *visions without interruption in lieu of applicable cov-*
14 *erage by the Corporation’s employee benefits system*
15 *established under section 90316(c). The Corporation*
16 *shall withhold from pay, and shall make contribu-*
17 *tions, under the provisions of title 5 referred to in this*
18 *subsection at the same rates applicable to agencies of*
19 *the Federal Government for such employees.*

20 *“(8) WORKERS COMPENSATION.—Officers and*
21 *employees of the Corporation shall be covered by, and*
22 *shall be considered employees for purposes of, sub-*
23 *chapter I of chapter 81 of title 5 (concerning com-*
24 *penetration for work injuries). The Corporation shall*
25 *make contributions to the Employees’ Compensation*

1 *Fund under the provisions of section 8147 of title 5*
2 *at the same rates applicable to agencies of the Federal*
3 *Government.*

4 “(9) *NON-FOREIGN AREA.*—*To the extent con-*
5 *sistent with law, the Non-Foreign Area Retirement*
6 *Equity Assurance Act of 2009 shall apply to officers*
7 *and employees of the Corporation transferred under*
8 *section 90316.*

9 “(10) *TRANSFER OF LEAVE.*—*Sick and annual*
10 *leave, credit hours, and compensatory time of officers*
11 *and employees of the Corporation, whether accrued*
12 *before or after the date of transfer, shall be obligations*
13 *of the Corporation under the provisions of this chap-*
14 *ter.*

15 “(11) *WHISTLEBLOWER PROTECTION.*—*Neither*
16 *the Corporation, nor any officer or employee of the*
17 *Corporation, may take any action described in sub-*
18 *section (b)(8), (b)(9), or (b)(13), or the final para-*
19 *graph of subsection (b), of section 2302 of title 5 (re-*
20 *lating to whistleblower protection).*

21 **“§91103. Labor and employment policy**

22 “(a) *APPLICATION OF CHAPTER 71 OF TITLE 5.*—*To*
23 *the extent not inconsistent with this chapter, labor-manage-*
24 *ment relations shall be subject to the provisions of chapter*
25 *71 of title 5, provided that the obligation of the Corporation*

1 *and an exclusive bargaining representative recognized*
2 *under section 91105 to bargain collectively in good faith*
3 *over conditions of employment shall mean to bargain over*
4 *the same wages, hours, and other terms and conditions of*
5 *employment as are negotiable under section 8(d) of the Act*
6 *of July 5, 1935, as amended (29 U.S.C. 158(d)), and with-*
7 *out application of section 7103(a)(14) of title 5 and section*
8 *7117 of title 5, which shall not apply.*

9 “(b) *APPLICABILITY.—To the limited extent necessary*
10 *for the implementation of this chapter, the Corporation*
11 *shall have the rights and obligations of an agency under*
12 *chapter 71 of title 5.*

13 “(c) *APPLICATION OF FAIR LABOR STANDARDS ACT.—*
14 *The provisions of the Fair Labor Standards Act of 1938*
15 *(29 U.S.C. 201 et seq.) shall apply to the Corporation and*
16 *to its officers and employees.*

17 “(d) *REPORTING AND DISCLOSURE.—The provisions of*
18 *the Labor-Management Reporting and Disclosure Act of*
19 *1959 (29 U.S.C. 401 et seq.) shall be applicable to labor*
20 *organizations that have or are seeking to attain recognition*
21 *under section 91105, and to such organizations’ officers,*
22 *agents, shop stewards, other representatives, and members.*

23 “(e) *RIGHT TO COLLECTIVELY BARGAIN.—Each em-*
24 *ployee of the Corporation shall have the right, freely and*
25 *without fear of penalty or reprisal, to form, join, and assist*

1 a labor organization or to refrain from any such activity,
2 and each employee shall be protected in the exercise of this
3 right. Such right shall include the right to engage in collec-
4 tive bargaining with respect to the same wages, hours, and
5 other terms and conditions of employment as are negotiable
6 under section 8(d) of the Act of July 5, 1935, as amended
7 (29 U.S.C. 158(d)).

8 **“§91104. Bargaining units**

9 “(a) *IN GENERAL.*—Pursuant to section 7112 of title
10 5 and subject to the requirements of this chapter, the Au-
11 thority shall decide in each case the unit appropriate for
12 collective bargaining with the Corporation.

13 “(b) *PREVIOUSLY CERTIFIED UNITS.*—Notwith-
14 standing subsection (a), the Authority may not adopt, cer-
15 tify, or decide upon bargaining units that include employ-
16 ees in bargaining units previously certified by the Author-
17 ity that are smaller in geographic scope than such pre-
18 viously certified bargaining units, unless the Authority
19 finds by compelling evidence that such previously certified
20 units would not, absent modification, remain units appro-
21 priate for collective bargaining with the Corporation.

22 “(c) *OTHER UNITS.*—

23 “(1) *PREVIOUS CERTIFICATIONS.*—Notwith-
24 standing subsection (a) or (b), the Authority shall not
25 recognize or certify any bargaining unit different

1 *than the bargaining units previously certified by the*
2 *Authority prior to the date described in section*
3 *91105(g).*

4 “(2) *SUPERVISORS AND MANAGEMENT OFFI-*
5 *CIALS.—Notwithstanding section 7135(a)(2) of title 5,*
6 *a bargaining unit may not include, or be modified to*
7 *include, any supervisor or management official, as*
8 *those terms are defined in section 7103(a) of title 5.*

9 **“§91105. Recognition of labor organizations**

10 “(a) *APPLICATION OF CHAPTER 71 OF TITLE 5.—To*
11 *the extent not inconsistent with this chapter, section 7111*
12 *of title 5 shall apply to the recognition and certification*
13 *of labor organizations for the employees of the Corporation*
14 *and the Corporation shall accord exclusive recognition to*
15 *and bargain collectively with a labor organization when the*
16 *organization has been selected by a majority of the employ-*
17 *ees in an appropriate unit as their representative.*

18 “(b) *RECOGNITION OF EXCLUSIVE REPRESENTA-*
19 *TIVE.—Notwithstanding subsection (a), each labor organi-*
20 *zation that, immediately before the date of transfer, was rec-*
21 *ognized as the exclusive representative for a bargaining unit*
22 *of employees of the Agency shall be deemed to be recognized*
23 *on the date of transfer or thereafter as the exclusive rep-*
24 *resentative for those employees of the Corporation in the*
25 *same or similar bargaining unit unless another representa-*

1 *tive for a bargaining unit of employees is certified pursuant*
2 *to section 7111 of title 5 and this section.*

3 “(c) *EXPIRATION OF TERM.—Every collective-bar-*
4 *gaining agreement or arbitration award that applies to an*
5 *employee of the Agency and that is in force immediately*
6 *before the date of transfer continues in force until its term*
7 *expires. To the extent that the Corporation assumes the*
8 *functions and responsibilities that, prior to the date of*
9 *transfer, were conducted by the Agency, agreements and*
10 *supplements (including any arbitration award, as applica-*
11 *ble) covering employees of the Agency that are in effect on*
12 *the date of transfer shall continue to be recognized by and*
13 *binding on the Corporation, the bargaining representative,*
14 *and all covered employees until altered or amended pursu-*
15 *ant to law. Any agreement, supplement, or arbitration*
16 *award continued by this section is deemed to be an agree-*
17 *ment, supplement, or arbitration award binding on the*
18 *Corporation, the bargaining representative, and all covered*
19 *employees for purposes of this chapter and title 5.*

20 “(d) *LIMITATION ON APPLICATION.—Notwithstanding*
21 *section 91103, sections 7106 and 7113 of title 5 shall not*
22 *apply to this chapter.*

23 “(e) *CONTINUATION OF BARGAINING.—If an exclusive*
24 *representative and the Agency are engaged in bargaining*
25 *(whether concerning a collective-bargaining agreement,*

1 *issues related to the transfer of functions and responsibil-*
2 *ities from the Agency to the Corporation, or otherwise) prior*
3 *to the date of transfer, such bargaining shall continue be-*
4 *tween the exclusive representative and the Corporation, and*
5 *the Corporation shall be bound by any commitments made*
6 *during bargaining by the Agency.*

7 “(f) *STATUTORY CONSTRUCTION.*—*Nothing in this sec-*
8 *tion may be construed to prohibit the waiving of hearings*
9 *by stipulation for the purpose of a consent election in con-*
10 *formity with regulations and rules of decision of the Au-*
11 *thority.*

12 “(g) *LIMITATION.*—*Notwithstanding any other provi-*
13 *sion of this chapter or any provision of title 5, no bar-*
14 *gaining unit or part of a bargaining unit consisting of em-*
15 *ployees of the Corporation represented by a labor organiza-*
16 *tion pursuant to subsection (b) may be reviewed, rescinded,*
17 *amended, altered, or varied, other than—*

18 “(1) *to include in the unit any employees who*
19 *are not represented by a labor organization, or*

20 “(2) *to merge bargaining units that are rep-*
21 *resented by the same labor organization,*

22 *before the first day of the last 3 months of the first collective*
23 *agreement entered into after the date of transfer that applies*
24 *to those employees and that has resulted from collective bar-*

1 *gaining between such labor organization and the Corpora-*
2 *tion.*

3 “(h) *DEDUCTION.*—

4 “(1) *IN GENERAL.*—Notwithstanding section
5 91103, section 7115 of title 5 shall not apply to this
6 chapter.

7 “(2) *DUES.*—When a labor organization holds
8 exclusive recognition, the Corporation shall deduct the
9 regular and periodic dues, initiation fees, and assess-
10 ments (not including fines and penalties) of the orga-
11 nization from the pay of all members of the organiza-
12 tion in the unit of recognition if the Corporation (or,
13 before the date of transfer, the Agency) has received
14 from each employee, on whose account such deduc-
15 tions are made, a written assignment which shall be
16 irrevocable for a period of not more than 1 year.

17 “(3) *CONTINUATION.*—Any agreement described
18 in subsection (c) that provides for deduction by the
19 Agency of the regular and periodic dues, initiation
20 fees, and assessments (not including fines and pen-
21 alties) of the labor organization from the pay of its
22 members shall continue in full force and effect and the
23 obligation for such deductions shall be assumed by the
24 Corporation. No such deduction may be made from
25 the pay of any employee except on the employee’s

1 *written assignment, which shall be irrevocable for a*
2 *period of not more than 1 year.*

3 **“§91106. Collective-bargaining agreements**

4 “(a) *IN GENERAL.*—*Except as provided under section*
5 *91105(c), collective-bargaining agreements between the Cor-*
6 *poration and bargaining representatives shall be effective*
7 *for not less than 2 years.*

8 “(b) *PROCEDURES.*—*Collective-bargaining agreements*
9 *between the Corporation and bargaining representatives*
10 *recognized under section 91105 may include procedures for*
11 *resolution by the parties of grievances and adverse actions*
12 *arising under the agreement, including procedures culmi-*
13 *nating in binding third-party arbitration, or the parties*
14 *may adopt such procedures by mutual agreement in the*
15 *event of a dispute. Such procedures shall be applicable to*
16 *disputes arising under section 91109.*

17 “(c) *LIMITATION ON APPLICATION.*—*Notwithstanding*
18 *section 91103, section 7121(c) of title 5 shall not apply to*
19 *this chapter.*

20 “(d) *DISPUTE RESOLUTION PROCEDURES.*—*The Cor-*
21 *poration and bargaining representatives recognized under*
22 *section 91105 may by mutual agreement adopt procedures*
23 *for the resolution of disputes or impasses arising in the ne-*
24 *gotiation of a collective-bargaining agreement.*

1 **“§91107. Collective-bargaining dispute resolution**

2 “(a) *RESOLUTION OF DISPUTES.—*

3 “(1) *IN GENERAL.—If, prior to 90 days after the*
4 *expiration of the term collective-bargaining agreement*
5 *or 90 days after the parties begin mid-term negotia-*
6 *tions, the Corporation and the exclusive bargaining*
7 *representative of the employees of the Corporation (in*
8 *this section referred to collectively as the ‘parties’) do*
9 *not reach an agreement under sections 7114(a)(1),*
10 *7114(a)(4), and 7114(b) of title 5 (as such sections*
11 *apply to the Corporation under this chapter), or sec-*
12 *tion 91106(d) of this chapter, the Corporation and the*
13 *bargaining representative shall use the mediation*
14 *services of the Service to attempt to reach such agree-*
15 *ment in accordance with part 1425 of title 29, Code*
16 *of Federal Regulations (as in effect on the date of en-*
17 *actment of this subtitle).*

18 “(2) *MEDIATION PERIOD.—The mediation period*
19 *under paragraph (1) may not exceed 60 days unless*
20 *extended by written agreement of the parties.*

21 “(b) *BINDING ARBITRATION FOR TERM BAR-*
22 *GAINING.—*

23 “(1) *THREE MEMBER PRIVATE ARBITRATION*
24 *BOARD.—If the mediation services of the Service*
25 *under subsection (a)(1) do not lead to the resolution*
26 *of issues in controversy arising from the negotiation*

1 *of a term collective-bargaining agreement, the parties*
2 *shall submit their issues in controversy to a private*
3 *arbitration board consisting of 3 members.*

4 “(2) *APPOINTMENT OF ARBITRATION BOARD.—*

5 “(A) *PREPARATION OF LIST OF ARBITRA-*
6 *TORS.—The Director of the Service shall provide*
7 *for the appointment of the 3 members of an arbi-*
8 *tration board by—*

9 “(i) *preparing a list of not fewer than*
10 *15 names of arbitrators of nationwide rep-*
11 *utation and professional stature with at*
12 *least 20 years of experience in labor-man-*
13 *agement arbitration and considerable expe-*
14 *rience in interest arbitration in major in-*
15 *dustries; and*

16 “(ii) *providing the list to the parties.*

17 “(B) *SELECTION OF ARBITRATORS BY PAR-*
18 *TIES.—Not later than 10 days after receiving a*
19 *list of names under subparagraph (A), the par-*
20 *ties shall each select one arbitrator. The arbitra-*
21 *tors selected by the parties do not need to be ar-*
22 *bitrators whose names appear on the list.*

23 “(C) *SELECTION OF THIRD ARBITRATOR.—*

24 *Not later than 7 days after the date on which the*
25 *2 arbitrators are selected by the parties under*

1 subparagraph (B), the 2 arbitrators, acting
2 jointly, shall select a third person from the list
3 prepared under subparagraph (A).

4 “(D) *FAILURE TO ACT.*—If either of the
5 parties fails to select a person or if the 2 arbitra-
6 tors are unable to agree on the third person in
7 7 days, the parties shall make the selection by al-
8 ternately striking names on the list prepared
9 under subparagraph (A), beginning with the
10 party chosen on a random basis, until one arbi-
11 trator remains.

12 “(3) *FRAMING ISSUES IN CONTROVERSY.*—If the
13 parties do not agree on the framing of the issues to
14 be submitted for arbitration, the arbitration board
15 shall frame the issues.

16 “(4) *HEARINGS.*—The arbitration board shall
17 give the parties a full and fair hearing, including an
18 opportunity to present evidence and witnesses in sup-
19 port of their claims and an opportunity to present
20 their case in person, by counsel, or by other represent-
21 ative as they may elect.

22 “(5) *DECISIONS.*—The arbitration board shall
23 render its written decision not later than 90 days
24 after the date of its appointment. Decisions of the ar-

1 *bitration board shall be conclusive and binding upon*
2 *the parties.*

3 “(6) *EVIDENCE.—The arbitration board shall*
4 *consider and afford the proper weight to all of the evi-*
5 *dence presented by the parties.*

6 “(7) *COSTS.—The parties shall share costs of the*
7 *arbitration equally.*

8 “(c) *RATIFICATION OF AGREEMENTS.—Upon reaching*
9 *a voluntary agreement or at the conclusion of the binding*
10 *arbitration under subsection (b), the final agreement, except*
11 *for those matters decided by a private arbitration board,*
12 *shall be—*

13 “(1) *subject to ratification by the exclusive bar-*
14 *gaining representative of the employees, if so re-*
15 *quested by the bargaining representative; and*

16 “(2) *subject to approval by the head of the Cor-*
17 *poration in accordance with section 7114(c) of title 5.*

18 “(d) *MID-TERM BARGAINING.—*

19 “(1) *PREPARATION OF LIST OF ARBITRATORS.—*
20 *If the mediation services of the Service under sub-*
21 *section (a) do not lead to the resolution of issues in*
22 *controversy arising from the negotiation of a mid-*
23 *term collective-bargaining agreement, the Director*
24 *shall provide the parties a list of not fewer than 10*
25 *names of arbitrators of nationwide reputation and*

1 professional stature with at least 20 years of experi-
2 ence in labor-management arbitration and consider-
3 able experience in interest arbitration in major in-
4 dustries.

5 “(2) *SELECTION OF ARBITRATOR.*—The parties
6 shall alternately strike names on the list, beginning
7 with the party chosen on a random basis, until one
8 arbitrator remains.

9 “(3) *DECISION.*—The arbitrator shall hold a
10 hearing, and not later than 90 days after date of the
11 appointment of the arbitrator, issue a written deci-
12 sion resolving the issues in controversy. The decision
13 shall be conclusive and binding upon the parties.

14 “(e) *ENFORCEMENT.*—To enforce this section, either
15 party may bring suit in the United States District Court
16 for the District of Columbia, which shall hear and resolve
17 the enforcement action on an expedited basis.

18 “(f) *APPLICATION.*—Notwithstanding section
19 91103(a), section 7119 of title 5 shall not apply to this
20 chapter.

21 **“§91108. Potential and pending grievances, arbitra-**
22 **tions, and settlements**

23 “(a) *IN GENERAL.*—The Corporation is deemed to be
24 the employer referred to in any agreement or supplement
25 referred to in section 91105(c) for the purpose of any arbi-

1 *tration proceeding or arbitration award. Any agreement*
2 *concerning any employee that resolves a potential or filed*
3 *grievance that is binding on the Agency shall, to the extent*
4 *that the employee becomes an employee of the Corporation,*
5 *become binding on the Corporation.*

6 “(b) *EXISTING BINDING AGREEMENTS.—Any agree-*
7 *ment or supplement referred to in section 91105(c) is bind-*
8 *ing on—*

9 “(1) *the Corporation as if it were the employer*
10 *referred to in such agreement or supplement;*

11 “(2) *the bargaining representative that is a*
12 *party to the agreement or supplement; and*

13 “(3) *the employees of the Corporation in the bar-*
14 *gaining unit with respect to whom that bargaining*
15 *representative has been certified.*

16 “(c) *JURISDICTION.—Subject to section 91103, the Au-*
17 *thority shall retain jurisdiction over all matters arising be-*
18 *fore the date of transfer in relation to the interpretation*
19 *and application of any agreement or supplement referred*
20 *to in section 91105(c), whether or not such agreement or*
21 *supplement has expired.*

22 “(d) *EXISTING GRIEVANCES OR ARBITRATIONS.—*
23 *Grievances or arbitrations that were filed or commenced be-*
24 *fore the date of transfer with respect to any agreement or*
25 *supplement referred to in section 91105(c) shall be contin-*

1 *ued as though the Corporation were the employer referred*
2 *to in the agreement or supplement.*

3 “(e) *PROCEEDINGS AFTER DATE OF TRANSFER.*—
4 *Where events giving rise to a grievance under any agree-*
5 *ment or supplement referred to in section 91105(c) occurred*
6 *before the date of transfer but the proceedings had not com-*
7 *menced before that date, the proceedings may be commenced*
8 *on or after the date of transfer in accordance with such*
9 *agreement or supplement as though the Corporation were*
10 *the employer referred to in such agreement or supplement.*

11 “(f) *ACTIONS DEEMED TO BE BY CORPORATION.*—*For*
12 *the purposes of subsections (c), (d), and (e), anything done,*
13 *or not done, by the Agency is deemed to have been done,*
14 *or to have not been done, as the case may be, by the Cor-*
15 *poration.*

16 “(g) *EXCEPTIONS TO ARBITRAL AWARDS.*—

17 “(1) *IN GENERAL.*—*Notwithstanding section*
18 *91103, section 7122 of title 5 shall not apply to this*
19 *chapter.*

20 “(2) *ACTIONS TO VACATE.*—*Either party to*
21 *grievance arbitration under this chapter may file an*
22 *action pursuant to section 91110(a) to enforce the ar-*
23 *bitration process or to vacate or enforce an arbitra-*
24 *tion award. An arbitration award may only be va-*
25 *cated on the grounds, and pursuant to the standards,*

1 *that would be applicable to an action to vacate an ar-*
2 *bitration award brought in the Federal courts under*
3 *section 301 of the Labor Management Relations Act,*
4 *1947 (29 U.S.C. 185).*

5 **“§91109. Prohibition on striking and other activities**

6 “(a) *IN GENERAL.—Employees of the Corporation are*
7 *prohibited from—*

8 “(1) *participating in a strike, work stoppage, or*
9 *slowdown against the Corporation; or*

10 “(2) *picketing the Corporation in a labor-man-*
11 *agement dispute if such picketing interferes with the*
12 *Corporation’s operations.*

13 “(b) *TERMINATION.—An employee who participates in*
14 *an activity described in subsection (a) shall be terminated*
15 *from employment with the Corporation.*

16 **“§91110. Legal action**

17 “(a) *IN GENERAL.—Consistent with the requirements*
18 *of section 90315, actions to enforce the arbitration process*
19 *or vacate or enforce an arbitral award under section*
20 *91108(g)(2) between the Corporation and a labor organiza-*
21 *tion representing Corporation employees, or between any*
22 *such labor organizations, may be brought in any district*
23 *court of the United States having jurisdiction of the parties,*
24 *without respect to the amount in controversy.*

1 “(b) *AUTHORIZED ACTS.*—A labor organization recog-
2 nized under section 91105 and the Corporation shall be
3 bound by the authorized acts of their agents. Any labor or-
4 ganization may sue or be sued as an entity and on behalf
5 of the employees whom it represents in the courts of the
6 United States. Any money judgment against a labor orga-
7 nization in a district court of the United States shall be
8 enforceable only against the organization as an entity and
9 against its assets, and shall not be enforceable against any
10 individual member or his assets.

11 “(c) *JURISDICTION.*—Under this subtitle, for the pur-
12 poses of actions and proceedings by or against labor organi-
13 zations in the district courts of the United States, district
14 courts shall be deemed to have jurisdiction of a labor orga-
15 nization—

16 “(1) in the district in which such organization
17 maintains its principal offices; or

18 “(2) in any district in which its duly authorized
19 officers or agents are engaged in representing or act-
20 ing for employee members.

21 “(d) *SUMMONS OR SUBPOENA.*—The service of sum-
22 mons, subpoena, or other legal process of any court of the
23 United States upon an officer or agent of a labor organiza-
24 tion, in his capacity as such, shall constitute service upon
25 the labor organization.

1 **“CHAPTER 913—OTHER MATTERS**

“Sec.

“91301. *Termination of Government functions.*

“91302. *Savings provisions.*

2 **“§ 91301. Termination of Government functions**

3 *“Except as otherwise provided in this subtitle, when-*
4 *ever any function vested by law in the Secretary, Adminis-*
5 *trator, Department of Transportation, or FAA has been*
6 *transferred to the Corporation pursuant to this subtitle, it*
7 *shall no longer be a function of the Government.*

8 **“§ 91302. Savings provisions**

9 *“(a) COMPLETED ADMINISTRATIVE ACTIONS.—*

10 *“(1) IN GENERAL.—Completed administrative*
11 *actions of the Department of Transportation or the*
12 *FAA shall not be affected by the enactment of this*
13 *subtitle, but shall continue in effect according to their*
14 *terms until amended, modified, superseded, termi-*
15 *nated, set aside, or revoked in accordance with law.*

16 *“(2) COMPLETED ADMINISTRATIVE ACTION DE-*
17 *FINED.—In paragraph (1), the term ‘completed ad-*
18 *ministrative action’ includes orders, determinations,*
19 *rules, regulations, personnel actions, permits, agree-*
20 *ments, grants, contracts, certificates, licenses, registra-*
21 *tions, and privileges.*

22 *“(b) CONTINUED EFFECTIVENESS OF PENDING AC-*
23 *TIONS.—*

1 “(1) *PENDING ACTIONS AND PROCEEDINGS.*—*The*
2 *provisions of this subtitle shall not affect any pro-*
3 *ceedings of the Department of Transportation or the*
4 *FAA pending on the date of transfer, including—*

5 “(A) *notices of proposed rulemaking related*
6 *to activities of the FAA, without regard to*
7 *whether the activities are transferred to the Cor-*
8 *poration; and*

9 “(B) *an application for a license, a permit,*
10 *a certificate, or financial assistance pending on*
11 *the date of transfer before the Department of*
12 *Transportation or the FAA, or any officer there-*
13 *of, with respect to activities of the Department or*
14 *the FAA, without regard to whether the activities*
15 *are transferred to the Corporation.*

16 “(2) *EFFECT OF ORDERS.*—*Orders issued in any*
17 *proceedings referred to in paragraph (1) shall con-*
18 *tinue in effect until modified, terminated, superseded,*
19 *or revoked in accordance with law. Nothing in this*
20 *subsection prohibits the discontinuance or modifica-*
21 *tion of any such proceeding under the same terms and*
22 *conditions and to the same extent that such pro-*
23 *ceeding could have been discontinued or modified if*
24 *this subtitle had not been enacted.*

1 “(c) *CONTINUED EFFECTIVENESS OF ADMINISTRATIVE*
2 *AND JUDICIAL ACTIONS.*—*No causes of action or actions by*
3 *or against the Department of Transportation or the FAA*
4 *arising from acts or omissions occurring before the date of*
5 *transfer shall abate by reason of the enactment of this sub-*
6 *title.*

7 “(d) *SUBSTITUTION OR ADDITION OF PARTIES TO JU-*
8 *DICIAL ACTIONS.*—*Except as provided by subsection (e)(2),*
9 *if, on the date of transfer, the Department of Transpor-*
10 *tation or the FAA, or any officer thereof in the officer’s ca-*
11 *capacity, is a party to an action and, under this subtitle,*
12 *the performance of that activity of the Department, FAA,*
13 *or officer is transferred to the Corporation, such action shall*
14 *be continued with the CEO substituted or added as a party.*

15 “(e) *AIR TRAFFIC SERVICES LIABILITIES AND OBLI-*
16 *GATIONS.*—

17 “(1) *ASSUMPTION OF OBLIGATIONS.*—*Except as*
18 *provided in paragraph (2), the Corporation shall as-*
19 *sume—*

20 “(A) *all obligations (tangible and incorpo-*
21 *real, present, and executory) associated with the*
22 *air traffic services transferred under this subtitle*
23 *on the date of transfer, including leases, permits,*
24 *licenses, contracts, agreements, accounts receiv-*
25 *able, and accounts payable; and*

1 “(B) *all claims and liabilities associated*
2 *with the air traffic services transferred under*
3 *this subtitle pending on the date of transfer.*

4 “(2) *CLAIMS AND ACTIONS THAT REMAIN LIABIL-*
5 *ITIES OF UNITED STATES.—*

6 “(A) *CLAIMS AND ACTIONS ARISING IN*
7 *TORT.—All claims and actions arising in tort*
8 *pending on the date of transfer and arising out*
9 *of the alleged acts or omissions of employees of*
10 *the FAA who transfer to the Corporation shall*
11 *remain liabilities of the United States.*

12 “(B) *CONTINGENT LIABILITIES.—All con-*
13 *tingent liabilities existing on the date of transfer*
14 *shall remain with the United States, including*
15 *(without limitation) environmental and intellec-*
16 *tual property infringement claims.*

17 “(C) *OTHER CLAIMS AND LIABILITIES.—All*
18 *other claims and liabilities arising out of the al-*
19 *leged acts or omissions of the United States be-*
20 *fore the date of transfer (including those arising*
21 *under an agreement referred to in section*
22 *91105(c)) whose remedy is financial or monetary*
23 *in nature shall remain liabilities of the United*
24 *States.*

1 “(D) *ACCESS OF FEDERAL REPRESENTA-*
2 *TIVES TO EMPLOYEES AND RECORDS.*—*The Sec-*
3 *retary shall ensure that, before the date of trans-*
4 *fer, the Corporation has agreed to allow rep-*
5 *resentatives of the Secretary and the Attorney*
6 *General such access as they may require to em-*
7 *ployees and records of the Corporation for all*
8 *purposes relating to the handling of such claims*
9 *under this paragraph.*

10 **“CHAPTER 915—CONGRESSIONAL OVER-**
11 **SIGHT OF AIR TRAFFIC SERVICES PRO-**
12 **VIDER**

“Sec.

“91501. *Inspector General reports to Congress on transition.*

“91502. *State of air traffic services.*

“91503. *Submission of annual financial report.*

“91504. *Submission of strategic plan.*

“91505. *Submission of annual action plan.*

13 **“§91501. Inspector General reports to Congress on**
14 ***transition***

15 “(a) *IN GENERAL.*—*Before the date of transfer, the In-*
16 *spector General of the Department of Transportation shall*
17 *submit regular reports to Congress on the progress of the*
18 *preparation of the Department of Transportation and of*
19 *the Corporation for the transfer of operational control of*
20 *air traffic services under this subtitle.*

1 “(b) *TIMING.*—*The reports described in subsection (a)*
2 *shall be submitted, at a minimum, on a quarterly basis*
3 *until the date of transfer.*

4 “(c) *SUNSET.*—*This section shall expire on the date*
5 *of transfer.*

6 “(d) *STATUTORY CONSTRUCTION.*—*Nothing in this*
7 *section may be construed to limit the authority of the In-*
8 *spector General of the Department of Transportation to con-*
9 *duct oversight of the Department of Transportation’s inter-*
10 *actions with the Corporation after the date of transfer.*

11 **“§91502. State of air traffic services**

12 “(a) *REPORT.*—*Not later than 2 years after the date*
13 *of transfer, and on or before March 31 of every second year*
14 *beginning thereafter—*

15 “(1) *the Corporation shall submit to the Sec-*
16 *retary a report on the state of air traffic services; and*

17 “(2) *the Secretary shall submit the report to*
18 *Congress.*

19 “(b) *CONTENTS.*—*The report shall include, as appro-*
20 *priate, information on—*

21 “(1) *access to airports and services for all users,*
22 *including access with respect to rural areas;*

23 “(2) *charges and fees, safety, and areas in which*
24 *the Corporation has identified efficiencies in the sys-*

1 *tem, including staffing and facilities realignment or*
2 *consolidation;*

3 *“(3) the safe, fair, and timely provision of air*
4 *traffic services by the Corporation;*

5 *“(4) the sound operation of the Corporation and*
6 *the impact of any activities of the Corporation on*
7 *United States airspace;*

8 *“(5) the cooperation and interaction of the Cor-*
9 *poration with the Department of Defense, the Depart-*
10 *ment of Transportation, the FAA, and other Federal*
11 *departments and agencies, including any agreements*
12 *between the Corporation and those departments and*
13 *agencies;*

14 *“(6) compliance of the Corporation with United*
15 *States obligations under international treaties and*
16 *agreements;*

17 *“(7) compliance of the Corporation with Federal*
18 *safety, environmental, corporate, and tax laws and*
19 *regulations;*

20 *“(8) compliance of the Corporation with Federal*
21 *laws related to employees of the Corporation;*

22 *“(9) follow-up on Inspector General and Govern-*
23 *ment Accountability Office audits, investigations, and*
24 *reports involving the Corporation, including any rec-*
25 *ommendations included in such reports;*

1 “(10) compliance of the Corporation with other
2 Federal requirements, including requirements relating
3 to public disclosure, publication of fees, annual re-
4 porting, and establishment of the Advisory Board and
5 other committees;

6 “(11) actions and activities of the CEO and
7 Board and their adherence to their duties and respon-
8 sibilities;

9 “(12) compliance of the Corporation with re-
10 quirements related to rural, remote, and small com-
11 munity air traffic services;

12 “(13) compliance of the Corporation with re-
13 quirements related to claims of incorrect fees and res-
14 olution of fee disputes;

15 “(14) compliance of the Corporation with re-
16 quirements to report safety violations to the FAA, co-
17 operate with FAA investigations, and assist in FAA
18 enforcement actions;

19 “(15) actions in times of emergencies and times
20 of war;

21 “(16) progress made by the Corporation in im-
22 plementing system modernization efforts and ongoing
23 capital investments, plans of the Corporation for next
24 steps in implementing such efforts and investments,
25 current efficiencies and benefits of previously imple-

1 *mented systems improvements, and current needs for*
2 *improvement; and*

3 *“(17) such other matters as the Secretary, in*
4 *consultation with the Administrator, determines ap-*
5 *propriate.*

6 **“§91503. Submission of annual financial report**

7 *“(a) ANNUAL FINANCIAL REPORT.—*

8 *“(1) IN GENERAL.—Not later than 1 year after*
9 *the date of transfer, and annually thereafter, the Cor-*
10 *poration shall publish a report on the activities of the*
11 *Corporation during the prior year.*

12 *“(2) CONTENTS; AVAILABILITY.—The annual re-*
13 *port shall contain financial and operational perform-*
14 *ance information regarding the Corporation, as well*
15 *as information on the compensation (including bo-*
16 *nuses and other financial incentives) of each Director,*
17 *the CEO, and officers of the Corporation, and shall*
18 *be made publicly available.*

19 *“(3) PROPRIETY INFORMATION.—The Corpora-*
20 *tion shall ensure that any propriety information that*
21 *may be contained in the annual report is not made*
22 *public.*

23 *“(b) SUBMISSION.—Each year, on the date the annual*
24 *report required pursuant to subsection (a) is published—*

1 “(1) the Corporation shall submit the report to
2 the Secretary; and

3 “(2) the Secretary shall submit the report to
4 Congress.

5 **“§91504. Submission of strategic plan**

6 “(a) *SUBMISSION OF STRATEGIC PLAN.*—Not later
7 than 15 days after the initial strategic plan is approved
8 by the Board pursuant to section 90308(c)—

9 “(1) the Corporation shall submit the strategic
10 plan to the Secretary; and

11 “(2) the Secretary shall submit the strategic plan
12 to Congress.

13 “(b) *UPDATES TO STRATEGIC PLAN.*—Not later than
14 15 days after an update to the strategic plan is approved
15 by the Board pursuant to section 90308(c)—

16 “(1) the Corporation shall submit the updated
17 strategic plan to the Secretary; and

18 “(2) the Secretary shall submit the updated stra-
19 tegic plan to Congress.

20 **“§91505. Submission of annual action plan**

21 “(a) *IN GENERAL.*—The Corporation shall develop an
22 annual report on the goals of the Corporation for the fol-
23 lowing year.

24 “(b) *CONTENTS.*—The report shall contain goals for
25 the Corporation to meet that are specific, tangible, and ac-

1 tionable, in order to expedite improvements to, and main-
 2 tain the integrity of, air traffic services provided by the
 3 Corporation.

4 “(c) *SUBMISSION*.—Not later than 1 year after the date
 5 of transfer, and annually thereafter—

6 “(1) the Corporation shall submit the report to
 7 the Secretary; and

8 “(2) the Secretary shall submit the report to
 9 Congress.

10 “(d) *PUBLIC AVAILABILITY*.—The Corporation shall
 11 publish, and make available to the public, each report sub-
 12 mitted to the Secretary under subsection (c).

13 “(e) *PROPRIETARY INFORMATION*.—In carrying out
 14 this section, the Corporation may take necessary actions to
 15 prevent the public disclosure of proprietary information.”.

16 (b) *ANALYSIS FOR TITLE 49*.—The analysis for title
 17 49, United States Code, is amended by adding at the end
 18 the following:

“**XI. American Air Navigation Services Corporation90101**”.

19 ***Subtitle B—Amendments to Federal***
 20 ***Aviation Laws***

21 ***SEC. 221. DEFINITIONS.***

22 Section 40102(a) of title 49, United States Code, is
 23 amended by adding at the end the following:

1 “(48) ‘*American Air Navigation Services Cor-*
2 *poration*’ means the *American Air Navigation Serv-*
3 *ices Corporation established by subtitle XI.*”.

4 **SEC. 222. SUNSET OF FAA AIR TRAFFIC ENTITIES AND OFFI-**
5 **CERS.**

6 (a) *AIR TRAFFIC SERVICES COMMITTEE.*—Section
7 106(p) of title 49, United States Code, is amended—

8 (1) in paragraph (7) by adding at the end the
9 following:

10 “(I) *SUNSET.*—The Committee shall termi-
11 nate and this paragraph shall cease to be effec-
12 tive beginning on the date of transfer (as defined
13 in section 90101(a)).”; and

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

15 “(9) *SUNSET OF AIR TRAFFIC ADVISORY ROLE.*—
16 Beginning on the date of transfer (as defined in sec-
17 tion 90101(a)), the Council shall not develop or sub-
18 mit comments, recommended modifications, or dis-
19 senting views directly regarding the *American Air*
20 *Navigation Services Corporation* or air traffic serv-
21 ices.”.

22 (b) *CHIEF OPERATING OFFICER.*—Section 106(r) of
23 title 49, United States Code, is amended by adding at the
24 end the following:

1 “(6) *SUNSET.*—*The position of Chief Operating*
2 *Officer shall terminate and this subsection shall cease*
3 *to be effective beginning on the date of transfer (as de-*
4 *fined in section 90101(a)).”.*

5 *(c) CHIEF NEXTGEN OFFICER.*—*Section 106(s) of title*
6 *49, United States Code, is amended by adding at the end*
7 *the following:*

8 “(8) *SUNSET.*—*The position of Chief NextGen*
9 *Officer shall terminate and this subsection shall cease*
10 *to be effective beginning on the date of transfer (as de-*
11 *fined in section 90101(a)).”.*

12 **SEC. 223. ROLE OF ADMINISTRATOR.**

13 *Section 40103(b) of title 49, United States Code, is*
14 *amended—*

15 (1) *in paragraph (1) by striking “The Adminis-*
16 *trator” each place it appears and inserting “Before*
17 *the date of transfer (as defined in section 90101(a)),*
18 *the Administrator”;*

19 (2) *by striking paragraph (2) and inserting the*
20 *following:*

21 “(2) *The Administrator shall—*

22 “(A) *before the date of transfer (as defined in*
23 *section 90101(a)), prescribe air traffic regulations on*
24 *the flight of aircraft (including regulations on safe al-*
25 *titudes) for—*

1 “(i) navigating, protecting, and identifying
2 aircraft;

3 “(ii) protecting individuals and property
4 on the ground;

5 “(iii) using the navigable airspace effi-
6 ciently; and

7 “(iv) preventing collisions between aircraft,
8 between aircraft and land or water vehicles, and
9 between aircraft and airborne objects; and

10 “(B) on and after the date of transfer (as defined
11 in section 90101(a)), prescribe safety regulations on
12 the flight of aircraft (including regulations on safe al-
13 titudes) for—

14 “(i) navigating, protecting, and identifying
15 aircraft;

16 “(ii) protecting individuals and property
17 on the ground;

18 “(iii) ensuring equitable access to and use
19 of airspace; and

20 “(iv) preventing collisions between aircraft,
21 between aircraft and land or water vehicles, and
22 between aircraft and airborne objects.”; and

23 (3) in paragraph (3) by striking “Adminis-
24 trator” each place it appears and inserting “Sec-
25 retary”.

1 **SEC. 224. EMERGENCY POWERS.**

2 *Section 40106(a) of title 49, United States Code, is*
3 *amended—*

4 *(1) in the matter preceding paragraph (1) by*
5 *striking “air traffic”;*

6 *(2) in paragraph (1) by inserting “and the*
7 *American Air Navigation Services Corporation” after*
8 *“Administration”; and*

9 *(3) in paragraph (2) by inserting “and the*
10 *American Air Navigation Services Corporation” after*
11 *“Administrator”.*

12 **SEC. 225. PRESIDENTIAL TRANSFERS IN TIME OF WAR.**

13 *Section 40107(b) of title 49, United States Code, is*
14 *amended to read as follows:*

15 *“(b) DURING WAR.—If war occurs, the President by*
16 *Executive order may temporarily transfer to the Secretary*
17 *of Defense a duty, power, activity, or facility of the Admin-*
18 *istrator or the American Air Navigation Services Corpora-*
19 *tion. In making the transfer, the President may tempo-*
20 *rarily transfer records, property, officers, and employees of*
21 *the Administration or the American Air Navigation Serv-*
22 *ices Corporation to the Department of Defense.”.*

23 **SEC. 226. AIRWAY CAPITAL INVESTMENT PLAN BEFORE**
24 **DATE OF TRANSFER.**

25 *Section 44501(b) of title 49, United States Code, is*
26 *amended—*

1 (1) *in the first sentence by striking “The Admin-*
2 *istrator” and inserting “Before the date of transfer*
3 *(as defined in section 90101(a)), the Administrator”;*

4 (2) *in paragraph (4)(B) by striking “and” at*
5 *the end;*

6 (3) *in paragraph (5) by striking the period at*
7 *the end and inserting “; and”; and*

8 (4) *by adding at the end the following:*

9 “(6) *for fiscal years 2017 through 2020, a proc-*
10 *ess under which the Administrator shall continue to*
11 *comply with the requirements of this section before the*
12 *date of transfer (as defined in section 90101(a)).”.*

13 **SEC. 227. AVIATION FACILITIES BEFORE DATE OF TRANS-**

14 **FER.**

15 (a) **GENERAL AUTHORITY.**—Section 44502(a) of title
16 49, *United States Code*, is amended—

17 (1) *in paragraph (1) by striking “The Adminis-*
18 *trator of the Federal Aviation Administration may”*
19 *and inserting “Before the date of transfer (as defined*
20 *in section 90101(a)), the Secretary of Transportation*
21 *may”;*

22 (2) *in paragraph (2) by striking “The cost” and*
23 *inserting “Before the date of transfer (as defined in*
24 *section 90101(a)), the cost”;*

1 (3) *in paragraph (3) by striking “The Sec-*
2 *retary” and inserting “Before the date of transfer (as*
3 *defined in section 90101(a)), the Secretary”;*

4 (4) *by striking paragraph (4);*

5 (5) *by redesignating paragraph (5) as para-*
6 *graph (4); and*

7 (6) *in paragraph (4) (as so redesignated) by*
8 *striking “The Administrator” and inserting “Before*
9 *the date of transfer (as defined in section 90101(a)),*
10 *the Secretary of Transportation”.*

11 (b) *CERTIFICATION OF NECESSITY.—Section 44502(b)*
12 *of title 49, United States Code, is amended—*

13 (1) *by striking “Except” and inserting “Before*
14 *the date of transfer (as defined in section 90101(a)),*
15 *except”;* and

16 (2) *by striking “the Administrator of the Federal*
17 *Aviation Administration” and inserting “the Sec-*
18 *retary of Transportation”.*

19 (c) *ENSURING CONFORMITY WITH PLANS AND POLI-*
20 *CIES.—Section 44502(c) of title 49, United States Code, is*
21 *amended—*

22 (1) *in paragraph (1)—*

23 (A) *by striking “Administrator of the Fed-*
24 *eral Aviation Administration” the second, third,*

1 *and fourth places it appears and inserting “Sec-*
2 *retary of Transportation”;*

3 *(B) by striking “by the Administrator of the*
4 *Federal Aviation Administration under section*
5 *40103(b)(1) of this title”; and*

6 *(C) by striking “Congress” and inserting*
7 *“Congress, the American Air Navigation Services*
8 *Corporation,”; and*
9 *(2) in paragraph (2)—*

10 *(A) by striking “Administrator of the Fed-*
11 *eral Aviation Administration” and inserting*
12 *“Secretary of Transportation”; and*

13 *(B) by striking “that the Administrator”*
14 *and inserting “that the Secretary”.*

15 *(d) TRANSFERS OF INSTRUMENT LANDING SYS-*
16 *TEMS.—Section 44502(e) of title 49, United States Code,*
17 *is amended by striking “An airport may transfer” and in-*
18 *serting “Before the date of transfer (as defined in section*
19 *90101(a)), an airport may transfer”.*

20 **SEC. 228. JUDICIAL REVIEW.**

21 *Section 46110(a) of title 49, United States Code, is*
22 *amended by striking “or subsection (l) or (s) of section 114”*
23 *and inserting “subsection (l) or (s) of section 114, or section*
24 *90501”.*

1 **SEC. 229. CIVIL PENALTIES.**

2 *Section 46301(a)(1)(A) of title 49, United States Code,*
3 *is amended by striking “or section 47133” and inserting*
4 *“section 47133, or section 90501(b)(3)”.*

5 ***Subtitle C—Other Matters***

6 **SEC. 241. USE OF FEDERAL TECHNICAL FACILITIES.**

7 *(a) IN GENERAL.—The Administrator of the Federal*
8 *Aviation Administration shall make Administration tech-*
9 *nical facilities available to the American Air Navigation*
10 *Services Corporation for air traffic control research and de-*
11 *velopment projects.*

12 *(b) COOPERATIVE AGREEMENT.—*

13 *(1) IN GENERAL.—To ensure the safe transition*
14 *of air traffic services, not later than 180 days prior*
15 *to the date of transfer (as defined in section 90101(a)*
16 *of title 49, United States Code, as added by this Act),*
17 *the Administrator shall enter into an agreement with*
18 *the American Air Navigation Services Corporation,*
19 *for a period of not less than 5 years, concerning serv-*
20 *ices that could be provided at the Federal Aviation*
21 *Administration technical center, including the inte-*
22 *grated air traffic control laboratories.*

23 *(2) SERVICES DEFINED.—In this subsection, the*
24 *term “services” includes—*

25 *(A) activities associated with the approval*
26 *of a safety management system under chapter*

1 905 of title 49, United States Code, as added by
2 this Act; and

3 (B) any other activity the Secretary con-
4 siders necessary to promote safety in air traffic
5 services, including verification of the safety func-
6 tions of new air traffic control technologies.

7 (c) *STATUTORY CONSTRUCTION.*—Nothing in this title,
8 or the amendments made by this title, may be construed
9 to limit the safety regulatory authority of the Department
10 of Transportation, including the research and development
11 functions of the Department.

12 (d) *SAFETY.*—Before the date of transfer (as defined
13 by section 90101(a) of title 49, United States Code, as
14 added by this Act) all operational testing and integration
15 of air traffic control systems conducted by the Administra-
16 tion shall continue.

17 **SEC. 242. ENSURING PROGRESS ON NEXTGEN PRIORITIES**
18 **BEFORE DATE OF TRANSFER.**

19 (a) *NEAR-TERM NEXTGEN PRIORITIES.*—Prior to the
20 date of transfer (as defined by section 90101(a) of title 49,
21 United States Code, as added by this Act), the Adminis-
22 trator of the Federal Aviation Administration, in consulta-
23 tion with the NextGen Advisory Committee, shall prioritize
24 the implementation of the following programs:

25 (1) Multiple runway operations.

1 (2) *Performance-based navigation.*

2 (3) *Surface operations and data sharing.*

3 (4) *Data communications.*

4 (b) *NEAR-TERM NEXTGEN PERFORMANCE GOALS.—*

5 (1) *IN GENERAL.—The Administrator, in con-*
6 *sultation with the NextGen Advisory Committee, shall*
7 *establish quantifiable near-term NextGen performance*
8 *goals for each of the programs prioritized under sub-*
9 *section (a).*

10 (2) *TRACKING.—The Administrator shall track*
11 *the performance goals in a publicly available and*
12 *transparent manner.*

13 (3) *MEASURING BENEFITS.—The Administrator*
14 *shall establish the performance goals in a manner*
15 *that allows Congress, stakeholders, and the public to*
16 *clearly measure the delivery of NextGen benefits be-*
17 *tween 2018 and 2020, including with respect to—*

18 (A) *increasing safety;*

19 (B) *reducing aviation’s impact on the envi-*
20 *ronment;*

21 (C) *enhancing controller productivity; and*

22 (D) *increasing predictability, airspace ca-*
23 *capacity, and efficiency.*

1 (c) *NEXTGEN METRICS REPORT.*—Section 106(s)(5) of
2 title 49, United States Code, is amended by adding at the
3 end the following:

4 “(I) Developing, as part of the annual re-
5 port required under paragraph (4), a description
6 of the progress made in meeting the near-term
7 NextGen performance goals required pursuant to
8 section 242 of the 21st Century AIRR Act and
9 delivering near-term NextGen benefits.”.

10 (d) *CHIEF NEXTGEN OFFICER RESPONSIBILITY FOR*
11 *MEETING NEAR-TERM NEXTGEN GOALS.*—Section
12 106(s)(3) of title 49, United States Code, is amended by
13 adding at the end the following: “In evaluating the perform-
14 ance of the Chief NextGen Officer, the Administrator shall
15 consider the progress made in meeting the near-term
16 NextGen performance goals required pursuant to section
17 242 of the 21st Century AIRR Act and delivering near-term
18 NextGen benefits.”.

19 **SEC. 243. SEVERABILITY.**

20 If a provision of this title (including any amendment
21 made by this title) or its application to any person or cir-
22 cumstance is held invalid, neither the remainder of this title
23 nor the application of the provision to other persons or cir-
24 cumstances shall be affected.

1 **SEC. 244. PROHIBITION ON RECEIPT OF FEDERAL FUNDS.**

2 *Notwithstanding any other provision of law, the Cor-*
 3 *poration established under section 90301 of title 49, United*
 4 *States Code, as added by this Act, may not accept or receive*
 5 *any funds from the uncommitted balance of the Airport and*
 6 *Airway Trust Fund established under section 9502 of the*
 7 *Internal Revenue Code of 1986 (26 U.S.C. 9502).*

8 **TITLE III—FAA SAFETY**
 9 **CERTIFICATION REFORM**
 10 **Subtitle A—General Provisions**

11 **SEC. 301. DEFINITIONS.**

12 *In this title, the following definitions apply:*

13 (1) *FAA.*—*The term “FAA” means the Federal*
 14 *Aviation Administration.*

15 (2) *SAFETY OVERSIGHT AND CERTIFICATION AD-*
 16 *VISORY COMMITTEE.*—*The term “Safety Oversight*
 17 *and Certification Advisory Committee” means the*
 18 *Safety Oversight and Certification Advisory Com-*
 19 *mittee established under section 302.*

20 (3) *SYSTEMS SAFETY APPROACH.*—*The term*
 21 *“systems safety approach” means the application of*
 22 *specialized technical and managerial skills to the sys-*
 23 *tematic, forward-looking identification and control of*
 24 *hazards throughout the lifecycle of a project, program,*
 25 *or activity.*

1 **SEC. 302. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
2 **SORY COMMITTEE.**

3 (a) *IN GENERAL.*—Not later than 60 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall establish a Safety Oversight and Certification
6 Advisory Committee (in this section referred to as the “Ad-
7 visory Committee”).

8 (b) *DUTIES.*—The Advisory Committee shall provide
9 advice to the Secretary on policy-level issues facing the
10 aviation community that are related to FAA certification
11 and safety oversight programs and activities, including, at
12 a minimum, the following:

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

16 (2) *Implementation and oversight of safety man-*
17 *agement systems.*

18 (3) *Risk-based oversight efforts.*

19 (4) *Utilization of delegation and designation au-*
20 *thorities.*

21 (5) *Regulatory interpretation standardization ef-*
22 *forts.*

23 (6) *Training programs.*

24 (7) *Expediting the rulemaking process and giv-*
25 *ing priority to rules related to safety.*

1 (c) *FUNCTIONS.*—*The Advisory Committee shall carry*
2 *out the following functions (as the functions relate to FAA*
3 *certification and safety oversight programs and activities):*

4 (1) *Foster industry collaboration in an open and*
5 *transparent manner.*

6 (2) *Consult with, and ensure participation by—*

7 (A) *the private sector, including representa-*
8 *tives of—*

9 (i) *general aviation;*

10 (ii) *commercial aviation;*

11 (iii) *aviation labor;*

12 (iv) *aviation maintenance;*

13 (v) *aviation, aerospace, and avionics*
14 *manufacturing;*

15 (vi) *unmanned aircraft systems opera-*
16 *tors and manufacturers; and*

17 (vii) *the commercial space transpor-*
18 *tation industry;*

19 (B) *members of the public; and*

20 (C) *other interested parties.*

21 (3) *Establish consensus national goals, strategic*
22 *objectives, and priorities for the most efficient,*
23 *streamlined, and cost-effective certification and over-*
24 *sight processes in order to maintain the safety of the*
25 *aviation system and, at the same time, allow the FAA*

1 *to meet future needs and ensure that aviation stake-*
2 *holders remain competitive in the global marketplace.*

3 *(4) Provide policy guidance for the FAA's certifi-*
4 *cation and safety oversight efforts.*

5 *(5) Provide ongoing policy reviews of the FAA's*
6 *certification and safety oversight efforts.*

7 *(6) Make appropriate legislative, regulatory, and*
8 *guidance recommendations for the air transportation*
9 *system and the aviation safety regulatory environ-*
10 *ment.*

11 *(7) Establish performance objectives for the FAA*
12 *and industry.*

13 *(8) Establish performance metrics and goals for*
14 *the FAA and the regulated aviation industry to be*
15 *tracked and reviewed as streamlining and certifi-*
16 *cation reform and regulation standardization efforts*
17 *progress.*

18 *(9) Provide a venue for tracking progress toward*
19 *national goals and sustaining joint commitments.*

20 *(10) Develop recruiting, hiring, training, and*
21 *continuing education objectives for FAA aviation*
22 *safety engineers and aviation safety inspectors.*

23 *(11) Provide advice and recommendations to the*
24 *FAA on how to prioritize safety rulemaking projects.*

1 (12) *Improve the development of FAA regula-*
2 *tions by providing information, advice, and rec-*
3 *ommendations related to aviation issues.*

4 (13) *Facilitate the validation of United States*
5 *products abroad.*

6 (d) *MEMBERSHIP.*—

7 (1) *IN GENERAL.*—*The Advisory Committee shall*
8 *be composed of the following members:*

9 (A) *The Administrator of the FAA (or the*
10 *Administrator’s designee).*

11 (B) *Individuals appointed by the Secretary*
12 *to represent the following interests:*

13 (i) *Aircraft and engine manufacturers.*

14 (ii) *Avionics and equipment manufac-*
15 *turers.*

16 (iii) *Labor organizations, including*
17 *collective bargaining representatives of FAA*
18 *aviation safety inspectors and aviation safe-*
19 *ty engineers.*

20 (iv) *General aviation operators.*

21 (v) *Air carriers.*

22 (vi) *Business aviation operators.*

23 (vii) *Unmanned aircraft systems man-*
24 *ufacturers and operators.*

1 (viii) *Aviation safety management ex-*
2 *pertise.*

3 (ix) *Aviation maintenance.*

4 (2) *NONVOTING MEMBERS.—*

5 (A) *IN GENERAL.—In addition to the mem-*
6 *bers appointed under paragraph (1), the Advi-*
7 *sory Committee shall be composed of nonvoting*
8 *members appointed by the Secretary from among*
9 *individuals representing FAA safety oversight*
10 *program offices.*

11 (B) *DUTIES.—The nonvoting members*
12 *shall—*

13 (i) *take part in deliberations of the Ad-*
14 *visory Committee; and*

15 (ii) *provide input with respect to any*
16 *final reports or recommendations of the Ad-*
17 *visory Committee.*

18 (C) *LIMITATION.—The nonvoting members*
19 *may not represent any stakeholder interest other*
20 *than FAA safety oversight program offices.*

21 (3) *TERMS.—Each member and nonvoting mem-*
22 *ber of the Advisory Committee appointed by the Sec-*
23 *retary shall be appointed for a term of 2 years.*

1 (4) *COMMITTEE CHARACTERISTICS.—The Advisory*
2 *Committee shall have the following characteris-*
3 *tics:*

4 (A) *An executive-level membership, with*
5 *members who can represent and enter into com-*
6 *mitments for their organizations.*

7 (B) *The ability to obtain necessary infor-*
8 *mation from experts in the aviation and aero-*
9 *space communities.*

10 (C) *A membership size that enables the*
11 *Committee to have substantive discussions and*
12 *reach consensus on issues in a timely manner.*

13 (D) *Appropriate expertise, including exper-*
14 *tise in certification and risked-based safety over-*
15 *sight processes, operations, policy, technology,*
16 *labor relations, training, and finance.*

17 (5) *LIMITATION ON STATUTORY CONSTRUC-*
18 *TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)*
19 *may not be construed to prohibit or otherwise limit*
20 *the appointment of any individual as a member of*
21 *the Advisory Committee.*

22 (e) *CHAIRPERSON.—*

23 (1) *IN GENERAL.—The Chairperson of the Advi-*
24 *sory Committee shall be appointed by the Secretary*
25 *from among those members of the Advisory Committee*

1 *that are executive-level members of the aviation indus-*
2 *try.*

3 (2) *TERM.—Each member appointed under*
4 *paragraph (1) shall serve a term of 1 year as Chair-*
5 *person.*

6 (f) *MEETINGS.—*

7 (1) *FREQUENCY.—The Advisory Committee shall*
8 *meet at least twice each year at the call of the Chair-*
9 *person.*

10 (2) *PUBLIC ATTENDANCE.—The meetings of the*
11 *Advisory Committee shall be open to the public.*

12 (g) *SPECIAL COMMITTEES.—*

13 (1) *ESTABLISHMENT.—The Advisory Committee*
14 *may establish special committees composed of private*
15 *sector representatives, members of the public, labor*
16 *representatives, and other interested parties in com-*
17 *plying with consultation and participation require-*
18 *ments under this section.*

19 (2) *RULEMAKING ADVICE.—A special committee*
20 *established by the Advisory Committee may—*

21 (A) *provide rulemaking advice and rec-*
22 *ommendations to the Administrator with respect*
23 *to aviation-related issues;*

24 (B) *afford the FAA additional opportunities*
25 *to obtain firsthand information and insight from*

1 *those parties that are most affected by existing*
2 *and proposed regulations; and*

3 *(C) expedite the development, revision, or*
4 *elimination of rules without circumventing pub-*
5 *lic rulemaking processes and procedures.*

6 *(3) APPLICABLE LAW.—Public Law 92–463 shall*
7 *not apply to a special committee established by the*
8 *Advisory Committee.*

9 *(h) SUNSET.—The Advisory Committee shall termi-*
10 *nate on the last day of the 6-year period beginning on the*
11 *date of the initial appointment of the members of the Advi-*
12 *sory Committee.*

13 *(i) TERMINATION OF AIR TRAFFIC PROCEDURES ADVI-*
14 *SORY COMMITTEE.—The Air Traffic Procedures Advisory*
15 *Committee established by the FAA shall terminate on the*
16 *date of the initial appointment of the members of the Advi-*
17 *sory Committee.*

18 ***Subtitle B—Aircraft Certification***
19 ***Reform***

20 ***SEC. 311. AIRCRAFT CERTIFICATION PERFORMANCE OBJEC-***
21 ***TIVES AND METRICS.***

22 *(a) IN GENERAL.—Not later than 120 days after the*
23 *date on which the Safety Oversight and Certification Advi-*
24 *sory Committee is established under section 302, the Ad-*
25 *ministrator of the FAA shall establish performance objec-*

1 *tives and apply and track metrics for the FAA and the*
2 *aviation industry relating to aircraft certification in ac-*
3 *cordance with this section.*

4 *(b) COLLABORATION.—The Administrator shall carry*
5 *out this section in collaboration with the Safety Oversight*
6 *and Certification Advisory Committee.*

7 *(c) PERFORMANCE OBJECTIVES.—In carrying out sub-*
8 *section (a), the Administrator shall establish performance*
9 *objectives for the FAA and the aviation industry to ensure*
10 *that, with respect to aircraft certification, progress is made*
11 *toward, at a minimum—*

12 *(1) eliminating certification delays and improv-*
13 *ing cycle times;*

14 *(2) increasing accountability for both FAA and*
15 *industry entities;*

16 *(3) achieving full utilization of FAA delegation*
17 *and designation authorities;*

18 *(4) fully implementing risk management prin-*
19 *ciples and a systems safety approach;*

20 *(5) reducing duplication of effort;*

21 *(6) increasing transparency;*

22 *(7) establishing and providing training, includ-*
23 *ing recurrent training, in auditing and a systems*
24 *safety approach to certification oversight;*

1 (8) *improving the process for approving or ac-*
2 *cepting certification actions between the FAA and bi-*
3 *lateral partners;*

4 (9) *maintaining and improving safety;*

5 (10) *streamlining the hiring process for—*

6 (A) *qualified systems safety engineers to*
7 *support FAA efforts to implement a systems safe-*
8 *ty approach; and*

9 (B) *qualified systems engineers to guide the*
10 *engineering of complex systems within the FAA;*
11 *and*

12 (11) *maintaining the leadership of the United*
13 *States in international aviation and aerospace.*

14 (d) *PERFORMANCE METRICS.—In carrying out sub-*
15 *section (a), the Administrator shall apply and track per-*
16 *formance metrics for the FAA and the regulated aviation*
17 *industry established by the Safety Oversight and Certifi-*
18 *cation Advisory Committee.*

19 (e) *DATA GENERATION.—*

20 (1) *BASELINES.—Not later than 1 year after the*
21 *date on which the Safety Oversight and Certification*
22 *Advisory Committee establishes initial performance*
23 *metrics for the FAA and the regulated aviation indus-*
24 *try under section 302, the Administrator shall gen-*

1 *erate initial data with respect to each of the metrics*
2 *applied and tracked under this section.*

3 (2) *MEASURING PROGRESS TOWARD GOALS.—*

4 *The Administrator shall use the metrics applied and*
5 *tracked under this section to generate data on an on-*
6 *going basis and to measure progress toward the*
7 *achievement of national goals established by the Safe-*
8 *ty Oversight and Certification Advisory Committee.*

9 (f) *PUBLICATION.—The Administrator shall make data*
10 *generated using the metrics applied and tracked under this*
11 *section available to the public in a searchable, sortable, and*
12 *downloadable format through the internet website of the*
13 *FAA and other appropriate methods and shall ensure that*
14 *the data is made available in a manner that—*

15 (1) *does not provide identifying information re-*
16 *garding an individual or entity; and*

17 (2) *protects proprietary information.*

18 **SEC. 312. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

19 (a) *IN GENERAL.—Chapter 447 of title 49, United*
20 *States Code, is amended by adding at the end the following:*

21 **“§ 44736. Organization designation authorizations**

22 *“(a) DELEGATIONS OF FUNCTIONS.—*

23 *“(1) IN GENERAL.—Except as provided in para-*
24 *graph (3), when overseeing an ODA holder, the Ad-*
25 *ministrator of the FAA shall—*

1 “(A) require, based on an application sub-
2 mitted by the ODA holder and approved by the
3 Administrator (or the Administrator’s designee),
4 a procedures manual that addresses all proce-
5 dures and limitations regarding the functions to
6 be performed by the ODA holder;

7 “(B) delegate fully to the ODA holder each
8 of the functions to be performed as specified in
9 the procedures manual, unless the Administrator
10 determines, after the date of the delegation and
11 as a result of an inspection or other investiga-
12 tion, that the public interest and safety of air
13 commerce requires a limitation with respect to 1
14 or more of the functions; and

15 “(C) conduct regular oversight activities by
16 inspecting the ODA holder’s delegated functions
17 and taking action based on validated inspection
18 findings.

19 “(2) DUTIES OF ODA HOLDERS.—An ODA hold-
20 er shall—

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

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

4 “(C) cooperate fully with oversight activities
5 conducted by the Administrator in connection
6 with the delegation.

7 “(3) *EXISTING ODA HOLDERS.*—With regard to
8 an ODA holder operating under a procedures manual
9 approved by the Administrator before the date of en-
10 actment of this section, the Administrator shall—

11 “(A) at the request of the ODA holder and
12 in an expeditious manner, approve revisions to
13 the ODA holder’s procedures manual;

14 “(B) delegate fully to the ODA holder each
15 of the functions to be performed as specified in
16 the procedures manual, unless the Administrator
17 determines, after the date of the delegation and
18 as a result of an inspection or other investiga-
19 tion, that the public interest and safety of air
20 commerce requires a limitation with respect to
21 one or more of the functions; and

22 “(C) conduct regular oversight activities by
23 inspecting the ODA holder delegated functions
24 and taking action based on validated inspection
25 findings.

1 “(b) *ODA OFFICE.*—

2 “(1) *ESTABLISHMENT.*—*Not later than 90 days*
3 *after the date of enactment of this section, the Admin-*
4 *istrator of the FAA shall identify, within the FAA Of-*
5 *ice of Aviation Safety, a centralized policy office to*
6 *be known as the Organization Designation Authoriza-*
7 *tion Office or the ODA Office.*

8 “(2) *PURPOSE.*—*The purpose of the ODA Office*
9 *shall be to oversee and ensure the consistency of the*
10 *FAA’s audit functions under the ODA program across*
11 *the FAA.*

12 “(3) *FUNCTIONS.*—*The ODA Office shall—*

13 “(A) *improve performance and ensure full*
14 *utilization of the authorities delegated under the*
15 *ODA program;*

16 “(B) *create a more consistent approach to*
17 *audit priorities, procedures, and training under*
18 *the ODA program;*

19 “(C) *review, in a timely fashion, a random*
20 *sample of limitations on delegated authorities*
21 *under the ODA program to determine if the lim-*
22 *itations are appropriate;*

23 “(D) *ensure national consistency in the in-*
24 *terpretation and application of the requirements*
25 *of the ODA program, including any limitations,*

1 *and in the performance of the ODA program;*
2 *and*

3 *“(E) at the request of an ODA holder, re-*
4 *view and approve new limitations to ODA func-*
5 *tions.*

6 “(c) *DEFINITIONS.—In this section, the following defi-*
7 *initions apply:*

8 “(1) *FAA.—The term ‘FAA’ means the Federal*
9 *Aviation Administration.*

10 “(2) *ODA HOLDER.—The term ‘ODA holder’*
11 *means an entity authorized to perform functions pur-*
12 *suant to a delegation made by the Administrator of*
13 *the FAA under section 44702(d).*

14 “(3) *ODA UNIT.—The term “ODA unit” means*
15 *a group of 2 or more individuals who perform, under*
16 *the supervision of an ODA holder, authorized func-*
17 *tions under an ODA.*

18 “(4) *ORGANIZATION.—The term “organization”*
19 *means a firm, partnership, corporation, company, as-*
20 *sociation, joint-stock association, or governmental en-*
21 *tity.*

22 “(5) *ORGANIZATION DESIGNATION AUTHORIZA-*
23 *TION; ODA.—The term ‘Organization Designation Au-*
24 *thorization’ or ‘ODA’ means an authorization by the*
25 *FAA under section 44702(d) for an organization com-*

1 *prised of 1 or more ODA units to perform approved*
2 *functions on behalf of the FAA.”.*

3 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
4 *447 of title 49, United States Code, is amended by adding*
5 *at the end the following:*

 “44736. *Organization designation authorizations.*”.

6 **SEC. 313. ODA REVIEW.**

7 (a) *ESTABLISHMENT OF EXPERT REVIEW PANEL.*—

8 (1) *EXPERT PANEL.*—*Not later than 60 days*
9 *after the date of enactment of this Act, the Adminis-*
10 *trator of the FAA shall convene a multidisciplinary*
11 *expert review panel (in this section referred to as the*
12 *“Panel”).*

13 (2) *COMPOSITION OF PANEL.*—

14 (A) *APPOINTMENT OF MEMBERS.*—*The*
15 *Panel shall be composed of not more than 20*
16 *members appointed by the Administrator.*

17 (B) *QUALIFICATIONS.*—*The members ap-*
18 *pointed to the Panel shall—*

19 (i) *each have a minimum of 5 years of*
20 *experience in processes and procedures*
21 *under the ODA program; and*

22 (ii) *represent, at a minimum, ODA*
23 *holders, aviation manufacturers, safety ex-*
24 *perts, and FAA labor organizations, includ-*
25 *ing labor representatives of FAA aviation*

1 *safety inspectors and aviation safety engi-*
2 *neers.*

3 **(b) SURVEY.**—*The Panel shall conduct a survey of*
4 *ODA holders and ODA program applicants to document*
5 *and assess FAA certification and oversight activities, in-*
6 *cluding use of the ODA program and the timeliness and*
7 *efficiency of the certification process.*

8 **(c) ASSESSMENT AND RECOMMENDATIONS.**—*The*
9 *Panel shall assess and make recommendations concerning—*

10 *(1) the FAA’s processes and procedures under the*
11 *ODA program and whether the processes and proce-*
12 *dures function as intended;*

13 *(2) the best practices of and lessons learned by*
14 *ODA holders and individuals who provide oversight*
15 *of ODA holders;*

16 *(3) performance incentive policies related to the*
17 *ODA program for FAA personnel;*

18 *(4) training activities related to the ODA pro-*
19 *gram for FAA personnel and ODA holders;*

20 *(5) the impact, if any, that oversight of the ODA*
21 *program has on FAA resources and the FAA’s ability*
22 *to process applications for certifications outside of the*
23 *ODA program; and*

24 *(6) the results of the survey conducted under sub-*
25 *section (b).*

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 Safety Oversight and Cer-
4 tification Advisory Committee, the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives,
6 and the Committee on Commerce, Science, and Transpor-
7 tation of the Senate a report on the findings and rec-
8 ommendations of the Panel.

9 (e) *DEFINITIONS.*—The definitions contained in sec-
10 tion 44736 of title 49, United States Code, as added by this
11 Act, apply to this section.

12 (f) *APPLICABLE LAW.*—Public Law 92–463 shall not
13 apply to the Panel.

14 (g) *SUNSET.*—The Panel shall terminate on the date
15 of submission of the report under subsection (d), or on the
16 date that is 1 year after the Panel is convened under sub-
17 section (a), whichever occurs first.

18 **SEC. 314. TYPE CERTIFICATION RESOLUTION PROCESS.**

19 (a) *IN GENERAL.*—Section 44704(a) of title 49, United
20 States Code, is amended by adding at the end the following:

21 “(6) *TYPE CERTIFICATION RESOLUTION PROC-*
22 *ESS.*—

23 “(A) *IN GENERAL.*—Not later than 15
24 months after the date of enactment of this para-
25 graph, the Administrator shall establish an effec-

1 *tive, timely, and milestone-based issue resolution*
2 *process for type certification activities under this*
3 *subsection.*

4 “(B) *PROCESS REQUIREMENTS.*—*The reso-*
5 *lution process shall provide for—*

6 “(i) *resolution of technical issues at*
7 *pre-established stages of the certification*
8 *process, as agreed to by the Administrator*
9 *and the type certificate applicant;*

10 “(ii) *automatic elevation to appro-*
11 *priate management personnel of the Federal*
12 *Aviation Administration and the type cer-*
13 *tificate applicant of any major certification*
14 *process milestone that is not completed or*
15 *resolved within a specific period of time*
16 *agreed to by the Administrator and the type*
17 *certificate applicant; and*

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

23 “(C) *MAJOR CERTIFICATION PROCESS MILE-*
24 *STONE DEFINED.*—*In this paragraph, the term*
25 *‘major certification process milestone’ means a*

1 milestone related to a type certification basis,
2 type certification plan, type inspection author-
3 ization, issue paper, or other major type certifi-
4 cation activity agreed to by the Administrator
5 and the type certificate applicant.”.

6 (b) **TECHNICAL AMENDMENT.**—Section 44704 of title
7 49, United States Code, is amended in the section heading
8 by striking “**airworthiness certificates,**” and in-
9 serting “**airworthiness certificates,**”.

10 **SEC. 315. SAFETY ENHANCING EQUIPMENT AND SYSTEMS**
11 **FOR SMALL GENERAL AVIATION AIRPLANES.**

12 (a) **POLICY.**—Not later than 180 days after the date
13 of enactment of this Act, the Administrator of the FAA shall
14 establish and begin implementation of a risk-based policy
15 that streamlines the installation of safety enhancing equip-
16 ment and systems for small general aviation airplanes in
17 a manner that reduces regulatory delays and significantly
18 improves safety.

19 (b) **INCLUSION OF CERTAIN EQUIPMENT AND SYS-**
20 **TEMS.**—The safety enhancing equipment and systems for
21 small general aviation airplanes referred to in subsection
22 (a) shall include, at a minimum, the replacement or retrofit
23 of primary flight displays, auto pilots, engine monitors,
24 and navigation equipment.

1 (c) *COLLABORATION.*—*In carrying out this section, the*
2 *Administrator shall collaborate with general aviation oper-*
3 *ators, general aviation manufacturers, and appropriate*
4 *FAA labor groups, including representatives of FAA avia-*
5 *tion safety inspectors and aviation safety engineers certified*
6 *under section 7111 of title 5, United States Code.*

7 (d) *SMALL GENERAL AVIATION AIRPLANE DEFINED.*—
8 *In this section, the term “small general aviation airplane”*
9 *means an airplane that—*

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

12 (2) *has a seating capacity of fewer than 9 pas-*
13 *sengers; and*

14 (3) *is not used in scheduled passenger-carrying*
15 *operations under part 121 or 135 of title 14, Code of*
16 *Federal Regulations.*

17 **SEC. 316. REVIEW OF CERTIFICATION PROCESS FOR SMALL**
18 **GENERAL AVIATION AIRPLANES.**

19 (a) *IN GENERAL.*—*Not later than 1 year after the date*
20 *of enactment of this Act, the Inspector General of the De-*
21 *partment of Transportation shall initiate a review of the*
22 *Federal Aviation Administration’s implementation of the*
23 *final rule titled “Revision of Airworthiness Standards for*
24 *Normal, Utility, Acrobatic, and Commuter Category Air-*
25 *planes” (81 Fed. Reg. 96572).*

1 **(b) CONSIDERATIONS.**—*In carrying out the review, the*
2 *Inspector General shall assess—*

3 **(1)** *how the rule puts into practice the Adminis-*
4 *tration’s efforts to implement performance and risk-*
5 *based safety standards;*

6 **(2)** *whether the Administration’s implementation*
7 *of the rule has improved safety and reduced the regu-*
8 *latory cost burden for the Administration and the*
9 *aviation industry; and*

10 **(3)** *if there are lessons learned from, and best*
11 *practices developed as a result of, the rule that could*
12 *be applied to airworthiness standards for other cat-*
13 *egories of aircraft.*

14 **(c) REPORT.**—*Not later than 180 days after the date*
15 *of initiation of the review, the Inspector General shall sub-*
16 *mit to the Committee on Transportation and Infrastructure*
17 *of the House of Representatives and the Committee on Com-*
18 *merce, Science, and Transportation of the Senate a report*
19 *on the results of the review, including findings and rec-*
20 *ommendations.*

1 ***Subtitle C—Flight Standards***
2 ***Reform***

3 ***SEC. 331. FLIGHT STANDARDS PERFORMANCE OBJECTIVES***
4 ***AND METRICS.***

5 (a) *IN GENERAL.*—Not later than 120 days after the
6 date on which the Safety Oversight and Certification Advi-
7 sory Committee is established under section 302, the Ad-
8 ministrator of the FAA shall establish performance objec-
9 tives and apply and track metrics for the FAA and the
10 aviation industry relating to flight standards activities in
11 accordance with this section.

12 (b) *COLLABORATION.*—The Administrator shall carry
13 out this section in collaboration with the Safety Oversight
14 and Certification Advisory Committee.

15 (c) *PERFORMANCE OBJECTIVES.*—In carrying out sub-
16 section (a), the Administrator shall establish performance
17 objectives for the FAA and the aviation industry to ensure
18 that, with respect to flight standards activities, progress is
19 made toward, at a minimum—

20 (1) *eliminating delays with respect to such ac-*
21 *tivities;*

22 (2) *increasing accountability for both FAA and*
23 *industry entities;*

24 (3) *achieving full utilization of FAA delegation*
25 *and designation authorities;*

1 (4) *fully implementing risk management prin-*
2 *ciples and a systems safety approach;*

3 (5) *reducing duplication of effort;*

4 (6) *eliminating inconsistent regulatory interpre-*
5 *tations and inconsistent enforcement activities;*

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

9 (8) *developing and allowing utilization of a sin-*
10 *gle master source for guidance;*

11 (9) *providing and utilizing a streamlined appeal*
12 *process for the resolution of regulatory interpretation*
13 *questions;*

14 (10) *maintaining and improving safety; and*

15 (11) *increasing transparency.*

16 (d) *METRICS.*—*In carrying out subsection (a), the Ad-*
17 *ministrator shall apply and track performance metrics for*
18 *the FAA and the regulated aviation industry established by*
19 *the Safety Oversight and Certification Advisory Committee.*

20 (e) *DATA GENERATION.*—

21 (1) *BASELINES.*—*Not later than 1 year after the*
22 *date on which the Safety Oversight and Certification*
23 *Advisory Committee establishes initial performance*
24 *metrics for the FAA and the regulated aviation indus-*
25 *try under section 302, the Administrator shall gen-*

1 *erate initial data with respect to each of the metrics*
2 *applied and tracked under this section.*

3 (2) *MEASURING PROGRESS TOWARD GOALS.—*

4 *The Administrator shall use the metrics applied and*
5 *tracked under this section to generate data on an on-*
6 *going basis and to measure progress toward the*
7 *achievement of national goals established by the Safe-*
8 *ty Oversight and Certification Advisory Committee.*

9 (f) *PUBLICATION.—The Administrator shall make data*
10 *generated using the metrics applied and tracked under this*
11 *section available to the public in a searchable, sortable, and*
12 *downloadable format through the internet website of the*
13 *FAA and other appropriate methods and shall ensure that*
14 *the data is made available in a manner that—*

15 (1) *does not provide identifying information re-*
16 *garding an individual or entity; and*

17 (2) *protects proprietary information.*

18 **SEC. 332. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
19 **FORM.**

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

25 (b) *MEMBERSHIP.—*

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

3 (2) *NUMBER.*—*The Task Force shall be composed*
4 *of not more than 20 members.*

5 (3) *REPRESENTATION REQUIREMENTS.*—*The*
6 *membership of the Task Force shall include represent-*
7 *atives, with knowledge of flight standards regulatory*
8 *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) *labor unions, including those rep-*
16 *resenting FAA aviation safety inspectors; and*

17 (H) *aviation safety experts.*

18 (c) *DUTIES.*—*The duties of the Task Force shall in-*
19 *clude, at a minimum, identifying best practices and pro-*
20 *viding recommendations, for current and anticipated budg-*
21 *etary environments, with respect to—*

22 (1) *simplifying and streamlining flight stand-*
23 *ards regulatory processes;*

1 (2) *reorganizing Flight Standards Services to es-*
2 *tablish an entity organized by function rather than*
3 *geographic region, if appropriate;*

4 (3) *FAA aviation safety inspector training op-*
5 *portunities;*

6 (4) *FAA aviation safety inspector standards and*
7 *performance; and*

8 (5) *achieving, across the FAA, consistent—*

9 (A) *regulatory interpretations; and*

10 (B) *application of oversight activities.*

11 (d) *REPORT.—Not later than 1 year after the date of*
12 *enactment of this Act, the Task Force shall submit to the*
13 *Committee on Transportation and Infrastructure of the*
14 *House of Representatives and the Committee on Commerce,*
15 *Science, and Transportation of the Senate a report detail-*
16 *ing—*

17 (1) *the best practices identified and rec-*
18 *ommendations provided by the Task Force under sub-*
19 *section (c); and*

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

23 (e) *APPLICABLE LAW.—Public Law 92–463 shall not*
24 *apply to the Task Force.*

1 (f) *TERMINATION.*—*The Task Force shall terminate on*
2 *the earlier of—*

3 (1) *the date on which the Task Force submits the*
4 *report required under subsection (d); or*

5 (2) *the date that is 18 months after the date on*
6 *which the Task Force is established under subsection*
7 *(a).*

8 **SEC. 333. CENTRALIZED SAFETY GUIDANCE DATABASE.**

9 (a) *ESTABLISHMENT.*—*Not later than 1 year after the*
10 *date of enactment of this Act, the Administrator of the FAA*
11 *shall establish a centralized safety guidance database that*
12 *will—*

13 (1) *encompass all of the regulatory guidance doc-*
14 *uments of the FAA Office of Aviation Safety;*

15 (2) *contain, for each such guidance document, a*
16 *link to the Code of Federal Regulations provision to*
17 *which the document relates; and*

18 (3) *be publicly available in a manner that—*

19 (A) *does not provide identifying informa-*
20 *tion regarding an individual or entity; and*

21 (B) *protects proprietary information.*

22 (b) *DATA ENTRY TIMING.*—

23 (1) *EXISTING DOCUMENTS.*—*Not later than 14*
24 *months after the date of enactment of this Act, the*
25 *Administrator shall begin entering into the database*

1 *established under subsection (a) all of the regulatory*
2 *guidance documents of the Office of Aviation Safety*
3 *that are in effect and were issued before the date on*
4 *which the Administrator begins such entry process.*

5 (2) *NEW DOCUMENTS AND CHANGES.—On and*
6 *after the date on which the Administrator begins the*
7 *document entry process under paragraph (1), the Ad-*
8 *ministrator shall ensure that all new regulatory guid-*
9 *ance documents of the Office of Aviation Safety and*
10 *any changes to existing documents are included in the*
11 *database established under subsection (a).*

12 (c) *CONSULTATION REQUIREMENT.—In establishing*
13 *the database under subsection (a), the Administrator shall*
14 *consult and collaborate with appropriate stakeholders, in-*
15 *cluding labor organizations (including those representing*
16 *aviation workers and FAA aviation safety inspectors) and*
17 *industry stakeholders.*

18 (d) *REGULATORY GUIDANCE DOCUMENTS DEFINED.—*
19 *In this section, the term “regulatory guidance documents”*
20 *means all forms of written information issued by the FAA*
21 *that an individual or entity may use to interpret or apply*
22 *FAA regulations and requirements, including information*
23 *an individual or entity may use to determine acceptable*
24 *means of compliance with such regulations and require-*
25 *ments.*

1 **SEC. 334. REGULATORY CONSISTENCY COMMUNICATIONS**

2 **BOARD.**

3 (a) *ESTABLISHMENT.*—Not later than 180 days after
4 the date of enactment of this Act, the Administrator of the
5 FAA shall establish a Regulatory Consistency Communica-
6 tions Board (in this section referred to as the “Board”).

7 (b) *CONSULTATION REQUIREMENT.*—In establishing
8 the Board, the Administrator shall consult and collaborate
9 with appropriate stakeholders, including FAA labor organi-
10 zations (including labor organizations representing FAA
11 aviation safety inspectors) and industry stakeholders.

12 (c) *MEMBERSHIP.*—The Board shall be composed of
13 FAA representatives, appointed by the Administrator,
14 from—

15 (1) the Flight Standards Service;

16 (2) the Aircraft Certification Service; and

17 (3) the Office of the Chief Counsel.

18 (d) *FUNCTIONS.*—The Board shall carry out the fol-
19 lowing functions:

20 (1) Establish, at a minimum, processes by
21 which—

22 (A) FAA personnel and regulated entities
23 may submit anonymous regulatory interpreta-
24 tion questions without fear of retaliation; and

25 (B) FAA personnel may submit written
26 questions, and receive written responses, as to

1 *whether a previous approval or regulatory inter-*
2 *pretation issued by FAA personnel in another of-*
3 *fice or region is correct or incorrect.*

4 (2) *Meet on a regular basis to discuss and resolve*
5 *questions submitted pursuant to paragraph (1) and*
6 *the appropriate application of regulations and policy*
7 *with respect to each question.*

8 (3) *Provide to an individual or entity that sub-*
9 *mitted a question pursuant to paragraph (1) a timely*
10 *response to the question.*

11 (4) *Establish a process to make resolutions of*
12 *common regulatory interpretation questions publicly*
13 *available to FAA personnel and regulated entities*
14 *without providing any identifying data of the indi-*
15 *viduals or entities that submitted the questions and in*
16 *a manner that protects any proprietary information.*

17 (5) *Ensure the incorporation of resolutions of*
18 *questions submitted pursuant to paragraph (1) into*
19 *regulatory guidance documents.*

20 (e) *PERFORMANCE METRICS, TIMELINES, AND*
21 *GOALS.—Not later than 180 days after the date on which*
22 *the Safety Oversight and Certification Advisory Committee*
23 *establishes performance metrics for the FAA and the regu-*
24 *lated aviation industry under section 302, the Adminis-*

1 *trator, in collaboration with the Advisory Committee,*
2 *shall—*

3 (1) *establish performance metrics, timelines, and*
4 *goals to measure the progress of the Board in resolv-*
5 *ing regulatory interpretation questions submitted*
6 *pursuant to subsection (d)(1); and*

7 (2) *implement a process for tracking the progress*
8 *of the Board in meeting the metrics, timelines, and*
9 *goals established under paragraph (1).*

10 ***Subtitle D—Safety Workforce***

11 ***SEC. 341. SAFETY WORKFORCE TRAINING STRATEGY.***

12 (a) *SAFETY WORKFORCE TRAINING STRATEGY.—Not*
13 *later than 60 days after the date of enactment of this Act,*
14 *the Administrator of the FAA shall establish a safety work-*
15 *force training strategy that—*

16 (1) *allows employees participating in organiza-*
17 *tion management teams or conducting ODA program*
18 *audits to complete, in a timely fashion, appropriate*
19 *training, including recurrent training, in auditing*
20 *and a systems safety approach to oversight;*

21 (2) *seeks knowledge-sharing opportunities be-*
22 *tween the FAA and the aviation industry regarding*
23 *new equipment and systems, best practices, and other*
24 *areas of interest;*

1 (3) *functions within the current and anticipated*
2 *budgetary environments; and*

3 (4) *includes milestones and metrics for meeting*
4 *the requirements of paragraphs (1), (2), and (3).*

5 (b) *REPORT.*—*Not later than 270 days after the date*
6 *of establishment of the strategy required under subsection*
7 *(a), the Administrator shall submit to the Committee on*
8 *Transportation and Infrastructure of the House of Rep-*
9 *resentatives and the Committee on Commerce, Science, and*
10 *Transportation of the Senate a report on the implementa-*
11 *tion of the strategy and progress in meeting any milestones*
12 *and metrics included in the strategy.*

13 (c) *DEFINITIONS.*—*In this section, the following defi-*
14 *nitions apply:*

15 (1) *ODA; ODA HOLDER.*—*The terms “ODA” and*
16 *“ODA holder” have the meanings given those terms in*
17 *section 44736 of title 49, United States Code, as*
18 *added by this Act.*

19 (2) *ORGANIZATION MANAGEMENT TEAM.*—*The*
20 *term “organization management team” means a team*
21 *consisting of FAA aviation safety engineers, flight test*
22 *pilots, and aviation safety inspectors overseeing an*
23 *ODA holder and its certification activity.*

1 **SEC. 342. WORKFORCE REVIEW.**

2 (a) *WORKFORCE REVIEW.*—Not later than 90 days
3 after the date of enactment of this Act, the Comptroller Gen-
4 eral of the United States shall conduct a review to assess
5 the workforce and training needs of the FAA Office of Avia-
6 tion Safety in the anticipated budgetary environment.

7 (b) *CONTENTS.*—The review required under subsection
8 (a) shall include—

9 (1) a review of current aviation safety inspector
10 and aviation safety engineer hiring, training, and re-
11 current training requirements;

12 (2) an analysis of the skills and qualifications
13 required of aviation safety inspectors and aviation
14 safety engineers for successful performance in the cur-
15 rent and future projected aviation safety regulatory
16 environment, including the need for a systems engi-
17 neering discipline within the FAA to guide the engi-
18 neering of complex systems, with an emphasis on au-
19 diting designated authorities;

20 (3) a review of current performance incentive
21 policies of the FAA, as applied to the Office of Avia-
22 tion Safety, including awards for performance;

23 (4) an analysis of ways the FAA can work with
24 industry and labor, including labor groups rep-
25 resenting FAA aviation safety inspectors and avia-
26 tion safety engineers, to establish knowledge-sharing

1 *opportunities between the FAA and the aviation in-*
2 *dustry regarding new equipment and systems, best*
3 *practices, and other areas of interest; and*

4 *(5) recommendations on the most effective quali-*
5 *fications, training programs (including e-learning*
6 *training), and performance incentive approaches to*
7 *address the needs of the future projected aviation safe-*
8 *ty regulatory system in the anticipated budgetary en-*
9 *vironment.*

10 *(c) REPORT.—Not later than 270 days after the date*
11 *of enactment of this Act, the Comptroller General shall sub-*
12 *mit to the Committee on Transportation and Infrastructure*
13 *of the House of Representatives and the Committee on Com-*
14 *merce, Science, and Transportation of the Senate a report*
15 *on the results of the review required under subsection (a).*

16 ***Subtitle E—International Aviation***

17 ***SEC. 351. PROMOTION OF UNITED STATES AEROSPACE***

18 ***STANDARDS, PRODUCTS, AND SERVICES***

19 ***ABROAD.***

20 *Section 40104 of title 49, United States Code, is*
21 *amended by adding at the end the following:*

22 *“(d) PROMOTION OF UNITED STATES AEROSPACE*
23 *STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The Ad-*
24 *ministrator shall take appropriate actions to—*

1 “(1) *promote United States aerospace safety*
2 *standards abroad;*

3 “(2) *facilitate and vigorously defend approvals of*
4 *United States aerospace products and services abroad;*

5 “(3) *with respect to bilateral partners, utilize bi-*
6 *lateral safety agreements and other mechanisms to*
7 *improve validation of United States type certificated*
8 *aeronautical products and appliances and enhance*
9 *mutual acceptance in order to eliminate redundancies*
10 *and unnecessary costs; and*

11 “(4) *with respect to foreign safety authorities,*
12 *streamline validation and coordination processes.”.*

13 **SEC. 352. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
14 **RESPONSIBILITIES.**

15 *Section 44701(e) of title 49, United States Code, is*
16 *amended by adding at the end the following:*

17 “(5) **FOREIGN AIRWORTHINESS DIRECTIVES.**—

18 “(A) **ACCEPTANCE.**—*The Administrator*
19 *may accept an airworthiness directive issued by*
20 *an aeronautical safety authority of a foreign*
21 *country, and leverage that authority’s regulatory*
22 *process, if—*

23 “(i) *the country is the state of design*
24 *for the product that is the subject of the air-*
25 *worthiness directive;*

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

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

12 “(iv) the aeronautical safety authority
13 of the country utilizes an open and trans-
14 parent notice and comment process in the
15 issuance of airworthiness directives; and

16 “(v) the airworthiness directive is nec-
17 essary to provide for the safe operation of
18 the aircraft subject to the directive.

19 “(B) *ALTERNATIVE APPROVAL PROCESS.*—
20 Notwithstanding subparagraph (A), the Admin-
21 istrator may issue a Federal Aviation Adminis-
22 tration airworthiness directive instead of accept-
23 ing an airworthiness directive otherwise eligible
24 for acceptance under such subparagraph, if the
25 Administrator determines that such issuance is

1 *necessary for safety or operational reasons due to*
2 *the complexity or unique features of the Federal*
3 *Aviation Administration airworthiness directive*
4 *or the United States aviation system.*

5 “(C) *ALTERNATIVE MEANS OF COMPLI-*
6 *ANCE.—The Administrator may—*

7 “(i) *accept an alternative means of*
8 *compliance, with respect to an airworthi-*
9 *ness directive accepted under subparagraph*
10 *(A), that was approved by the aeronautical*
11 *safety authority of the foreign country that*
12 *issued the airworthiness directive; or*

13 “(ii) *notwithstanding subparagraph*
14 *(A), and at the request of any person af-*
15 *ected by an airworthiness directive accept-*
16 *ed under such subparagraph, approve an al-*
17 *ternative means of compliance with respect*
18 *to the airworthiness directive.*

19 “(D) *LIMITATION.—The Administrator may*
20 *not accept an airworthiness directive issued by*
21 *an aeronautical safety authority of a foreign*
22 *country if the airworthiness directive addresses*
23 *matters other than those involving the safe oper-*
24 *ation of an aircraft.”.*

1 **SEC. 353. FAA LEADERSHIP ABROAD.**

2 (a) *IN GENERAL.*—*To promote United States aero-*
3 *space safety standards, reduce redundant regulatory activ-*
4 *ity, and facilitate acceptance of FAA design and production*
5 *approvals abroad, the Administrator of the FAA shall—*

6 (1) *attain greater expertise in issues related to*
7 *dispute resolution, intellectual property, and export*
8 *control laws to better support FAA certification and*
9 *other aerospace regulatory activities abroad;*

10 (2) *work with United States companies to more*
11 *accurately track the amount of time it takes foreign*
12 *authorities, including bilateral partners, to validate*
13 *United States type certificated aeronautical products;*

14 (3) *provide assistance to United States compa-*
15 *nies that have experienced significantly long foreign*
16 *validation wait times;*

17 (4) *work with foreign authorities, including bi-*
18 *lateral partners, to collect and analyze data to deter-*
19 *mine the timeliness of the acceptance and validation*
20 *of FAA design and production approvals by foreign*
21 *authorities and the acceptance and validation of for-*
22 *foreign-certified products by the FAA;*

23 (5) *establish appropriate benchmarks and*
24 *metrics to measure the success of bilateral aviation*
25 *safety agreements and to reduce the validation time*

1 *for United States type certificated aeronautical prod-*
2 *ucts abroad; and*

3 *(6) work with foreign authorities, including bi-*
4 *lateral partners, to improve the timeliness of the ac-*
5 *ceptance and validation of FAA design and produc-*
6 *tion approvals by foreign authorities and the accept-*
7 *ance and validation of foreign-certified products by*
8 *the FAA.*

9 *(b) REPORT.—Not later than 1 year after the date of*
10 *enactment of this Act, the Administrator of the FAA shall*
11 *submit to the Committee on Transportation and Infrastruc-*
12 *ture of the House of Representatives and the Committee on*
13 *Commerce, Science, and Transportation of the Senate a re-*
14 *port that—*

15 *(1) describes the FAA’s strategic plan for inter-*
16 *national engagement;*

17 *(2) describes the structure and responsibilities of*
18 *all FAA offices that have international responsibil-*
19 *ities, including the Aircraft Certification Office, and*
20 *all the activities conducted by those offices related to*
21 *certification and production;*

22 *(3) describes current and forecasted staffing and*
23 *travel needs for the FAA’s international engagement*
24 *activities, including the needs of the Aircraft Certifi-*

1 *ation Office in the current and forecasted budgetary*
2 *environment;*

3 *(4) provides recommendations, if appropriate, to*
4 *improve the existing structure and personnel and*
5 *travel policies supporting the FAA's international en-*
6 *gagement activities, including the activities of the*
7 *Aviation Certification Office, to better support the*
8 *growth of United States aerospace exports; and*

9 *(5) identifies cost-effective policy initiatives, reg-*
10 *ulatory initiatives, or legislative initiatives needed to*
11 *improve and enhance the timely acceptance of United*
12 *States aerospace products abroad.*

13 *(c) INTERNATIONAL TRAVEL.—The Administrator of*
14 *the FAA, or the Administrator's designee, may authorize*
15 *international travel for any FAA employee, without the ap-*
16 *proval of any other person or entity, if the Administrator*
17 *determines that the travel is necessary—*

18 *(1) to promote United States aerospace safety*
19 *standards; or*

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

22 **SEC. 354. REGISTRATION, CERTIFICATION, AND RELATED**
23 **FEES.**

24 *Section 45305 of title 49, United States Code, is*
25 *amended—*

1 (1) in subsection (a) by striking “Subject to sub-
2 section (b)” and inserting “Subject to subsection (c)”;

3 (2) by redesignating subsections (b) and (c) as
4 subsections (c) and (d), respectively; and

5 (3) by inserting after subsection (a) the fol-
6 lowing:

7 “(b) *CERTIFICATION SERVICES*.—Subject to subsection
8 (c), and notwithstanding section 45301(a), the Adminis-
9 trator may establish and collect a fee from a foreign govern-
10 ment or entity for services related to certification, regardless
11 of where the services are provided, if the fee—

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

14 “(2) does not exceed the estimated costs of the
15 services.”.

16 **TITLE IV—SAFETY**

17 **Subtitle A—General Provisions**

18 **SEC. 401. FAA TECHNICAL TRAINING.**

19 (a) *E-LEARNING TRAINING PILOT PROGRAM*.—Not
20 later than 90 days after the date of enactment of this Act,
21 the Administrator of the Federal Aviation Administration,
22 in collaboration with the exclusive bargaining representa-
23 tives of covered FAA personnel, shall establish an e-learning
24 training pilot program in accordance with the requirements
25 of this section.

1 **(b) CURRICULUM.**—*The pilot program shall—*

2 (1) *include a recurrent training curriculum for*
3 *covered FAA personnel to ensure that the personnel*
4 *receive instruction on the latest aviation technologies,*
5 *processes, and procedures;*

6 (2) *focus on providing specialized technical*
7 *training for covered FAA personnel, as determined*
8 *necessary by the Administrator;*

9 (3) *include training courses on applicable regu-*
10 *lations of the Federal Aviation Administration; and*

11 (4) *consider the efficacy of instructor-led online*
12 *training.*

13 **(c) PILOT PROGRAM TERMINATION.**—*The pilot pro-*
14 *gram shall terminate 1 year after the date of establishment*
15 *of the pilot program.*

16 **(d) E-LEARNING TRAINING PROGRAM.**—*Upon termi-*
17 *nation of the pilot program, the Administrator shall estab-*
18 *lish an e-learning training program that incorporates les-*
19 *sons learned for covered FAA personnel as a result of the*
20 *pilot program.*

21 **(e) DEFINITIONS.**—*In this section, the following defini-*
22 *tions apply:*

23 (1) **COVERED FAA PERSONNEL.**—*The term “cov-*
24 *ered FAA personnel” means airway transportation*

1 *systems specialists and aviation safety inspectors of*
2 *the Federal Aviation Administration.*

3 (2) *E-LEARNING TRAINING.*—*The term “e-learn-*
4 *ing training” means learning utilizing electronic*
5 *technologies to access educational curriculum outside*
6 *of a traditional classroom.*

7 **SEC. 402. SAFETY CRITICAL STAFFING.**

8 (a) *UPDATE OF FAA’S SAFETY CRITICAL STAFFING*
9 *MODEL.*—*Not later than 270 days after the date of enact-*
10 *ment of this Act, and at least 2 years before the date of*
11 *transfer, the Administrator of the Federal Aviation Admin-*
12 *istration shall update the safety critical staffing model of*
13 *the Administration to determine the number of aviation*
14 *safety inspectors that will be needed to fulfill the safety over-*
15 *sight mission of the Administration before and after the*
16 *date of transfer, including safety oversight of the American*
17 *Air Navigation Services Corporation.*

18 (b) *AUDIT BY DOT INSPECTOR GENERAL.*—

19 (1) *IN GENERAL.*—*Not later than 90 days after*
20 *the date on which the Administrator has updated the*
21 *safety critical staffing model under subsection (a), the*
22 *Inspector General of the Department of Transpor-*
23 *tation shall conduct an audit of the staffing model.*

24 (2) *CONTENTS.*—*The audit shall include, at a*
25 *minimum—*

1 (A) a review of the assumptions and meth-
2 odologies used in devising and implementing the
3 staffing model to assess the adequacy of the staff-
4 ing model in predicting the number of aviation
5 safety inspectors needed—

6 (i) to properly fulfill the mission of the
7 Administration before and after the date of
8 transfer;

9 (ii) to meet the future growth of the
10 aviation industry; and

11 (iii) to provide proper oversight of air
12 traffic services after the date of transfer;
13 and

14 (B) a determination on whether the staffing
15 model takes into account the Administration's
16 authority to fully utilize designees before and
17 after the date of transfer.

18 (3) *REPORT ON AUDIT.*—

19 (A) *REPORT TO SECRETARY.*—Not later
20 than 30 days after the date of completion of the
21 audit, the Inspector General shall submit to the
22 Secretary a report on the results of the audit.

23 (B) *REPORT TO CONGRESS.*—Not later than
24 60 days after the date of receipt of the report, the
25 Secretary shall submit to the Committee on

1 *Transportation and Infrastructure of the House*
2 *of Representatives and the Committee on Com-*
3 *merce, Science, and Transportation of the Senate*
4 *a copy of the report, together with, if appro-*
5 *priate, a description of any actions taken or to*
6 *be taken to address the results of the audit.*

7 (c) *DATE OF TRANSFER DEFINED.*—*In this section,*
8 *the term “date of transfer” has the meaning given that term*
9 *in section 90101(a) of title 49, United States Code, as added*
10 *by this Act.*

11 **SEC. 403. INTERNATIONAL EFFORTS REGARDING TRACKING**
12 **OF CIVIL AIRCRAFT.**

13 *The Administrator of the Federal Aviation Adminis-*
14 *tration shall exercise leadership on creating a global ap-*
15 *proach to improving aircraft tracking by working with—*

16 (1) *foreign counterparts of the Administrator in*
17 *the International Civil Aviation Organization and its*
18 *subsidiary organizations;*

19 (2) *other international organizations and fora;*
20 *and*

21 (3) *the private sector.*

22 **SEC. 404. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**
23 **TEMS.**

24 (a) *ASSESSMENT.*—*Not later than 90 days after the*
25 *date of enactment of this Act, the Administrator of the Fed-*

1 *eral Aviation Administration shall initiate an assessment*
2 *of aircraft data access and retrieval systems for part 121*
3 *air carrier aircraft that are used in extended overwater op-*
4 *erations to—*

5 *(1) determine if the systems provide improved*
6 *access and retrieval of aircraft data and cockpit voice*
7 *recordings in the event of an aircraft accident; and*

8 *(2) assess the cost effectiveness of each system as-*
9 *sessed.*

10 *(b) SYSTEMS TO BE EXAMINED.—The systems to be*
11 *examined under this section shall include, at a minimum—*

12 *(1) automatic deployable flight recorders;*

13 *(2) emergency locator transmitters; and*

14 *(3) satellite-based solutions.*

15 *(c) REPORT.—Not later than 1 year after the date of*
16 *initiation of the assessment, the Administrator shall submit*
17 *to the Committee on Transportation and Infrastructure of*
18 *the House of Representatives and the Committee on Com-*
19 *merce, Science, and Transportation of the Senate a report*
20 *on the results of the assessment.*

21 *(d) PART 121 AIR CARRIER DEFINED.—In this sec-*
22 *tion, the term “part 121 air carrier” means an air carrier*
23 *that holds a certificate issued under part 121 of title 14,*
24 *Code of Federal Regulations.*

1 **SEC. 405. ADVANCED COCKPIT DISPLAYS.**

2 (a) *IN GENERAL.*—Not later than 180 days after the
3 date of enactment of this Act, the Administrator of the Fed-
4 eral Aviation Administration shall initiate a review of
5 heads-up display systems, heads-down display systems em-
6 ploying synthetic vision systems, and enhanced vision sys-
7 tems (in this section referred to as “HUD systems”, “SVS”,
8 and “EVS”, respectively).

9 (b) *CONTENTS.*—The review shall—

10 (1) evaluate the impacts of single- and dual-in-
11 stalled HUD systems, SVS, and EVS on the safety
12 and efficiency of aircraft operations within the na-
13 tional airspace system; and

14 (2) review a sufficient quantity of commercial
15 aviation accidents or incidents in order to evaluate if
16 HUD systems, SVS, and EVS would have produced
17 a better outcome in that accident or incident.

18 (c) *CONSULTATION.*—In conducting the review, the Ad-
19 ministrator shall consult with aviation manufacturers, rep-
20 resentatives of pilot groups, aviation safety organizations,
21 and any government agencies the Administrator considers
22 appropriate.

23 (d) *REPORT.*—Not later than 1 year after the date of
24 enactment of this Act, the Administrator shall submit to
25 the Committee on Transportation and Infrastructure of the
26 House of Representatives and the Committee on Commerce,

1 *Science, and Transportation of the Senate a report con-*
2 *taining the results of the review, the actions the Adminis-*
3 *trator plans to take with respect to the systems reviewed,*
4 *and the associated timeline for such actions.*

5 **SEC. 406. MARKING OF TOWERS.**

6 *Section 2110 of the FAA Extension, Safety, and Secu-*
7 *rity Act of 2016 (49 U.S.C. 44718 note) is amended—*

8 *(1) by striking subsections (a) through (c) and*
9 *inserting the following:*

10 *“(a) APPLICATION.—*

11 *“(1) IN GENERAL.—Except as provided by para-*
12 *graph (2), not later than 1 year after the date of en-*
13 *actment of the 21st Century AIRR Act or the avail-*
14 *ability of the database developed by the Administrator*
15 *of the Federal Aviation Administration pursuant to*
16 *subsection (c), whichever is later, all covered towers*
17 *shall be either—*

18 *“(A) clearly marked consistent with appli-*
19 *cable guidance in the advisory circular of the*
20 *Federal Aviation Administration issued Decem-*
21 *ber 4, 2015 (AC 70/7460–IL); or*

22 *“(B) included in the database described in*
23 *subsection (c).*

24 *“(2) METEOROLOGICAL EVALUATION TOWER.—A*
25 *covered tower that is a meteorological evaluation*

1 *tower shall be subject to the requirements of para-*
2 *graphs (1)(A) and (1)(B).”;*

3 *(2) by redesignating subsections (d) and (e) as*
4 *subsections (b) and (c), respectively;*

5 *(3) in subsection (b)(1)(A) (as so redesignated)—*

6 *(A) in clause (i)(I) by striking “self-stand-*
7 *ing or” and inserting “a meteorological evalua-*
8 *tion tower or tower”;* and

9 *(B) in clause (ii)—*

10 *(i) in subclause (IV) by striking “or”*
11 *at the end;*

12 *(ii) in subclause (V) by striking the pe-*
13 *riod at the end and inserting a semicolon;*
14 *and*

15 *(iii) by adding at the end the fol-*
16 *lowing:*

17 *“(VI) is located within the right-*
18 *of-way of a rail carrier, including*
19 *within the boundaries of a rail yard,*
20 *and is used for a railroad purpose;*

21 *“(VII) is determined by the Ad-*
22 *ministrator to pose no hazard to air*
23 *navigation; or*

24 *“(VIII) has already mitigated any*
25 *hazard to aviation safety in accord-*

1 *ance with Federal Aviation Adminis-*
2 *tration guidance or as otherwise ap-*
3 *proved by the Administrator.”; and*

4 *(4) in subsection (c) (as so redesignated)—*

5 *(A) by striking paragraph (1) and inserting*
6 *the following:*

7 *“(1) develop a database that contains the loca-*
8 *tion and height of each covered tower that, pursuant*
9 *to subsection (a), the owner or operator of such tower*
10 *elects not to mark, except that meteorological evalua-*
11 *tion towers shall be marked and contained in the*
12 *database;”;*

13 *(B) in paragraph (3) by striking “and” at*
14 *the end;*

15 *(C) in paragraph (4) by striking the period*
16 *at the end and inserting a semicolon; and*

17 *(D) by adding at the end the following:*

18 *“(5) ensure that the tower information in the*
19 *database is de-identified and that the information*
20 *only includes the location and height of covered tow-*
21 *ers; and*

22 *“(6) make the database available for use not*
23 *later than 1 year after the date of enactment of the*
24 *21st Century AIRR Act.”.*

1 **SEC. 407. CABIN EVACUATION.**

2 (a) *REVIEW.*—*The Administrator of the Federal Avia-*
3 *tion Administration shall review—*

4 (1) *evacuation certification of transport-category*
5 *aircraft used in air transportation, with regard to—*

6 (A) *emergency conditions, including im-*
7 *pacts into water;*

8 (B) *crew procedures used for evacuations*
9 *under actual emergency conditions; and*

10 (C) *any relevant changes to passenger de-*
11 *mographics and legal requirements (including*
12 *the Americans with Disabilities Act of 1990)*
13 *that affect emergency evacuations; and*

14 (2) *recent accidents and incidents where pas-*
15 *sengers evacuated such aircraft.*

16 (b) *CONSULTATION; REVIEW OF DATA.*—*In conducting*
17 *the review, the Administrator shall—*

18 (1) *consult with the National Transportation*
19 *Safety Board, transport-category aircraft manufac-*
20 *turers, air carriers, and other relevant experts and*
21 *Federal agencies, including groups representing pas-*
22 *sengers, airline crewmembers, maintenance employees,*
23 *and emergency responders; and*

24 (2) *review relevant data with respect to evacu-*
25 *ation certification of transport-category aircraft.*

1 (c) *REPORT TO CONGRESS.*—Not later than 1 year
2 after the date of enactment of this Act, the Administrator
3 shall submit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the results of the review and related rec-
7 ommendations, if any, including any recommendations for
8 revisions to the assumptions and methods used for assessing
9 evacuation certification of transport-category aircraft.

10 **SEC. 408. ODA STAFFING AND OVERSIGHT.**

11 (a) *REPORT TO CONGRESS.*—Not later than 270 days
12 after the date of enactment of this Act, the Administrator
13 of the Federal Aviation Administration shall submit to the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report on the
17 Administration's progress with respect to—

18 (1) *determining what additional model inputs*
19 *and labor distribution codes are needed to identify*
20 *ODA oversight staffing needs prior to and after the*
21 *date of transfer;*

22 (2) *developing and implementing system-based*
23 *evaluation criteria and risk-based tools to aid ODA*
24 *team members in targeting their oversight activities;*

1 (3) *developing agreements and processes for shar-*
2 *ing resources to ensure adequate oversight of ODA*
3 *personnel performing certification and inspection*
4 *work at supplier and company facilities; and*

5 (4) *ensuring full utilization of ODA authority*
6 *prior to and after the date of transfer.*

7 (b) *DEFINITIONS.—In this section, the following defi-*
8 *nitions apply:*

9 (1) *DATE OF TRANSFER.—The term “date of*
10 *transfer” has the meaning given that term in section*
11 *90101(a) of title 49, United States Code, as added by*
12 *this Act.*

13 (2) *ODA.—the term “ODA” has the meaning*
14 *given that term in section 44736 of title 49, United*
15 *States Code, as added by this Act.*

16 **SEC. 409. FUNDING FOR ADDITIONAL SAFETY NEEDS.**

17 *Section 44704 of title 49, United States Code, is*
18 *amended by adding at the end the following:*

19 “(f) *FUNDING FOR ADDITIONAL SAFETY NEEDS.—*

20 “(1) *ACCEPTANCE OF APPLICANT-PROVIDED*
21 *FUNDS.—Notwithstanding any other provision of law,*
22 *the Administrator may accept funds from an appli-*
23 *cant for a certificate under this section to hire addi-*
24 *tional staff or obtain the services of consultants and*

1 *experts to facilitate the timely processing, review, and*
2 *issuance of certificates under this section.*

3 “(2) *RULES OF CONSTRUCTION.*—

4 “(A) *IN GENERAL.*—Nothing in this section
5 *may be construed as permitting the Adminis-*
6 *trator to grant priority or afford any preference*
7 *to an applicant providing funds under para-*
8 *graph (1).*

9 “(B) *POLICIES AND PROCEDURES.*—The
10 *Administrator shall implement such policies and*
11 *procedures as may be required to ensure that the*
12 *acceptance of funds under paragraph (1) does*
13 *not prejudice the Administrator in the issuance*
14 *of any certificate to an applicant.*

15 “(3) *RECEIPTS CREDITED AS OFFSETTING COL-*
16 *LECTIONS.*—Notwithstanding section 3302 of title 31,
17 *any funds accepted under this subsection—*

18 “(A) *shall be credited as offsetting collec-*
19 *tions to the account that finances the activities*
20 *and services for which the funds are accepted;*

21 “(B) *shall be available for expenditure only*
22 *to pay the costs of activities and services for*
23 *which the funds are accepted; and*

24 “(C) *shall remain available until ex-*
25 *pended.*”.

1 **SEC. 410. FUNDING FOR ADDITIONAL FAA LICENSING**
2 **NEEDS.**

3 (a) *IN GENERAL.*—Chapter 509 of title 51, United
4 States Code, is amended by adding at the end the following:

5 **“§ 50924. Funding to facilitate FAA licensing**

6 “(a) *IN GENERAL.*—Notwithstanding any other provi-
7 sion of law, the Secretary of Transportation may accept
8 funds from a person applying for a license or permit under
9 this chapter to hire additional staff or obtain the services
10 of consultants and experts—

11 “(1) to facilitate the timely processing, review,
12 and issuance of licenses or permits issued under this
13 chapter;

14 “(2) to conduct environmental activities, studies,
15 or reviews associated with such licenses or permits; or

16 “(3) to conduct additional activities associated
17 with or necessitated by such licenses or permits, in-
18 cluding pre-application consultation, hazard area de-
19 termination, or on-site inspection.

20 “(b) *RULES OF CONSTRUCTION.*—

21 “(1) *IN GENERAL.*—Nothing in this section may
22 be construed as permitting the Secretary to grant pri-
23 ority or afford any preference to an applicant pro-
24 viding funds under subsection (a).

25 “(2) *POLICIES AND PROCEDURES.*—The Sec-
26 retary shall implement such policies and procedures

1 *as may be required to ensure that the acceptance of*
2 *funds under subsection (a) does not prejudice the Sec-*
3 *retary in the issuance of any license or permit to an*
4 *applicant.*

5 “(c) *RECEIPTS CREDITED AS OFFSETTING COLLEC-*
6 *TIONS.—Notwithstanding section 3302 of title 31, any*
7 *funds accepted under this section—*

8 “(1) *shall be credited as offsetting collections to*
9 *the account that finances the activities and services*
10 *for which the funds are accepted;*

11 “(2) *shall be available for expenditure only to*
12 *pay the costs of activities and services for which the*
13 *funds are accepted; and*

14 “(3) *shall remain available until expended.”.*

15 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
16 *509 of title 51, United States Code, is amended by adding*
17 *at the end the following:*

 “50924. *Funding to facilitate FAA licensing.”.*

18 **SEC. 411. EMERGENCY MEDICAL EQUIPMENT ON PAS-**
19 **SENGER AIRCRAFT.**

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 evaluate and revise, as ap-*
23 *propriate, regulations in part 121 of title 14, Code of Fed-*
24 *eral Regulations, regarding emergency medical equipment,*
25 *including the contents of first-aid kits, applicable to all cer-*

1 *tificate holders operating passenger aircraft under that*
2 *part.*

3 (b) *CONSIDERATION.*—*In carrying out subsection (a),*
4 *the Administrator shall consider whether the minimum con-*
5 *tents of approved emergency medical kits, including ap-*
6 *proved first-aid kits, include appropriate medications and*
7 *equipment to meet the emergency medical needs of children.*

8 **SEC. 412. HIMS PROGRAM.**

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 conduct a human intervention motiva-*
12 *tion study (HIMS) program for flight crewmembers em-*
13 *ployed by commercial air carriers operating in United*
14 *States airspace.*

15 **SEC. 413. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFE-**
16 **TY INFORMATION.**

17 (a) *IN GENERAL.*—*There shall be a presumption that*
18 *an individual's voluntary disclosure of an operational or*
19 *maintenance issue related to aviation safety under an avia-*
20 *tion safety action program meets the criteria for acceptance*
21 *as a valid disclosure under such program.*

22 (b) *DISCLAIMER REQUIRED.*—*Any dissemination of a*
23 *disclosure that was submitted and accepted under an avia-*
24 *tion safety action program pursuant to the presumption*
25 *under subsection (a), but that has not undergone review by*

1 *an event review committee, shall be accompanied by a dis-*
2 *claimer stating that the disclosure—*

3 *(1) has not been reviewed by an event review*
4 *committee tasked with reviewing such disclosures; and*

5 *(2) may subsequently be determined to be ineli-*
6 *gible for inclusion in the aviation safety action pro-*
7 *gram.*

8 *(c) REJECTION OF DISCLOSURE.—A disclosure de-*
9 *scribed under subsection (a) shall be rejected from an avia-*
10 *tion safety action program if, after a review of the disclo-*
11 *sure, an event review committee tasked with reviewing such*
12 *disclosures determines that the disclosure fails to meet the*
13 *criteria for acceptance under such program.*

14 *(d) AVIATION SAFETY ACTION PROGRAM DEFINED.—*
15 *In this section, the term “aviation safety action program”*
16 *means a program established in accordance with Federal*
17 *Aviation Administration Advisory Circular 120–66B,*
18 *issued November 15, 2002 (including any similar successor*
19 *advisory circular), to allow an individual to voluntarily*
20 *disclose operational or maintenance issues related to avia-*
21 *tion safety.*

22 **SEC. 414. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
23 **AND REST REQUIREMENTS.**

24 *(a) MODIFICATION OF FINAL RULE.—*

1 (1) *IN GENERAL.*—Not later than 30 days after
2 the date of enactment of this Act, the Secretary of
3 Transportation shall modify the final rule of the Fed-
4 eral Aviation Administration published in the Fed-
5 eral Register on August 19, 1994 (59 Fed. Reg.
6 42974; relating to flight attendant duty period limi-
7 tations and rest requirements) in accordance with the
8 requirements of this subsection.

9 (2) *CONTENTS.*—The final rule, as modified
10 under paragraph (1), shall ensure that—

11 (A) a flight attendant scheduled to a duty
12 period of 14 hours or less is given a scheduled
13 rest period of at least 10 consecutive hours; and

14 (B) the rest period is not reduced under any
15 circumstances.

16 (b) *FATIGUE RISK MANAGEMENT PLAN.*—

17 (1) *SUBMISSION OF PLAN BY PART 121 AIR CAR-*
18 *RIERS.*—Not later than 90 days after the date of en-
19 actment of this Act, each air carrier operating under
20 part 121 of title 14, Code of Federal Regulations (in
21 this section referred to as a “part 121 air carrier”),
22 shall submit to the Administrator of the Federal
23 Aviation Administration for review and acceptance a
24 fatigue risk management plan for the carrier’s flight
25 attendants.

1 (2) *CONTENTS OF PLAN.*—*A fatigue risk manage-*
2 *ment plan submitted by a part 121 air carrier under*
3 *paragraph (1) shall include the following:*

4 (A) *Current flight time and duty period*
5 *limitations.*

6 (B) *A rest scheme consistent with such limi-*
7 *tations that enables the management of flight at-*
8 *tendant fatigue, including annual training to*
9 *increase awareness of—*

10 (i) *fatigue;*

11 (ii) *the effects of fatigue on flight at-*
12 *tendants; and*

13 (iii) *fatigue countermeasures.*

14 (C) *Development and use of a 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 shall*
22 *review and accept or reject each fatigue risk manage-*
23 *ment plan submitted under this subsection. If the Ad-*
24 *ministrator rejects a plan, the Administrator shall*

1 *provide suggested modifications for resubmission of*
2 *the plan.*

3 (4) *PLAN UPDATES.*—

4 (A) *IN GENERAL.*—*A part 121 air carrier*
5 *shall update its fatigue risk management plan*
6 *under paragraph (1) every 2 years and submit*
7 *the update to the Administrator for review and*
8 *acceptance.*

9 (B) *REVIEW.*—*Not later than 1 year after*
10 *the date of submission of a plan update under*
11 *subparagraph (A), the Administrator shall re-*
12 *view and accept or reject the update. If the Ad-*
13 *ministrator rejects an update, the Administrator*
14 *shall provide suggested modifications for resub-*
15 *mission of the update.*

16 (5) *COMPLIANCE.*—*A part 121 air carrier shall*
17 *comply with the fatigue risk management plan of the*
18 *air carrier that is accepted by the Administrator*
19 *under this subsection.*

20 (6) *CIVIL PENALTIES.*—*A violation of this sub-*
21 *section by a part 121 air carrier shall be treated as*
22 *a violation of chapter 447 of title 49, United States*
23 *Code, for purposes of the application of civil penalties*
24 *under chapter 463 of that title.*

1 **SEC. 415. SECONDARY COCKPIT BARRIERS.**

2 *Not later than 1 year after the date of enactment of*
3 *this Act, the Administrator of the Federal Aviation Admin-*
4 *istration shall issue an order requiring the installation of*
5 *a secondary cockpit barrier on each aircraft that is manu-*
6 *factured for delivery to a passenger air carrier in the*
7 *United States operating under the provisions of part 121*
8 *of title 14, Code of Federal Regulations.*

9 **SEC. 416. AVIATION MAINTENANCE INDUSTRY TECHNICAL**
10 **WORKFORCE.**

11 (a) *STUDY.*—*The Comptroller General of the United*
12 *States shall conduct a study on technical workers in the*
13 *aviation maintenance industry.*

14 (b) *CONTENTS.*—*In conducting the study, the Comp-*
15 *troller General shall—*

16 (1) *analyze the current Standard Occupational*
17 *Classification system with regard to the aviation pro-*
18 *fession, particularly technical workers in the aviation*
19 *maintenance industry;*

20 (2) *analyze how changes to the Federal employ-*
21 *ment classification of aviation maintenance industry*
22 *workers might affect government data on unemploy-*
23 *ment rates and wages;*

24 (3) *analyze how changes to the Federal employ-*
25 *ment classification of aviation maintenance industry*
26 *workers might affect projections for future aviation*

1 maintenance industry workforce needs and project
2 technical worker shortfalls;

3 (4) analyze the impact of Federal regulation, in-
4 cluding Federal Aviation Administration oversight of
5 certification, testing, and education programs, on em-
6 ployment of technical workers in the aviation mainte-
7 nance industry;

8 (5) develop recommendations on how Federal
9 Aviation Administration regulations and policies
10 could be improved to address aviation maintenance
11 industry needs for technical workers; and

12 (6) develop recommendations for better coordi-
13 nating actions by government, educational institu-
14 tions, and businesses to support workforce growth in
15 the aviation maintenance industry.

16 (c) *REPORT.*—Not later than 1 year after the date of
17 enactment of this Act, the Comptroller General shall submit
18 to the Committee on Transportation and Infrastructure of
19 the House of Representatives and the Committee on Com-
20 merce, Science, and Transportation of the Senate a report
21 on the results of the study.

22 (d) *DEFINITIONS.*—In this section, the following defi-
23 nitions apply:

24 (1) *AVIATION MAINTENANCE INDUSTRY.*—The
25 term “aviation maintenance industry” means repair

1 *stations certificated under part 145 of title 14, Code*
2 *of Federal Regulations.*

3 (2) *TECHNICAL WORKER.—The term “technical*
4 *worker” means an individual authorized under part*
5 *43 of title 14, Code of Federal Regulations, to main-*
6 *tain, rebuild, alter, or perform preventive mainte-*
7 *nance on an aircraft, airframe, aircraft engine, pro-*
8 *PELLER, appliance, or component part or employed by*
9 *an entity so authorized to perform such a function.*

10 **SEC. 417. 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 not*
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 half of the centerline and*
23 *Type I beads to the other half and providing for as-*
24 *sessments from pilots through surveys administered by*
25 *a third party as to the visibility and performance of*

1 *the Type III glass beads as compared to the Type I*
 2 *glass beads over a 1-year period.*

3 ***Subtitle B—Unmanned Aircraft***
 4 ***Systems***

5 ***SEC. 431. DEFINITIONS.***

6 *Except as otherwise provided, the definitions contained*
 7 *in section 45501 of title 49, United States Code (as added*
 8 *by this Act), shall apply to this subtitle.*

9 ***SEC. 432. CODIFICATION OF EXISTING LAW; ADDITIONAL***
 10 ***PROVISIONS.***

11 *(a) IN GENERAL.—Subtitle VII of title 49, United*
 12 *States Code, is amended by inserting after chapter 453 the*
 13 *following:*

14 ***“CHAPTER 455—UNMANNED AIRCRAFT***
 15 ***SYSTEMS***

“Sec.

“45501. *Definitions.*

“45502. *Integration of civil unmanned aircraft systems into national airspace system.*

“45503. *Risk-based permitting of unmanned aircraft systems.*

“45504. *Public unmanned aircraft systems.*

“45505. *Special rules for certain unmanned aircraft systems.*

“45506. *Certification of new air navigation facilities for unmanned aircraft and other aircraft.*

“45507. *Special rules for certain UTM and low-altitude CNS.*

“45508. *Operation of small unmanned aircraft.*

“45509. *Special rules for model aircraft.*

“45510. *Carriage of property for compensation or hire.*

“45511. *Micro UAS operations.*

16 ***“§ 45501. Definitions***

17 *“In this chapter, the following definitions apply:*

1 “(1) *AERIAL DATA COLLECTION*.—The term ‘*aer-*
2 *ial data collection*’ means the gathering of data by a
3 device aboard an unmanned aircraft during flight,
4 including imagery, sensing, and measurement by such
5 device.

6 “(2) *ARCTIC*.—The term ‘*Arctic*’ means the
7 United States zone of the Chukchi Sea, Beaufort Sea,
8 and Bering Sea north of the Aleutian chain.

9 “(3) *CERTIFICATE OF WAIVER; CERTIFICATE OF*
10 *AUTHORIZATION*.—The terms ‘*certificate of waiver*’
11 and ‘*certificate of authorization*’ mean a Federal
12 Aviation Administration grant of approval for a spe-
13 cific flight operation.

14 “(4) *CNS*.—The term ‘*CNS*’ means a commu-
15 nication, navigation, or surveillance system or serv-
16 ice.

17 “(5) *MODEL AIRCRAFT*.—the term ‘*model air-*
18 *craft*’ means an unmanned aircraft that is—

19 “(A) capable of sustained flight in the at-
20 mosphere;

21 “(B) flown within visual line of sight of the
22 person operating the aircraft; and

23 “(C) flown for hobby or recreational pur-
24 poses.

1 “(6) *PERMANENT AREAS.*—*The term ‘permanent*
2 *areas’ means areas on land or water that provide for*
3 *launch, recovery, and operation of small unmanned*
4 *aircraft.*

5 “(7) *PUBLIC UNMANNED AIRCRAFT SYSTEM.*—
6 *The term ‘public unmanned aircraft system’ means*
7 *an unmanned aircraft system that meets the quali-*
8 *fications and conditions required for operation of a*
9 *public aircraft (as defined in section 40102(a)).*

10 “(8) *SENSE-AND-AVOID CAPABILITY.*—*The term*
11 *‘sense-and-avoid capability’ means the capability of*
12 *an unmanned aircraft to remain a safe distance from*
13 *and to avoid collisions with other airborne aircraft.*

14 “(9) *SMALL UNMANNED AIRCRAFT.*—*The term*
15 *‘small unmanned aircraft’ means an unmanned air-*
16 *craft weighing less than 55 pounds, including every-*
17 *thing that is on board the aircraft.*

18 “(10) *UNMANNED AIRCRAFT.*—*The term ‘un-*
19 *manned aircraft’ means an aircraft that is operated*
20 *without the possibility of direct human intervention*
21 *from within or on the aircraft.*

22 “(11) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
23 *‘unmanned aircraft system’ means an unmanned air-*
24 *craft and associated elements (including communica-*
25 *tion links and the components that control the un-*

1 manned aircraft) that are required for the pilot in
2 command to operate safely and efficiently in the na-
3 tional airspace system.

4 “(12) UTM.—The term ‘UTM’ means an un-
5 manned aircraft traffic management system or serv-
6 ice.

7 **“§45502. Integration of civil unmanned aircraft sys-**
8 **tems into national airspace system**

9 “(a) REQUIRED PLANNING FOR INTEGRATION.—

10 “(1) COMPREHENSIVE PLAN.—Not later than No-
11 vember 10, 2012, the Secretary of Transportation, in
12 consultation with representatives of the aviation in-
13 dustry, Federal agencies that employ unmanned air-
14 craft systems technology in the national airspace sys-
15 tem, and the unmanned aircraft systems industry,
16 shall develop a comprehensive plan to safely accelerate
17 the integration of civil unmanned aircraft systems
18 into the national airspace system.

19 “(2) CONTENTS OF PLAN.—The plan required
20 under paragraph (1) shall contain, at a minimum,
21 recommendations or projections on—

22 “(A) the rulemaking to be conducted under
23 subsection (b), with specific recommendations on
24 how the rulemaking will—

1 “(i) define the acceptable standards for
2 operation and certification of civil un-
3 manned aircraft systems;

4 “(ii) ensure that any civil unmanned
5 aircraft system includes a sense-and-avoid
6 capability; and

7 “(iii) establish standards and require-
8 ments for the operator and pilot of a civil
9 unmanned aircraft system, including stand-
10 ards and requirements for registration and
11 licensing;

12 “(B) the best methods to enhance the tech-
13 nologies and subsystems necessary to achieve the
14 safe and routine operation of civil unmanned
15 aircraft systems in the national airspace system;

16 “(C) a phased-in approach to the integra-
17 tion of civil unmanned aircraft systems into the
18 national airspace system;

19 “(D) a timeline for the phased-in approach
20 described under subparagraph (C);

21 “(E) creation of a safe airspace designation
22 for cooperative manned and unmanned flight op-
23 erations in the national airspace system;

24 “(F) establishment of a process to develop
25 certification, flight standards, and air traffic re-

1 *quirements for civil unmanned aircraft systems*
2 *at test ranges where such systems are subject to*
3 *testing;*

4 *“(G) the best methods to ensure the safe op-*
5 *eration of civil unmanned aircraft systems and*
6 *public unmanned aircraft systems simulta-*
7 *neously in the national airspace system; and*

8 *“(H) incorporation of the plan into the an-*
9 *nuual NextGen Implementation Plan document*
10 *(or any successor document) of the Federal Avia-*
11 *tion Administration.*

12 *“(3) DEADLINE.—The plan required under para-*
13 *graph (1) shall provide for the safe integration of civil*
14 *unmanned aircraft systems into the national airspace*
15 *system as soon as practicable, but not later than Sep-*
16 *tember 30, 2015.*

17 *“(4) REPORT TO CONGRESS.—Not later than*
18 *February 14, 2013, the Secretary shall submit to Con-*
19 *gress a copy of the plan required under paragraph*
20 *(1).*

21 *“(5) ROADMAP.—Not later than February 14,*
22 *2013, the Secretary shall approve and make available*
23 *in print and on the Administration’s internet website*
24 *a 5-year roadmap for the introduction of civil un-*
25 *manned aircraft systems into the national airspace*

1 *system, as coordinated by the Unmanned Aircraft*
2 *Program Office of the Administration. The Secretary*
3 *shall update the roadmap annually.*

4 “(b) *RULEMAKING.—Not later than 18 months after*
5 *the date on which the plan required under subsection (a)(1)*
6 *is submitted to Congress under subsection (a)(4), the Sec-*
7 *retary shall publish in the Federal Register—*

8 *“(1) a final rule on small unmanned aircraft*
9 *systems that will allow for civil operation of such sys-*
10 *tems in the national airspace system, to the extent the*
11 *systems do not meet the requirements for expedited*
12 *operational authorization under section 45508;*

13 *“(2) a notice of proposed rulemaking to imple-*
14 *ment the recommendations of the plan required under*
15 *subsection (a)(1), with the final rule to be published*
16 *not later than 16 months after the date of publication*
17 *of the notice; and*

18 *“(3) an update to the Administration’s most re-*
19 *cent policy statement on unmanned aircraft systems,*
20 *contained in Docket No. FAA–2006–25714.*

21 “(c) *EXPANDING USE OF UNMANNED AIRCRAFT SYS-*
22 *TEMS IN ARCTIC.—*

23 *“(1) IN GENERAL.—Not later than August 12,*
24 *2012, the Secretary shall develop a plan and initiate*
25 *a process to work with relevant Federal agencies and*

1 *national and international communities to designate*
2 *permanent areas in the Arctic where small unmanned*
3 *aircraft may operate 24 hours per day for research*
4 *and commercial purposes. The plan for operations in*
5 *these permanent areas shall include the development*
6 *of processes to facilitate the safe operation of un-*
7 *manned aircraft beyond line of sight. Such areas shall*
8 *enable over-water flights from the surface to at least*
9 *2,000 feet in altitude, with ingress and egress routes*
10 *from selected coastal launch sites.*

11 *“(2) AGREEMENTS.—To implement the plan*
12 *under paragraph (1), the Secretary may enter into an*
13 *agreement with relevant national and international*
14 *communities.*

15 *“(3) AIRCRAFT APPROVAL.—Not later than 1*
16 *year after the entry into force of an agreement nec-*
17 *essary to effectuate the purposes of this subsection, the*
18 *Secretary shall work with relevant national and*
19 *international communities to establish and implement*
20 *a process, or may apply an applicable process al-*
21 *ready established, for approving the use of unmanned*
22 *aircraft in the designated permanent areas in the*
23 *Arctic without regard to whether an unmanned air-*
24 *craft is used as a public aircraft, a civil aircraft, or*
25 *a model aircraft.*

1 **“§ 45503. Risk-based permitting of unmanned aircraft**
2 **systems**

3 “(a) *IN GENERAL.*—Not later than 120 days after the
4 date of enactment of this section, the Administrator of the
5 Federal Aviation Administration shall establish procedures
6 for issuing permits under this section with respect to cer-
7 tain unmanned aircraft systems and operations thereof.

8 “(b) *PERMITTING STANDARDS.*—Upon the submission
9 of an application in accordance with subsection (d), the Ad-
10 ministrator shall issue a permit with respect to the pro-
11 posed operation of an unmanned aircraft system if the Ad-
12 ministrator determines that the unmanned aircraft system
13 and the proposed operation achieve a level of safety that
14 is equivalent to—

15 “(1) other unmanned aircraft systems and oper-
16 ations permitted under regulation, exemption, or
17 other authority granted by the Administrator; or

18 “(2) any other aircraft operation approved by
19 the Administrator with similar risk characteristics or
20 profiles.

21 “(c) *SAFETY CRITERIA FOR CONSIDERATION.*—In de-
22 termining whether a proposed operation meets the stand-
23 ards described in subsection (b), the Administrator shall
24 consider the following safety criteria:

25 “(1) The kinetic energy of the unmanned aircraft
26 system.

1 “(2) *The location of the proposed operation, in-*
2 *cluding the proximity to—*

3 “(A) *structures;*

4 “(B) *congested areas;*

5 “(C) *special-use airspace; and*

6 “(D) *persons on the ground.*

7 “(3) *The nature of the operation, including any*
8 *proposed risk mitigation.*

9 “(4) *Any known hazard of the proposed oper-*
10 *ation and the severity and likelihood of such hazard.*

11 “(5) *Any known failure modes of the unmanned*
12 *aircraft system, failure mode effects and criticality,*
13 *and any mitigating features or capabilities.*

14 “(6) *The operational history of relevant tech-*
15 *nologies, if available.*

16 “(7) *Any history of civil penalties or certificate*
17 *actions by the Administrator against the applicant*
18 *seeking the permit.*

19 “(8) *Any other safety criteria the Administrator*
20 *considers appropriate.*

21 “(d) *APPLICATION.—An application under this section*
22 *shall include evidence that the unmanned aircraft system*
23 *and the proposed operation thereof meet the standards de-*
24 *scribed in subsection (b) based on the criteria described in*
25 *subsection (c).*

1 “(e) *SCOPE OF PERMIT.*—A permit issued under this
2 section shall—

3 “(1) be valid for 5 years;

4 “(2) constitute approval of both the airworthi-
5 ness of the unmanned aircraft system and the pro-
6 posed operation of such system;

7 “(3) be renewable for additional 5-year periods;
8 and

9 “(4) contain any terms necessary to ensure avia-
10 tion safety.

11 “(f) *NOTICE.*—Not later than 120 days after the Ad-
12 ministrator receives a complete application under sub-
13 section (d), the Administrator shall provide the applicant
14 written notice of a decision to approve or disapprove of the
15 application or to request a modification of the application
16 that is necessary for approval of the application.

17 “(g) *PERMITTING PROCESS.*—The Administrator shall
18 issue a permit under this section without regard to sub-
19 sections (b) through (d) of section 553 of title 5 and chapter
20 35 of title 44 if the Administrator determines that the oper-
21 ation permitted will not occur near a congested area.

22 “(h) *EXEMPTION FROM CERTAIN REQUIREMENTS.*—
23 To the extent consistent with aviation safety, the Adminis-
24 trator may exempt applicants under this section from para-
25 graphs (1) through (3) of section 44711(a).

1 “(i) *WITHDRAWAL.*—*The Administrator may, at any*
2 *time, modify or withdraw a permit issued under this sec-*
3 *tion.*

4 “(j) *APPLICABILITY.*—*This section shall not apply to*
5 *small unmanned aircraft systems and operations author-*
6 *ized by the final rule on small unmanned aircraft systems*
7 *issued pursuant to section 45502(b)(1).*

8 “(k) *EXPEDITED REVIEW.*—*The Administrator shall*
9 *review and act upon applications under this section on an*
10 *expedited basis for unmanned aircraft systems and oper-*
11 *ations thereof to be used primarily in, or primarily in di-*
12 *rect support of, emergency preparedness, emergency re-*
13 *sponse, or disaster recovery efforts, including efforts in con-*
14 *nection with natural disasters and severe weather events.*

15 **“§ 45504. Public unmanned aircraft systems**

16 “(a) *GUIDANCE.*—*Not later than November 10, 2012,*
17 *the Secretary of Transportation shall issue guidance re-*
18 *garding the operation of public unmanned aircraft systems*
19 *to—*

20 “(1) *expedite the issuance of a certificate of au-*
21 *thorization process;*

22 “(2) *provide for a collaborative process with pub-*
23 *lic agencies to allow for an incremental expansion of*
24 *access to the national airspace system as technology*
25 *matures and the necessary safety analysis and data*

1 *become available, and until standards are completed*
2 *and technology issues are resolved;*

3 “(3) *facilitate the capability of public agencies to*
4 *develop and use test ranges, subject to operating re-*
5 *strictions required by the Federal Aviation Adminis-*
6 *tration, to test and operate unmanned aircraft sys-*
7 *tems; and*

8 “(4) *provide guidance on a public entity’s re-*
9 *responsibility when operating an unmanned aircraft*
10 *without a civil airworthiness certificate issued by the*
11 *Administration.*

12 “(b) *STANDARDS FOR OPERATION AND CERTIFI-*
13 *CATION.—Not later than December 31, 2015, the Adminis-*
14 *trator shall develop and implement operational and certifi-*
15 *cation requirements for the operation of public unmanned*
16 *aircraft systems in the national airspace system.*

17 “(c) *AGREEMENTS WITH GOVERNMENT AGENCIES.—*

18 “(1) *IN GENERAL.—Not later than May 14,*
19 *2012, the Secretary shall enter into agreements with*
20 *appropriate government agencies to simplify the proc-*
21 *ess for issuing certificates of waiver or authorization*
22 *with respect to applications seeking authorization to*
23 *operate public unmanned aircraft systems in the na-*
24 *tional airspace system.*

25 “(2) *CONTENTS.—The agreements shall—*

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

3 “(i) provide for an expedited review of
4 the application;

5 “(ii) require a decision by the Admin-
6 istrator on approval or disapproval within
7 60 business days of the date of submission
8 of the application; and

9 “(iii) allow for an expedited appeal if
10 the application is disapproved;

11 “(B) allow for a one-time approval of simi-
12 lar operations carried out during a fixed period
13 of time; and

14 “(C) allow a government public safety agen-
15 cy to operate unmanned aircraft weighing 4.4
16 pounds or less, if operated—

17 “(i) within the line of sight of the oper-
18 ator;

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

21 “(iii) during daylight conditions;

22 “(iv) within Class G airspace; and

23 “(v) outside of 5 statute miles from
24 any airport, heliport, seaplane base, space-

1 port, or other location with aviation activi-
2 ties.

3 **“§ 45505. Special rules for certain unmanned aircraft**
4 **systems**

5 “(a) *IN GENERAL.*—Notwithstanding any other re-
6 quirement of this subtitle, and not later than August 12,
7 2012, the Secretary of Transportation shall determine if
8 certain unmanned aircraft systems may operate safely in
9 the national airspace system before completion of the plan
10 and rulemaking required by section 45502 or the guidance
11 required under section 45504.

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

15 “(1) *which types of unmanned aircraft systems,*
16 *if any, as a result of their size, weight, speed, oper-*
17 *ational capability, proximity to airports and popu-*
18 *lated areas, and operation within visual line of sight*
19 *do not create a hazard to users of the national air-*
20 *space system or the public or pose a threat to na-*
21 *tional security; and*

22 “(2) *whether a certificate of waiver, certificate of*
23 *authorization, or airworthiness certification under*
24 *section 44704 is required for the operation of un-*

1 “(b) *MINIMUM REQUIREMENTS.*—*In issuing a final*
2 *rule pursuant to subsection (a), the Administrator, at a*
3 *minimum, shall provide for the following:*

4 “(1) *CERTIFICATION STANDARDS.*—*The Adminis-*
5 *trator shall issue an air navigation facility certificate*
6 *under the final rule if the Administrator determines*
7 *that a UTM or low-altitude CNS facilitates or im-*
8 *proves the safety of unmanned aircraft or other air-*
9 *craft operations that occur primarily or exclusively in*
10 *airspace 400 feet above ground level and below, in-*
11 *cluding operations conducted under a waiver issued*
12 *pursuant to subpart D of part 107 of title 14, Code*
13 *of Federal Regulations.*

14 “(2) *CRITERIA FOR CONSIDERATION.*—*In deter-*
15 *mining whether a UTM or low-altitude CNS meets*
16 *the standard described in paragraph (1), the Admin-*
17 *istrator shall, as appropriate, consider—*

18 “(A) *protection of persons and property on*
19 *the ground;*

20 “(B) *remote identification of aircraft;*

21 “(C) *collision avoidance with respect to ob-*
22 *stacles and aircraft;*

23 “(D) *deconfliction of aircraft trajectories;*

24 “(E) *safe and reliable interoperability or*
25 *noninterference with air traffic control and other*

1 *systems operated in the national airspace sys-*
2 *tem;*

3 *“(F) detection of noncooperative aircraft;*

4 *“(G) geographic and local factors;*

5 *“(H) aircraft equipage; and*

6 *“(I) qualifications, if any, necessary to op-*
7 *erate the UTM or low-altitude CNS.*

8 *“(3) APPLICATION.—An application for an air*
9 *navigation facility certificate under the final rule*
10 *shall include evidence that the UTM or low-altitude*
11 *CNS meets the standard described in paragraph (1)*
12 *based on the criteria described in paragraph (2).*

13 *“(4) SCOPE OF CERTIFICATE.—The Adminis-*
14 *trator shall ensure that an air navigation facility cer-*
15 *tificate issued under the final rule—*

16 *“(A) constitutes approval of the UTM or*
17 *low-altitude CNS for the duration of the term of*
18 *the certificate;*

19 *“(B) constitutes authorization to operate the*
20 *UTM or low-altitude CNS for the duration of the*
21 *term of the certificate; and*

22 *“(C) contains such limitations and condi-*
23 *tions as may be necessary to ensure aviation*
24 *safety.*

1 “(5) *NOTICE*.—Not later than 120 days after the
2 Administrator receives a complete application under
3 the final rule, the Administrator shall provide the ap-
4 plicant with a written approval, disapproval, or re-
5 quest to modify the application.

6 “(6) *LOW RISK AREAS*.—Under the final rule,
7 the Administrator shall establish expedited procedures
8 for approval of UTM or low-altitude CNS operated
9 in—

10 “(A) *airspace away from congested areas; or*

11 “(B) *other airspace above areas in which*
12 *operations of unmanned aircraft pose very low*
13 *risk.*

14 “(7) *EXEMPTION FROM CERTAIN REQUIRE-*
15 *MENTS*.—To the extent consistent with aviation safe-
16 ty, the Administrator may exempt applicants under
17 the final rule from requirements under sections 44702,
18 44703, and 44711.

19 “(8) *CERTIFICATE MODIFICATIONS AND REVOCA-*
20 *TIONS*.—A certificate issued under the final rule may,
21 at any time, be modified or revoked by the Adminis-
22 trator.

23 “(c) *CONSULTATION*.—In carrying out this section, the
24 Administrator shall consult with other Federal agencies, as
25 appropriate.

1 **“§45507. Special rules for certain UTM and low-alti-**
2 **tude CNS**

3 “(a) *IN GENERAL.*—Notwithstanding any other re-
4 quirement of this chapter, and not later than 120 days after
5 the date of enactment of this section, the Secretary of Trans-
6 portation shall determine if certain UTM and low-altitude
7 CNS may operate safely in the national airspace system
8 before completion of the rulemaking required by section
9 45506.

10 “(b) *ASSESSMENT OF UTM AND LOW-ALTITUDE*
11 *CNS.*—In making the determination under subsection (a),
12 the Secretary shall determine, at a minimum, which types
13 of UTM and low-altitude CNS, if any, as a result of their
14 operational capabilities, reliability, intended use, and areas
15 of operation, and the characteristics of the aircraft involved,
16 do not create a hazard to users of the national airspace
17 system or the public.

18 “(c) *REQUIREMENTS FOR SAFE OPERATION.*—If the
19 Secretary determines that certain UTM and low-altitude
20 CNS may operate safely in the national airspace system,
21 the Secretary shall establish requirements for their safe op-
22 eration in the national airspace system.

23 “(d) *EXPEDITED PROCEDURES.*—The Secretary shall
24 provide expedited procedures for reviewing and approving
25 UTM or low-altitude CNS operated to monitor or control

1 *aircraft operated primarily or exclusively in airspace*
2 *above—*

3 “(1) *croplands;*

4 “(2) *areas other than congested areas; and*

5 “(3) *other areas in which the operation of un-*
6 *manned aircraft poses very low risk.*

7 “(e) *CONSULTATION.—In carrying out this section, the*
8 *Administrator shall consult with other Federal agencies, as*
9 *appropriate.*

10 **“§ 45508. *Operation of small unmanned aircraft***

11 “(a) *EXEMPTION AND CERTIFICATE OF WAIVER OR*
12 *AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later*
13 *than 270 days after the date of enactment of this section,*
14 *the Administrator of the Federal Aviation Administration*
15 *shall establish a procedure for granting an exemption and*
16 *issuing a certificate of waiver or authorization for the oper-*
17 *ation of a small unmanned aircraft system in United States*
18 *airspace for the purposes described in section 45501(1).*

19 “(b) *OPERATION OF EXEMPTION AND CERTIFICATE OF*
20 *WAIVER OR AUTHORIZATION.—*

21 “(1) *EXEMPTION.—An exemption granted under*
22 *this section shall—*

23 “(A) *exempt the operator of a small un-*
24 *manned aircraft from the provisions of title 14,*
25 *Code of Federal Regulations, that are exempted*

1 *in Exemption No. 11687, issued on May 26,*
2 *2015, Regulatory Docket Number FAA–2015–*
3 *0117, or in a subsequent exemption; and*

4 *“(B) contain conditions and limitations de-*
5 *scribed in paragraphs 3 through 31 of such Ex-*
6 *emption No. 11687, or conditions and limita-*
7 *tions of a subsequent exemption.*

8 *“(2) CERTIFICATE OF WAIVER OR AUTHORIZA-*
9 *TION.—A certificate of waiver or authorization issued*
10 *under this section shall allow the operation of small*
11 *unmanned aircraft according to—*

12 *“(A) the standard provisions and air traffic*
13 *control special provisions of the certificate of*
14 *waiver or authorization FAA Form 7711–1 (7–*
15 *74); or*

16 *“(B) the standard and special provisions of*
17 *a subsequent certificate of waiver or authoriza-*
18 *tion.*

19 *“(c) NOTICE TO ADMINISTRATOR.—Before operating a*
20 *small unmanned aircraft pursuant to a certificate of waiver*
21 *or authorization granted under this section, the operator*
22 *shall provide written notice to the Administrator, in a form*
23 *and manner specified by the Administrator, that contains*
24 *such information and assurances as the Administrator de-*
25 *termines necessary in the interest of aviation safety and*

1 *the efficiency of the national airspace system, including a*
2 *certification that the operator has read, understands, and*
3 *will comply with all terms, conditions, and limitations of*
4 *the certificate of waiver or authorization.*

5 “(d) *WAIVER OF AIRWORTHINESS CERTIFICATE.—*
6 *Notwithstanding section 44711(a)(1), the holder of a certifi-*
7 *cate of waiver or authorization granted under this section*
8 *may operate a small unmanned aircraft under the terms,*
9 *conditions, and limitations of such certificate without an*
10 *airworthiness certificate.*

11 “(e) *PROCEDURE.—The granting of an exemption or*
12 *the issuance of a certificate of waiver or authorization, or*
13 *any other action authorized by this section, shall be made*
14 *without regard to—*

15 “(1) *section 553 of title 5; or*

16 “(2) *chapter 35 of title 44.*

17 “(f) *STATUTORY CONSTRUCTION.—Nothing in this sec-*
18 *tion may be construed to—*

19 “(1) *affect the issuance of a rule by or any other*
20 *activity of the Secretary of Transportation or the Ad-*
21 *ministrator under any other provision of law; or*

22 “(2) *invalidate an exemption or certificate of*
23 *waiver or authorization issued by the Administrator*
24 *before the date of enactment of this section.*

1 “(g) *EFFECTIVE PERIODS.*—An exemption or certifi-
2 cate of waiver or authorization issued under this section,
3 or an amendment of such exemption or certificate, shall
4 cease to be valid on the effective date of a final rule on
5 small unmanned aircraft systems issued under section
6 45502(b)(1).

7 “§45509. *Special rules for model aircraft*

8 “(a) *IN GENERAL.*—Notwithstanding any other provi-
9 sion of law relating to the incorporation of unmanned air-
10 craft systems into Federal Aviation Administration plans
11 and policies, including this subtitle, the Administrator of
12 the Federal Aviation Administration may not promulgate
13 any rule or regulation regarding a model aircraft or an
14 aircraft being developed as a model aircraft (other than the
15 registration of certain model aircraft pursuant to section
16 44103), if—

17 “(1) the aircraft is flown strictly for hobby or
18 recreational use;

19 “(2) the aircraft is operated in accordance with
20 a community-based set of safety guidelines and with-
21 in the programming of a community-based organiza-
22 tion;

23 “(3) the aircraft is limited to not more than 55
24 pounds unless otherwise certified through a design,
25 construction, inspection, flight test, and operational

1 *safety program administered by a community-based*
2 *organization;*

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

6 “(5) *the aircraft is not operated over or within*
7 *the property of a fixed site facility that operates*
8 *amusement rides available for use by the general pub-*
9 *lic or the property extending 500 lateral feet beyond*
10 *the perimeter of such facility unless the operation is*
11 *authorized by the owner of the amusement facility;*
12 *and*

13 “(6) *when flown within 5 miles of an airport,*
14 *the operator of the aircraft provides the airport oper-*
15 *ator and the airport air traffic control tower (when*
16 *an air traffic facility is located at the airport) with*
17 *prior notice of the operation (model aircraft operators*
18 *flying from a permanent location within 5 miles of*
19 *an airport should establish a mutually agreed upon*
20 *operating procedure with the airport operator and the*
21 *airport air traffic control tower (when an air traffic*
22 *facility is located at the airport)).*

23 “(b) *COMMERCIAL OPERATION FOR INSTRUCTIONAL OR*
24 *EDUCATIONAL PURPOSES.—A flight of an unmanned air-*
25 *craft shall be treated as a flight of a model aircraft for pur-*

1 poses of subsection (a) (regardless of any compensation, re-
2 imbursement, or other consideration exchanged or inci-
3 dental economic benefit gained in the course of planning,
4 operating, or supervising the flight), if the flight is—

5 “(1) conducted for instructional or educational
6 purposes; and

7 “(2) operated or supervised by a member of a
8 community-based organization recognized pursuant to
9 subsection (e).

10 “(c) *STATUTORY CONSTRUCTION.*—Nothing in this sec-
11 tion may be construed to limit the authority of the Admin-
12 istrator to pursue enforcement action against persons oper-
13 ating model aircraft who endanger the safety of the national
14 airspace system.

15 “(d) *COMMUNITY-BASED ORGANIZATION DEFINED.*—
16 In this section, the term ‘community-based organization’
17 means an entity that—

18 “(1) is described in section 501(c)(3) of the In-
19 ternal Revenue Code of 1986;

20 “(2) is exempt from tax under section 501(a) of
21 the Internal Revenue Code of 1986;

22 “(3) the mission of which is demonstrably the
23 furtherance of model aviation;

24 “(4) provides a comprehensive set of safety
25 guidelines for all aspects of model aviation addressing

1 *the assembly and operation of model aircraft and that*
2 *emphasize safe aeromodeling operations within the*
3 *national airspace system and the protection and safe-*
4 *ty of individuals and property on the ground;*

5 “(5) *provides programming and support for any*
6 *local charter organizations, affiliates, or clubs; and*

7 “(6) *provides assistance and support in the de-*
8 *velopment and operation of locally designated model*
9 *aircraft flying sites.*

10 “(e) *RECOGNITION OF COMMUNITY-BASED ORGANIZA-*
11 *TIONS.—Not later than 180 days after the date of enactment*
12 *of this section, the Administrator shall establish, and make*
13 *available to the public, a process for recognizing commu-*
14 *nity-based organizations that meet the eligibility criteria*
15 *under subsection (d).*

16 “§45510. ***Carriage of property for compensation or***
17 ***hire***

18 “(a) *IN GENERAL.—Not later than 1 year after the*
19 *date of enactment of this section, the Secretary of Transpor-*
20 *tation shall issue a final rule authorizing the carriage of*
21 *property by operators of small unmanned aircraft systems*
22 *for compensation or hire within the United States.*

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

1 “(1) *SMALL UAS AIR CARRIER CERTIFICATE.*—
2 *The Administrator of the Federal Aviation Adminis-*
3 *tration, at the direction of the Secretary, shall estab-*
4 *lish a small UAS air carrier certificate for persons*
5 *that undertake directly, or by lease or other arrange-*
6 *ment, the operation of small unmanned aircraft sys-*
7 *tems to carry property in air transportation, includ-*
8 *ing commercial fleet operations with highly auto-*
9 *mated unmanned aircraft systems. The requirements*
10 *to obtain a small UAS air carrier certificate shall—*

11 “(A) *account for the unique characteristics*
12 *of highly automated small unmanned aircraft*
13 *systems; and*

14 “(B) *include only those obligations nec-*
15 *essary for the safe operation of small unmanned*
16 *aircraft systems.*

17 “(2) *SMALL UAS AIR CARRIER CERTIFICATION*
18 *PROCESS.*—*The Administrator, at the direction of the*
19 *Secretary, shall establish a process for the issuance of*
20 *a small UAS air carrier certificate described in para-*
21 *graph (1) that is streamlined, simple, performance-*
22 *based, and risk-based. Such certification process shall*
23 *consider—*

24 “(A) *safety and the mitigation of oper-*
25 *ational risks from highly automated small un-*

1 *manned aircraft systems to the safety of other*
2 *aircraft, and persons and property on the*
3 *ground;*

4 “(B) *the safety and reliability of highly*
5 *automated small unmanned aircraft system de-*
6 *sign, including technological capabilities and*
7 *operational limitations to mitigate such risks;*
8 *and*

9 “(C) *the competencies and compliance pro-*
10 *grams of manufacturers, operators, and compa-*
11 *nies that both manufacture and operate small*
12 *unmanned aircraft systems and components.*

13 “(3) *SMALL UAS AIR CARRIER CLASSIFICA-*
14 *TION.—The Secretary shall develop a classification*
15 *system for small unmanned aircraft systems air car-*
16 *riers to establish economic authority for the carriage*
17 *of property by small unmanned aircraft systems for*
18 *compensation or hire. Such classification shall only*
19 *require—*

20 “(A) *registration with the Department of*
21 *Transportation; and*

22 “(B) *a valid small UAS air carrier certifi-*
23 *cate as described in paragraph (1).*

1 **“§ 45511. Micro UAS operations**

2 “(a) *IN GENERAL.*—Not later than 60 days after the
3 date of enactment of this section, the Administrator of the
4 Federal Aviation Administration shall charter an aviation
5 rulemaking advisory committee to develop recommenda-
6 tions for regulations under which any person may operate
7 a micro unmanned aircraft system, the aircraft component
8 of which weighs 4.4 pounds or less, including payload, with-
9 out the person operating the system being required to pass
10 any airman certification requirement, including any re-
11 quirements under section 44703, part 61 of title 14, Code
12 of Federal Regulations, or any other rule or regulation re-
13 lating to airman certification.

14 “(b) *CONSIDERATIONS.*—In developing recommenda-
15 tions for the operation of micro unmanned aircraft systems
16 under subsection (a), the members of the aviation rule-
17 making advisory committee shall consider rules for oper-
18 ation of such systems—

19 “(1) at an altitude of less than 400 feet above
20 ground level;

21 “(2) with an airspeed of not greater than 40
22 knots;

23 “(3) within the visual line of sight of the oper-
24 ator;

25 “(4) during the hours between sunrise and sun-
26 set;

1 “(5) by an operator who has passed an aero-
2 nautical knowledge and safety test administered by
3 the Federal Aviation Administration online specifi-
4 cally for the operation of micro unmanned aircraft
5 systems, with such test being of a length and dif-
6 ficulty that acknowledges the reduced operational
7 complexity and low risk of micro unmanned aircraft
8 systems;

9 “(6) not over unprotected persons uninvolved in
10 its operation; and

11 “(7) at least 5 statute miles from the geographic
12 center of a tower-controlled airport or airport denoted
13 on a current Federal Aviation Administration-pub-
14 lished aeronautical chart, except that a micro un-
15 manned aircraft system may be operated closer than
16 5 statute miles to the airport if the operator—

17 “(A) provides prior notice to the airport op-
18 erator; and

19 “(B) receives, for a tower-controlled airport,
20 prior approval from the air traffic control facil-
21 ity located at the airport.

22 “(c) CONSULTATION.—

23 “(1) IN GENERAL.—In developing recommenda-
24 tions for recommended regulations under subsection

1 (a), the aviation rulemaking advisory committee shall
2 consult with—

3 “(A) unmanned aircraft systems stake-
4 holders, including manufacturers of micro un-
5 manned aircraft systems;

6 “(B) community-based aviation organiza-
7 tions;

8 “(C) the Center of Excellence for Unmanned
9 Aircraft Systems; and

10 “(D) appropriate Federal agencies.

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

15 “(d) *RULEMAKING*.—Not later than 180 days after the
16 date of receipt of the recommendations under subsection (a),
17 the Administrator shall issue regulations incorporating rec-
18 ommendations of the aviation rulemaking advisory com-
19 mittee that provide for the operation of micro unmanned
20 aircraft systems in the United States—

21 “(1) without an airman certificate; and

22 “(2) without an airworthiness certificate for the
23 associated unmanned aircraft.

24 “(e) *SCOPE OF REGULATIONS*.—

1 “(1) *IN GENERAL.*—*In determining whether a*
2 *person may operate an unmanned aircraft system*
3 *under 1 or more of the circumstances described under*
4 *paragraphs (1) through (3) of subsection (b), the Ad-*
5 *ministrator shall use a risk-based approach and con-*
6 *sider, at a minimum, the physical and functional*
7 *characteristics of the unmanned aircraft system.*

8 “(2) *LIMITATION.*—*The Administrator may only*
9 *issue regulations under this section for unmanned*
10 *aircraft systems that the Administrator determines*
11 *may be operated safely in the national airspace sys-*
12 *tem pursuant to those regulations.*

13 “(f) *RULES OF CONSTRUCTION.*—*Nothing in this sec-*
14 *tion may be construed—*

15 “(1) *to prohibit a person from operating an un-*
16 *manned aircraft system under a circumstance de-*
17 *scribed under paragraphs (1) through (3) of sub-*
18 *section (b) if—*

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

21 “(B) *the person operates the unmanned air-*
22 *craft system in a manner prescribed by the regu-*
23 *lations; or*

24 “(2) *to limit or affect in any way the Adminis-*
25 *trator’s authority to conduct a rulemaking, make a*

1 *determination, or carry out any activity related to*
2 *unmanned aircraft or unmanned aircraft systems*
3 *under any other provision of law.”.*

4 *(b) CONFORMING AMENDMENTS.—*

5 *(1) REPEALS.—*

6 *(A) IN GENERAL.—Sections 332(a), 332(b),*
7 *332(d), 333, 334, and 336 of the FAA Mod-*
8 *ernization and Reform Act of 2012 (49 U.S.C.*
9 *40101 note) are repealed.*

10 *(B) CLERICAL AMENDMENT.—The items re-*
11 *lating to sections 333, 334, and 336 of the FAA*
12 *Modernization and Reform Act of 2012 (49*
13 *U.S.C. 40101 note) in the table of contents con-*
14 *tained in section 1(b) of that Act are repealed.*

15 *(2) PENALTIES.—Section 46301 of title 49,*
16 *United States Code, is amended—*

17 *(A) in subsection (a)—*

18 *(i) in paragraph (1)(A) by inserting*
19 *“chapter 455,” after “chapter 451,”; and*

20 *(ii) in paragraph (5)(A)(i) by striking*
21 *“or chapter 451,” and inserting “chapter*
22 *451, chapter 455,”;*

23 *(B) in subsection (d)(2) by inserting “chap-*
24 *ter 455,” after “chapter 451,”; and*

1 (C) in subsection (f)(1)(A)(i) by striking
2 “or chapter 451” and inserting “chapter 451, or
3 chapter 455”.

4 (3) *CLERICAL AMENDMENT.*—*The analysis for*
5 *subtitle VII of title 49, United States Code, is amend-*
6 *ed by inserting after the item relating to chapter 453*
7 *the following:*

 “**455. Unmanned aircraft systems45501**”.

8 **SEC. 433. UNMANNED AIRCRAFT TEST RANGES.**

9 (a) *EXTENSION OF PROGRAM.*—*Section 332(c)(1) of*
10 *the FAA Modernization and Reform Act of 2012 (49 U.S.C.*
11 *40101 note) is amended by striking “September 30, 2019”*
12 *and inserting “the date that is 6 years after the date of*
13 *enactment of the 21st Century AIRR Act”.*

14 (b) *SENSE-AND-AVOID AND BEYOND LINE OF SIGHT*
15 *SYSTEMS AT TEST RANGES.*—

16 (1) *IN GENERAL.*—*To the extent consistent with*
17 *aviation safety, the Administrator of the Federal*
18 *Aviation Administration shall permit and encourage*
19 *flights of unmanned aircraft equipped with sense-and-*
20 *avoid and beyond line of sight systems at the 6 test*
21 *ranges designated under section 332(c) of the FAA*
22 *Modernization and Reform Act of 2012.*

23 (2) *WAIVERS.*—*In carrying out paragraph (1),*
24 *the Administrator may waive the requirements of sec-*
25 *tion 44711 of title 49, United States Code, including*

1 (5) *the Administrator of the Federal Aviation*
2 *Administration should pursue all available civil and*
3 *administrative remedies available to the Adminis-*
4 *trator, including referrals to other government agen-*
5 *cies for criminal investigations, with respect to per-*
6 *sons who operate unmanned aircraft in an unauthor-*
7 *ized manner;*

8 (6) *the Administrator should place particular*
9 *priority on continuing measures, including partner-*
10 *ships with nongovernmental organizations, to educate*
11 *the public about the dangers to the public safety of*
12 *operating unmanned aircraft near airports without*
13 *the appropriate approvals or authorizations; and*

14 (7) *manufacturers and retail sellers of small un-*
15 *manned aircraft systems should take steps to educate*
16 *consumers about the safe and lawful operation of such*
17 *systems.*

18 **SEC. 435. UAS PRIVACY REVIEW.**

19 (a) *REVIEW.*—*The Secretary of Transportation, in*
20 *consultation with the heads of appropriate Federal agencies,*
21 *appropriate State and local officials, and subject-matter ex-*
22 *perts and in consideration of relevant efforts led by the Na-*
23 *tional Telecommunications and Information Administra-*
24 *tion, shall carry out a review to identify any potential re-*
25 *duction of privacy specifically caused by the integration of*

1 *unmanned aircraft systems into the national airspace sys-*
2 *tem.*

3 (b) *CONSULTATION.*—*In carrying out the review, the*
4 *Secretary shall consult with the National Telecommuni-*
5 *cations and Information Administration of the Department*
6 *of Commerce on its ongoing efforts responsive to the Presi-*
7 *dential memorandum titled “Promoting Economic Com-*
8 *petitiveness While Safeguarding Privacy, Civil Rights, and*
9 *Civil Liberties in Domestic Use of Unmanned Aircraft Sys-*
10 *tems” and dated February 15, 2015.*

11 (c) *REPORT.*—*Not later than 180 days after the date*
12 *of enactment of this Act, the Secretary shall submit to the*
13 *Committee on Transportation and Infrastructure of the*
14 *House of Representatives and the Committee on Commerce,*
15 *Science, and Transportation of the Senate a report on the*
16 *results of the review required under subsection (a).*

17 **SEC. 436. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
18 **MENTS.**

19 (a) *PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-*
20 *MENTS.*—*Section 40102(a)(41) of title 49, United States*
21 *Code, is amended by adding at the end the following:*

22 “(F) *An unmanned aircraft that is owned*
23 *and operated by, or exclusively leased for at least*
24 *90 continuous days by, an Indian Tribal govern-*
25 *ment, as defined in section 102 of the Robert T.*

1 *Stafford Disaster Relief and Emergency Assist-*
2 *ance Act (42 U.S.C. 5122), except as provided in*
3 *section 40125(b).”.*

4 **(b) CONFORMING AMENDMENT.**—*Section 40125(b) of*
5 *title 49, United States Code, is amended by striking “or*
6 *(D)” and inserting “(D), or (F)”.*

7 **SEC. 437. EVALUATION OF AIRCRAFT REGISTRATION FOR**
8 **SMALL UNMANNED AIRCRAFT.**

9 **(a) METRICS.**—*Beginning not later than 180 days*
10 *after the date of enactment of this Act, the Administrator*
11 *of the Federal Aviation Administration shall develop and*
12 *track metrics to assess compliance with and effectiveness of*
13 *the registration of small unmanned aircraft systems by the*
14 *Federal Aviation Administration pursuant to the interim*
15 *final rule issued on December 16, 2015, entitled “Registra-*
16 *tion and Marking Requirements for Small Unmanned Air-*
17 *craft” (80 Fed. Reg. 78593) and any subsequent final rule,*
18 *including metrics with respect to—*

19 (1) *the levels of compliance with the interim*
20 *final rule and any subsequent final rule;*

21 (2) *the number of enforcement actions taken by*
22 *the Administration for violations of or noncompliance*
23 *with the interim final rule and any subsequent final*
24 *rule, together with a description of the actions; and*

1 (3) *the effect of the interim final rule and any*
2 *subsequent final rule on compliance with any fees as-*
3 *sociated with the use of small unmanned aircraft sys-*
4 *tems.*

5 (b) *EVALUATION.—The Inspector General of the De-*
6 *partment of Transportation shall evaluate—*

7 (1) *the Administration’s progress in developing*
8 *and tracking the metrics set forth in subsection (a);*
9 *and*

10 (2) *the reliability, effectiveness, and efficiency of*
11 *the Administration’s registration program for small*
12 *unmanned aircraft.*

13 (c) *REPORT.—Not later than 1 year after the date of*
14 *enactment of this Act, the Inspector General of the Depart-*
15 *ment of Transportation shall submit to the Committee on*
16 *Transportation and Infrastructure of the House of Rep-*
17 *resentatives and the Committee on Commerce, Science, and*
18 *Transportation of the Senate a report containing—*

19 (1) *the results of the evaluation required under*
20 *subsection (b); and*

21 (2) *recommendations to the Administrator and*
22 *Congress for improvements to the registration process*
23 *for small unmanned aircraft.*

1 **SEC. 438. STUDY ON ROLES OF GOVERNMENTS RELATING**
2 **TO LOW-ALTITUDE OPERATION OF SMALL UN-**
3 **MANNED AIRCRAFT.**

4 (a) *IN GENERAL.*—Not later than 60 days after the
5 date of enactment of this Act, the Inspector General of the
6 Department of Transportation shall initiate a study on—

7 (1) *the regulation and oversight of the low-alti-*
8 *tude operations of small unmanned aircraft and*
9 *small unmanned aircraft systems; and*

10 (2) *the appropriate roles and responsibilities of*
11 *Federal, State, local, and Tribal governments in regu-*
12 *lating and overseeing the operations of small un-*
13 *manned aircraft in airspace 400 feet above ground*
14 *level and below.*

15 (b) *CONSIDERATIONS.*—In carrying out the study, the
16 Inspector General shall consider, at a minimum—

17 (1) *the recommendations of Task Group 1 of the*
18 *Drone Advisory Committee chartered by the Federal*
19 *Aviation Administration on August 31, 2016;*

20 (2) *the legal and policy requirements necessary*
21 *for the safe and financially viable development and*
22 *growth of the unmanned aircraft industry;*

23 (3) *the interests of Federal, State, local, and*
24 *Tribal governments affected by low-altitude oper-*
25 *ations of small unmanned aircraft;*

1 (4) *the existing authorities of Federal, State,*
2 *local, and Tribal governments to protect the interests*
3 *referenced in paragraph (3);*

4 (5) *the degree of regulatory consistency required*
5 *for the safe and financially viable growth and devel-*
6 *opment of the unmanned aircraft industry;*

7 (6) *the degree of local variance possible among*
8 *regulations consistent with the safe and financially*
9 *viable growth and development of the unmanned air-*
10 *craft industry;*

11 (7) *the appropriate roles of State, local, and*
12 *Tribal governments in regulating the operations of*
13 *small unmanned aircraft within the lateral bound-*
14 *aries of their jurisdiction in the categories of airspace*
15 *described in subsection (a)(2);*

16 (8) *the subjects and types of regulatory authority*
17 *that should remain with the Federal Government;*

18 (9) *the infrastructure requirements necessary for*
19 *monitoring the low-altitude operations of small un-*
20 *manned aircraft and enforcing applicable laws;*

21 (10) *the number of small businesses involved in*
22 *the various sectors of the unmanned aircraft industry*
23 *and operating as primary users of small unmanned*
24 *aircraft; and*

1 (11) any best practices, lessons learned, or poli-
2 cies of jurisdictions outside the United States relating
3 to local or regional regulation and oversight of small
4 unmanned aircraft and other emergent technologies.

5 (c) *REPORT TO CONGRESS.*—Not later than 180 days
6 after initiating the study, the Inspector General shall sub-
7 mit to the Committee on Transportation and Infrastructure
8 of the House of Representatives and the Committee on Com-
9 merce, Science, and Transportation of the Senate a report
10 on the results of the study.

11 **SEC. 439. STUDY ON FINANCING OF UNMANNED AIRCRAFT**
12 **SERVICES.**

13 (a) *IN GENERAL.*—Not later than 60 days after the
14 date of enactment of this Act, the Comptroller General of
15 the United States shall initiate a study on appropriate fee
16 mechanisms to recover the costs of—

17 (1) the regulation and safety oversight of un-
18 manned aircraft and unmanned aircraft systems; and

19 (2) the provision of air navigation services to
20 unmanned aircraft and unmanned aircraft systems.

21 (b) *CONSIDERATIONS.*—In carrying out the study, the
22 Comptroller General shall consider, at a minimum—

23 (1) the recommendations of Task Group 3 of the
24 Drone Advisory Committee chartered by the Federal
25 Aviation Administration on August 31, 2016;

1 (2) *the total annual costs incurred by the Fed-*
2 *eral Aviation Administration for the regulation and*
3 *safety oversight of activities related to unmanned air-*
4 *craft;*

5 (3) *the annual costs attributable to various*
6 *types, classes, and categories of unmanned aircraft*
7 *activities;*

8 (4) *air traffic services provided to unmanned*
9 *aircraft operating under instrument flight rules, ex-*
10 *cluding public aircraft;*

11 (5) *the number of full-time Federal Aviation Ad-*
12 *ministration employees dedicated to unmanned air-*
13 *craft programs;*

14 (6) *the use of privately operated UTM and other*
15 *privately operated unmanned aircraft systems;*

16 (7) *the projected growth of unmanned aircraft*
17 *operations for various applications and the estimated*
18 *need for regulation, oversight, and other services;*

19 (8) *the number of small businesses involved in*
20 *the various sectors of the unmanned aircraft industry*
21 *and operating as primary users of unmanned air-*
22 *craft; and*

23 (9) *any best practices or policies utilized by ju-*
24 *risdictions outside the United States relating to par-*
25 *tial or total recovery of regulation and safety over-*

1 *sight costs related to unmanned aircraft and other*
2 *emergent technologies.*

3 *(c) REPORT TO CONGRESS.—Not later than 180 days*
4 *after initiating the study, the Comptroller General shall*
5 *submit to the Committee on Transportation and Infrastruc-*
6 *ture of the House of Representatives and the Committee on*
7 *Commerce, Science, and Transportation of the Senate a re-*
8 *port containing recommendations on appropriate fee mech-*
9 *anisms to recover the costs of regulating and providing air*
10 *navigation services to unmanned aircraft and unmanned*
11 *aircraft systems.*

12 **SEC. 440. UPDATE OF FAA COMPREHENSIVE PLAN.**

13 *(a) IN GENERAL.—Not later than 270 days after the*
14 *date of enactment of this Act, the Secretary of Transpor-*
15 *tation shall update the comprehensive plan required by sec-*
16 *tion 332 of the FAA Modernization and Reform Act of 2012*
17 *(49 U.S.C. 40101 note) to develop a concept of operations*
18 *for the integration of unmanned aircraft into the national*
19 *airspace system.*

20 *(b) CONSIDERATIONS.—In carrying out the update, the*
21 *Secretary shall consider, at a minimum—*

22 *(1) the potential use of UTM and other tech-*
23 *nologies to ensure the safe and lawful operation of un-*
24 *manned aircraft in the national airspace system;*

1 (2) *the appropriate roles, responsibilities, and*
2 *authorities of government agencies and the private*
3 *sector in identifying and reporting unlawful or harm-*
4 *ful operations and operators of unmanned aircraft;*

5 (3) *the use of models, threat assessments, prob-*
6 *abilities, and other methods to distinguish between*
7 *lawful and unlawful operations of unmanned air-*
8 *craft; and*

9 (4) *appropriate systems, training, intergovern-*
10 *mental processes, protocols, and procedures to miti-*
11 *gate risks and hazards posed by unlawful or harmful*
12 *operations of unmanned aircraft systems.*

13 (c) *CONSULTATION.*—*The Secretary shall carry out the*
14 *update in consultation with representatives of the aviation*
15 *industry, Federal agencies that employ unmanned aircraft*
16 *systems technology in the national airspace system, and the*
17 *unmanned aircraft systems industry.*

18 **SEC. 441. COOPERATION RELATED TO CERTAIN COUNTER-**

19 **UAS TECHNOLOGY.**

20 *In matters relating to the use of systems in the na-*
21 *tional airspace system intended to mitigate threats posed*
22 *by errant or hostile unmanned aircraft system operations,*
23 *the Secretary of Transportation shall consult with the Sec-*
24 *retary of Defense to streamline deployment of such systems*
25 *by drawing upon the expertise and experience of the De-*

1 *partment of Defense in acquiring and operating such sys-*
2 *tems consistent with the safe and efficient operation of the*
3 *national airspace system.*

4 **TITLE V—AIR SERVICE**
5 **IMPROVEMENTS**
6 **Subtitle A—Airline Customer**
7 **Service Improvements**

8 **SEC. 501. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

9 *Section 40109(g) of title 49, United States Code, is*
10 *amended—*

11 *(1) in paragraph (2) by striking subparagraph*
12 *(C) and inserting the following:*

13 *“(C) review the exemption at least every 30 days*
14 *(or, in the case of an exemption that is necessary to*
15 *provide and sustain air transportation in American*
16 *Samoa between the islands of Tutuila and Manu’a, at*
17 *least every 180 days) to ensure that the unusual cir-*
18 *cumstances that established the need for the exemption*
19 *still exist.”; and*

20 *(2) by striking paragraph (3) and inserting the*
21 *following:*

22 *“(3) RENEWAL OF EXEMPTIONS.—*

23 *“(A) IN GENERAL.—Except as provided in*
24 *subparagraph (B), the Secretary may renew an*

1 *aircraft in scheduled passenger interstate or intra-*
2 *state air transportation; and*

3 “(2) *that exempt from the prohibition described*
4 *in paragraph (1) any—*

5 “(A) *member of the flight crew on duty on*
6 *an aircraft;*

7 “(B) *flight attendant on duty on an air-*
8 *craft; and*

9 “(C) *Federal law enforcement officer acting*
10 *in an official capacity.*

11 “(b) *DEFINITIONS.—In this section, the following defi-*
12 *initions apply:*

13 “(1) *FLIGHT.—The term ‘flight’ means, with re-*
14 *spect to an aircraft, the period beginning when the*
15 *aircraft takes off and ending when the aircraft lands.*

16 “(2) *MOBILE COMMUNICATIONS DEVICE.—*

17 “(A) *IN GENERAL.—The term ‘mobile com-*
18 *munications device’ means any portable wireless*
19 *telecommunications equipment utilized for the*
20 *transmission or reception of voice data.*

21 “(B) *LIMITATION.—The term ‘mobile com-*
22 *munications device’ does not include a phone in-*
23 *stalled on an aircraft.’’.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *417 of title 49, United States Code, is amended by inserting*
3 *after the item relating to section 41724 the following:*

“41725. Prohibition on certain cell phone voice communications.”.

4 **SEC. 503. ADVISORY COMMITTEE FOR AVIATION CONSUMER**
5 **PROTECTION.**

6 *Section 411 of the FAA Modernization and Reform Act*
7 *of 2012 (49 U.S.C. 42301 prec. note) is amended—*

8 (1) *in subsection (b)—*

9 (A) *by redesignating paragraphs (3) and*
10 *(4) as paragraphs (4) and (5), respectively; and*

11 (B) *by inserting after paragraph (2) the fol-*
12 *lowing:*

13 “*(3) independent distributors of travel;*”;

14 (2) *in subsection (g) by striking “first 2 calendar*
15 *years” and inserting “first 6 calendar years”; and*

16 (3) *in subsection (h) by striking “September 30,*
17 *2017” and inserting “September 30, 2023”.*

18 **SEC. 504. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

19 *Section 42303(b) of title 49, United States Code, is*
20 *amended to read as follows:*

21 “(b) *REQUIRED DISCLOSURES.*—*An air carrier, for-*
22 *eign air carrier, or ticket agent selling, in the United*
23 *States, a ticket for a flight in foreign air transportation*
24 *to a country listed on the internet website established under*
25 *subsection (a) shall—*

1 “(1) disclose, on its own internet website or
2 through other means, that the destination country
3 may require the air carrier or foreign air carrier to
4 treat an aircraft passenger cabin with insecticides
5 prior to the flight or to apply an aerosol insecticide
6 in an aircraft cabin used for such a flight when the
7 cabin is occupied with passengers; and

8 “(2) refer the purchaser of the ticket to the inter-
9 net website established under subsection (a) for addi-
10 tional information.”.

11 **SEC. 505. ADVERTISEMENTS AND DISCLOSURE OF FEES**
12 **FOR PASSENGER AIR TRANSPORTATION.**

13 (a) *FULL FARE ADVERTISING.*—

14 (1) *IN GENERAL.*—Section 41712 of title 49,
15 United States Code, is amended by adding at the end
16 the following:

17 “(d) *FULL FARE ADVERTISING.*—

18 “(1) *IN GENERAL.*—It shall not be an unfair or
19 deceptive practice under subsection (a) for a covered
20 entity to state in an advertisement or solicitation for
21 passenger air transportation the base airfare for the
22 air transportation if the covered entity clearly and
23 separately discloses—

24 “(A) the government-imposed fees and taxes
25 associated with the air transportation; and

1 “(B) *the total cost of the air transportation.*

2 “(2) *FORM OF DISCLOSURE.—*

3 “(A) *IN GENERAL.—For purposes of para-*
4 *graph (1), the information described in para-*
5 *graphs (1)(A) and (1)(B) shall be disclosed in*
6 *the advertisement or solicitation in a manner*
7 *that clearly presents the information to the con-*
8 *sumer.*

9 “(B) *INTERNET ADVERTISEMENTS AND SO-*
10 *LICITATIONS.—For purposes of paragraph (1),*
11 *with respect to an advertisement or solicitation*
12 *for passenger air transportation that appears on*
13 *an internet website or a mobile application, the*
14 *information described in paragraphs (1)(A) and*
15 *(1)(B) may be disclosed through a link or pop-*
16 *up, as such terms may be defined by the Sec-*
17 *retary, that displays the information in a man-*
18 *ner that is easily accessible and viewable by the*
19 *consumer.*

20 “(3) *DEFINITIONS.—In this subsection, the fol-*
21 *lowing definitions apply:*

22 “(A) *BASE AIRFARE.—The term ‘base air-*
23 *fare’ means the cost of passenger air transpor-*
24 *tation, excluding government-imposed fees and*
25 *taxes.*

1 “(B) *COVERED ENTITY*.—The term ‘covered
2 entity’ means an air carrier, including an indi-
3 rect air carrier, foreign air carrier, ticket agent,
4 or other person offering to sell tickets for pas-
5 senger air transportation or a tour or tour com-
6 ponent that must be purchased with air trans-
7 portation.”.

8 (2) *LIMITATION ON STATUTORY CONSTRUC-*
9 *TION*.—Nothing in the amendment made by para-
10 graph (1) may be construed to affect any obligation
11 of a person that sells air transportation to disclose the
12 total cost of the air transportation, including govern-
13 ment-imposed fees and taxes, prior to purchase of the
14 air transportation.

15 (3) *REGULATIONS*.—Not later than 120 days
16 after the date of enactment of this Act, the Secretary
17 of Transportation shall issue final regulations to
18 carry out the amendment made by paragraph (1).

19 (4) *EFFECTIVE DATE*.—This subsection, and the
20 amendments made by this subsection, shall take effect
21 on the earlier of—

22 (A) the effective date of regulations issued
23 under paragraph (3); and

24 (B) the date that is 180 days after the date
25 of enactment of this Act.

1 (b) *DISCLOSURE OF FEES.*—Section 41712 of title 49,
2 *United States Code*, as amended by this section, is further
3 amended by adding at the end the following:

4 “(e) *DISCLOSURE OF FEES.*—

5 “(1) *IN GENERAL.*—It shall be an unfair or de-
6 ceptive practice under subsection (a) for any air car-
7 rier, foreign air carrier, or ticket agent to fail to in-
8 clude, in an internet fare quotation for a specific
9 itinerary in air transportation selected by a con-
10 sumer—

11 “(A) a clear and prominent statement that
12 additional fees for checked baggage and carry-on
13 baggage may apply; and

14 “(B) a prominent link that connects di-
15 rectly to a list of all such fees.

16 “(2) *SAVINGS PROVISION.*—Nothing in this sub-
17 section may be construed to derogate or limit any re-
18 sponsibilities of an air carrier, foreign air carrier, or
19 ticket agent under section 399.85 of title 14, Code of
20 *Federal Regulations*, or any successor provision.”.

21 **SEC. 506. INVOLUNTARILY BUMPING PASSENGERS AFTER**
22 **AIRCRAFT BOARDED.**

23 Section 41712 of title 49, *United States Code*, as
24 amended by this Act, is further amended by adding at the
25 end the following:

1 “(f) *INVOLUNTARILY DENIED BOARDING AFTER AIR-*
2 *CRAFT BOARDED.*—

3 “(1) *IN GENERAL.*—*It shall be an unfair or de-*
4 *ceptive practice under subsection (a) for an air car-*
5 *rier or foreign air carrier subject to part 250 of title*
6 *14, Code of Federal Regulations, to involuntarily*
7 *deplane a revenue passenger onboard an aircraft, if*
8 *the revenue passenger—*

9 “(A) *is traveling on a confirmed reserva-*
10 *tion; and*

11 “(B) *checked-in for the relevant flight prior*
12 *to the check-in deadline.*

13 “(2) *SAVINGS PROVISION.*—*Nothing in this sub-*
14 *section may be construed to limit the authority of an*
15 *air carrier, foreign air carrier, or airman to remove*
16 *a passenger in accordance with—*

17 “(A) *section 91.3, 121.533(d), or 121.580 of*
18 *title 14, Code of Federal Regulations, or any suc-*
19 *cessor provision; or*

20 “(B) *any other applicable Federal, State, or*
21 *local law.”.*

22 **SEC. 507. AVAILABILITY OF CONSUMER RIGHTS INFORMA-**
23 **TION.**

24 Section 42302(b) of title 49, United States Code, is
25 amended—

1 (1) *in the matter preceding paragraph (1) by*
2 *striking “on the” and inserting “in a prominent*
3 *place on the homepage of the primary”;*

4 (2) *in paragraph (2) by striking “and” at the*
5 *end;*

6 (3) *in paragraph (3) by striking the period at*
7 *the end and inserting “; and”;* and

8 (4) *by adding at the end the following:*

9 *“(4) the air carrier’s customer service plan.”.*

10 **SEC. 508. CONSUMER COMPLAINTS HOTLINE.**

11 *Section 42302 of title 49, United States Code, is*
12 *amended by adding at the end the following:*

13 *“(d) USE OF NEW TECHNOLOGIES.—The Secretary*
14 *shall periodically evaluate the benefits of using mobile*
15 *phone applications or other widely used technologies to pro-*
16 *vide new means for air passengers to communicate com-*
17 *plaints in addition to the telephone number established*
18 *under subsection (a) and shall provide such new means as*
19 *the Secretary determines appropriate.”.*

20 **SEC. 509. WIDESPREAD DISRUPTIONS.**

21 (i) *IN GENERAL.—Chapter 423 of title 49, United*
22 *States Code, is amended by adding at the end the following:*

23 **“§ 42304. Widespread disruptions**

24 *“(a) GENERAL REQUIREMENTS.—In the event of a*
25 *widespread disruption, a covered air carrier shall imme-*

1 *diately publish, via a prominent link on the air carrier's*
2 *public internet website, a clear statement indicating wheth-*
3 *er, with respect to a passenger of the air carrier whose trav-*
4 *el is interrupted as a result of the widespread disruption,*
5 *the air carrier will—*

6 “(1) *provide for hotel accommodations;*

7 “(2) *arrange for ground transportation;*

8 “(3) *provide meal vouchers;*

9 “(4) *arrange for air transportation on another*
10 *air carrier or foreign air carrier to the passenger's*
11 *destination; and*

12 “(5) *provide for sleeping facilities inside the air-*
13 *port terminal.*

14 “(b) *DEFINITIONS.—In this section, the following defi-*
15 *initions apply:*

16 “(1) *WIDESPREAD DISRUPTION.—The term*
17 *‘widespread disruption’ means, with respect to a cov-*
18 *ered air carrier, the interruption of all or the over-*
19 *whelming majority of the air carrier's systemwide*
20 *flight operations, including flight delays and cancella-*
21 *tions, as the result of the failure of 1 or more com-*
22 *puter systems or computer networks of the air carrier.*

23 “(2) *COVERED AIR CARRIER.—The term ‘covered*
24 *air carrier’ means an air carrier that provides sched-*
25 *uled passenger air transportation by operating an*

1 *aircraft that as originally designed has a passenger*
2 *capacity of 30 or more seats.*

3 “(c) *SAVINGS PROVISION.—Nothing in this section*
4 *may be construed to modify, abridge, or repeal any obliga-*
5 *tion of an air carrier under section 42301.”*

6 (b) *CONFORMING AMENDMENT.—The analysis for*
7 *chapter 423 of title 49, United States Code, is amended by*
8 *adding at the end the following:*

“42304. Widespread disruptions.”

9 **SEC. 510. INVOLUNTARILY DENIED BOARDING COMPENSA-**
10 **TION.**

11 *Not later than 60 days after the date of enactment of*
12 *this Act, the Secretary of Transportation shall issue a final*
13 *rule to revise part 250 of title 14, Code of Federal Regula-*
14 *tions, to clarify that—*

15 (1) *there is not a maximum level of compensa-*
16 *tion an air carrier or foreign air carrier may pay to*
17 *a passenger who is involuntarily denied boarding as*
18 *the result of an oversold flight;*

19 (2) *the compensation levels set forth in that part*
20 *are the minimum levels of compensation an air car-*
21 *rier or foreign air carrier must pay to a passenger*
22 *who is involuntarily denied boarding as the result of*
23 *an oversold flight; and*

24 (3) *an air carrier or foreign air carrier must*
25 *proactively offer to pay compensation to a passenger*

1 *who is voluntarily or involuntarily denied boarding*
2 *on an oversold flight, rather than waiting until the*
3 *passenger requests the compensation.*

4 **SEC. 511. CONSUMER INFORMATION ON ACTUAL FLIGHT**
5 **TIMES.**

6 (a) *STUDY.*—*The Secretary of Transportation shall*
7 *conduct a study on the feasibility and advisability of modi-*
8 *fying regulations contained in section 234.11 of title 14,*
9 *Code of Federal Regulations, to ensure that—*

10 (1) *a reporting carrier (including its contrac-*
11 *tors), during the course of a reservation or ticketing*
12 *discussion or other inquiry, discloses to a consumer*
13 *upon reasonable request the projected period between*
14 *the actual wheels-off and wheels-on times for a report-*
15 *able flight; and*

16 (2) *a reporting carrier displays, on the public*
17 *internet website of the carrier, information on the ac-*
18 *tual wheels-off and wheels-on times during the most*
19 *recent calendar month for a reportable flight.*

20 (b) *DEFINITIONS.*—*In this section, the terms “report-*
21 *ing carrier” and “reportable flight” have the meanings*
22 *given those terms in section 234.2 of title 14, Code of Fed-*
23 *eral Regulations (as in effect on the date of enactment of*
24 *this Act).*

1 (c) *REPORT.*—Not later than 1 year after the date of
2 enactment of this Act, the Secretary shall submit to the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives and the Committee on Commerce,
5 Science, and Transportation of the Senate a report on the
6 results of the study.

7 **SEC. 512. ADVISORY COMMITTEE FOR TRANSPARENCY IN**
8 **AIR AMBULANCE INDUSTRY.**

9 (a) *IN GENERAL.*—Not later than 90 days after the
10 date of enactment of this Act, the Secretary of Transpor-
11 tation shall establish an advisory committee to make rec-
12 ommendations for a rulemaking—

13 (1) to require air ambulance operators to clearly
14 disclose charges for air transportation services sepa-
15 rately from charges for non-air transportation serv-
16 ices within any invoice or bill; and

17 (2) to provide other consumer protections for cus-
18 tomers of air ambulance operators.

19 (b) *COMPOSITION OF THE ADVISORY COMMITTEE.*—
20 The advisory committee shall be composed of the following
21 members:

22 (1) The Secretary of Transportation.

23 (2) 1 representative, to be appointed by the Sec-
24 retary, of each of the following:

1 (A) *Each relevant Federal agency, as deter-*
2 *mined by the Secretary.*

3 (B) *Air ambulance operators.*

4 (C) *State insurance regulators.*

5 (D) *Health insurance providers.*

6 (E) *Consumer groups.*

7 (c) *RECOMMENDATIONS.—The advisory committee*
8 *shall make recommendations with respect to each of the fol-*
9 *lowing:*

10 (1) *Cost-allocation methodologies needed to en-*
11 *sure that charges for air transportation services are*
12 *separated from charges for non-air transportation*
13 *services.*

14 (2) *Cost- or price-allocation methodologies to*
15 *prevent commingling of charges for air transportation*
16 *services and charges for non-air transportation serv-*
17 *ices in bills and invoices.*

18 (3) *Formats for bills and invoices to ensure that*
19 *customers and State insurance regulators can clearly*
20 *distinguish between charges for air transportation*
21 *services and charges for non-air transportation serv-*
22 *ices.*

23 (4) *Data or industry references related to air-*
24 *craft operating costs to be used in determining the*
25 *proper allocation of charges for air transportation*

1 *services and charges for non-air transportation serv-*
2 *ices.*

3 (5) *Guidance materials to instruct States, polit-*
4 *ical subdivisions of States, and political authorities of*
5 *2 or more States on referring to the Secretary allega-*
6 *tions of unfair or deceptive practices or unfair meth-*
7 *ods of competition by air ambulance operators.*

8 (6) *Protections for customers of air ambulance*
9 *operators, after consideration of the circumstances in*
10 *which the services of air ambulance operators are*
11 *used.*

12 (7) *Protections of proprietary cost data from in-*
13 *appropriate public disclosure.*

14 (8) *Such other matters as the Secretary deter-*
15 *mines necessary or appropriate.*

16 (d) *REPORT.—Not later than 180 days after the date*
17 *of the first meeting of the advisory committee, the advisory*
18 *committee shall submit to the Secretary, the Committee on*
19 *Transportation and Infrastructure of the House of Rep-*
20 *resentatives, and the Committee on Commerce, Science, and*
21 *Transportation of the Senate a report containing the rec-*
22 *ommendations made under subsection (c).*

23 (e) *RULEMAKING.—Not later than 180 days after the*
24 *date of receipt of the report under subsection (d), the Sec-*

1 *retary shall consider the recommendations of the advisory*
2 *committee and issue a final rule—*

3 *(1) to require air ambulance operators to clearly*
4 *disclose charges for air transportation services sepa-*
5 *rately from charges for non-air transportation serv-*
6 *ices within any invoice or bill; and*

7 *(2) to provide other consumer protections for cus-*
8 *tomers of air ambulance operators.*

9 *(f) DEFINITIONS.—In this section, the following defini-*
10 *tions apply:*

11 *(1) AIR AMBULANCE OPERATOR.—The term “air*
12 *ambulance operator” means an air carrier operating*
13 *pursuant to part 135 of title 14, Code of Federal Reg-*
14 *ulations, that provides medical, ambulance, or related*
15 *services.*

16 *(2) NON-AIR TRANSPORTATION SERVICES.—The*
17 *term “non-air transportation services” means those*
18 *services provided by air ambulance operators but not*
19 *other air carriers operating pursuant to part 135 of*
20 *title 14, Code of Federal Regulations.*

21 *(g) TERMINATION.—The advisory committee shall ter-*
22 *minate on the date of submission of the report under sub-*
23 *section (d).*

24 *(h) NATURE OF AIR AMBULANCE SERVICES.—The*
25 *non-air transportation services of air ambulance operators*

1 *and prices thereof are neither services nor prices of an air*
2 *carrier for purposes of section 41713 of title 49, United*
3 *States Code.*

4 **SEC. 513. AIR AMBULANCE COMPLAINTS.**

5 *(a) CONSUMER COMPLAINTS.—Section 42302 of title*
6 *49, United States Code, is amended—*

7 *(1) in subsection (a) by inserting “(including*
8 *transportation by air ambulance)” after “air trans-*
9 *portation”;*

10 *(2) in subsection (b)—*

11 *(A) in the matter preceding paragraph*
12 *(1)—*

13 *(i) by inserting “, and an air ambu-*
14 *lance operator,” after “passenger seats”;*
15 *and*

16 *(ii) by inserting “or operator” after*
17 *“Internet Web site of the carrier”; and*

18 *(B) in paragraph (2) by inserting “or oper-*
19 *ator” after “mailing address of the air carrier”;*
20 *and*

21 *(3) by striking subsection (c) and inserting the*
22 *following:*

23 *“(c) NOTICE TO PASSENGERS ON BOARDING OR BILL-*
24 *ING DOCUMENTATION.—*

1 “(1) *AIR CARRIERS AND FOREIGN AIR CAR-*
2 *RIERS.*—*An air carrier or foreign air carrier pro-*
3 *viding scheduled air transportation using any air-*
4 *craft that as originally designed has a passenger ca-*
5 *capacity of 30 or more passenger seats shall include the*
6 *hotline telephone number established under subsection*
7 *(a) on—*

8 “(A) *prominently displayed signs of the*
9 *carrier at the airport ticket counters in the*
10 *United States where the air carrier operates; and*

11 “(B) *any electronic confirmation of the pur-*
12 *chase of a passenger ticket for air transportation*
13 *issued by the air carrier.*

14 “(2) *AIR AMBULANCE OPERATORS.*—*An air am-*
15 *bulance operator shall include the hotline telephone*
16 *number established under subsection (a) on any in-*
17 *voice, bill, or other communication provided to a pas-*
18 *senger or customer of the operator.”.*

19 “(b) *UNFAIR AND DECEPTIVE PRACTICES AND UNFAIR*
20 *METHODS OF COMPETITION.*—*Section 41712(a) of title 49,*
21 *United States Code, is amended—*

22 (1) *by inserting “air ambulance customer,” after*
23 *“foreign air carrier,” the first place it appears; and*

24 (2) *by adding at the end the following: “In this*
25 *subsection, the term ‘air carrier’ includes an air am-*

1 *balance operator and the term ‘air transportation’ in-*
2 *cludes any transportation provided by an air ambu-*
3 *lance.’’.*

4 **SEC. 514. PASSENGER RIGHTS.**

5 (a) *GUIDELINES.*—*Not later than 90 days after the*
6 *date of enactment of this Act, the Secretary of Transpor-*
7 *tation shall require each air carrier to submit for approval*
8 *a 1-page document that accurately describes the rights of*
9 *passengers in air transportation, including guidelines for*
10 *the following:*

11 (1) *Compensation (regarding rebooking options,*
12 *refunds, meals, and lodging) for flight delays of var-*
13 *ious lengths.*

14 (2) *Compensation (regarding rebooking options,*
15 *refunds, meals, and lodging) for flight cancellations.*

16 (3) *Compensation for mishandled baggage, in-*
17 *cluding delayed, damaged, pilfered, or lost baggage.*

18 (4) *Voluntary relinquishment of a ticketed seat*
19 *due to overbooking or priority of other passengers.*

20 (5) *Involuntary denial of boarding and forced*
21 *removal for whatever reason, including for safety and*
22 *security reasons.*

23 (b) *APPROVAL OF GUIDELINES.*—*Not later than 90*
24 *days after each air carrier submits its guidelines for ap-*

1 *proval to the Secretary under subsection (a), the air carrier*
2 *shall make available such 1-page document on its website.*

3 ***Subtitle B—Aviation Consumers***
4 ***With Disabilities***

5 ***SEC. 541. SELECT SUBCOMMITTEE.***

6 *Section 411 of the FAA Modernization and Reform Act*
7 *of 2012 (49 U.S.C. 42301 prec. note), as amended by this*
8 *Act, is further amended—*

9 *(1) by redesignating subsections (g) and (h) as*
10 *subsections (h) and (i), respectively; and*

11 *(2) by inserting after subsection (f) the following:*

12 “(g) *SELECT SUBCOMMITTEE FOR AVIATION CON-*
13 *SUMERS WITH DISABILITIES.—*

14 “(1) *IN GENERAL.—The Secretary shall establish*
15 *a select subcommittee of the advisory committee to ad-*
16 *vice the Secretary and the advisory committee on*
17 *issues related to the air travel needs of passengers*
18 *with disabilities.*

19 “(2) *DUTIES.—The select subcommittee shall—*

20 “(A) *identify the disability-related access*
21 *barriers encountered by passengers with disabili-*
22 *ties;*

23 “(B) *determine the extent to which the pro-*
24 *grams and activities of the Department of*

1 *Transportation are addressing the barriers iden-*
2 *tified under subparagraph (A);*

3 *“(C) recommend consumer protection im-*
4 *provements related to the air travel experience of*
5 *passengers with disabilities;*

6 *“(D) advise the Secretary with regard to the*
7 *implementation of section 41705 of title 49,*
8 *United States Code; and*

9 *“(E) conduct such other activities as the*
10 *Secretary considers necessary to carry out this*
11 *subsection.*

12 *“(3) MEMBERSHIP.—*

13 *“(A) COMPOSITION.—The select sub-*
14 *committee shall be composed of members ap-*
15 *pointed by the Secretary, including at least 1 in-*
16 *dividual representing each of the following:*

17 *“(i) National disability organizations.*

18 *“(ii) Air carriers and foreign air car-*
19 *riers with flights in air transportation.*

20 *“(iii) Airport operators.*

21 *“(iv) Contractor service providers.*

22 *“(B) INCLUSION.—A member of the select*
23 *subcommittee may also be a member of the advi-*
24 *sory committee.*

25 *“(4) REPORTS.—*

1 “(A) *IN GENERAL.*—Not later than 1 year
2 after the date of establishment of the select sub-
3 committee, the select subcommittee shall submit
4 to the advisory committee and the Secretary a
5 report on the air travel needs of passengers with
6 disabilities that includes—

7 “(i) an assessment of existing dis-
8 ability-related access barriers and any
9 emerging disability-related access barriers
10 that will likely be an issue in the next 5
11 years;

12 “(ii) an evaluation of the extent to
13 which the programs and activities of the
14 Department of Transportation are elimi-
15 nating disability-related access barriers;

16 “(iii) a description of consumer protec-
17 tion improvements related to the air travel
18 experience of passengers with disabilities;
19 and

20 “(iv) any recommendations for legisla-
21 tion, regulations, or other actions that the
22 select subcommittee considers appropriate.

23 “(B) *REPORT TO CONGRESS.*—Not later
24 than 60 days after the date on which the Sec-
25 retary receives the report under subparagraph

1 (A), the Secretary shall submit to Congress a
2 copy of the report, including any additional
3 findings or recommendations that the Secretary
4 considers appropriate.

5 “(5) CHAIRPERSON.—The Secretary shall des-
6 ignate, from among the individuals appointed under
7 paragraph (3), an individual to serve as chairperson
8 of the select subcommittee.

9 “(6) VACANCIES AND TRAVEL EXPENSES.—Sub-
10 sections (c) and (d) shall apply to the select sub-
11 committee.

12 “(7) TERMINATION.—The select subcommittee es-
13 tablished under this subsection shall terminate upon
14 submission of the report required under paragraph
15 (4)(A).”.

16 **SEC. 542. AVIATION CONSUMERS WITH DISABILITIES**
17 **STUDY.**

18 (a) STUDY.—Not later than 180 days after the date
19 of enactment of this Act, the Comptroller General of the
20 United States shall conduct a study that includes—

21 (1) a review of airport accessibility best practices
22 for individuals with disabilities, including best prac-
23 tices that improve infrastructure facilities and com-
24 munications methods, including those related to
25 wayfinding, amenities, and passenger care;

1 (2) *a review of air carrier and airport training*
2 *policies related to section 41705 of title 49, United*
3 *States Code;*

4 (3) *a review of air carrier training policies re-*
5 *lated to properly assisting passengers with disabil-*
6 *ities; and*

7 (4) *a review of accessibility best practices that*
8 *exceed those recommended under Public Law 90–480*
9 *(popularly known as the Architectural Barriers Act of*
10 *1968; 42 U.S.C. 4151 et seq.), the Rehabilitation Act*
11 *of 1973 (29 U.S.C. 701 et seq.), the Air Carrier Access*
12 *Act of 1986 (Public Law 99–435; 100 Stat. 1080 et*
13 *seq.), and the Americans with Disabilities Act of 1990*
14 *(42 U.S.C. 12101 et seq.).*

15 (b) *REPORT.—Not later than 1 year after the date of*
16 *enactment of this Act, the Comptroller General shall submit*
17 *to the Secretary of Transportation, the Committee on*
18 *Transportation and Infrastructure of the House of Rep-*
19 *resentatives, and the Committee on Commerce, Science, and*
20 *Transportation of the Senate a report on the study, includ-*
21 *ing findings and recommendations.*

22 **SEC. 543. FEASIBILITY STUDY ON IN-CABIN WHEELCHAIR**
23 **RESTRAINT SYSTEMS.**

24 (a) *STUDY.—Not later than 2 years after the date of*
25 *enactment of this Act, the Secretary of Transportation, in*

1 *consultation with the Architectural and Transportation*
2 *Barriers Compliance Board, aircraft manufacturers, and*
3 *air carriers, shall conduct a study to determine—*

4 (1) *the feasibility of in-cabin wheelchair re-*
5 *straint systems; and*

6 (2) *if feasible, the ways in which individuals*
7 *with significant disabilities using wheelchairs, includ-*
8 *ing power wheelchairs, can be accommodated with in-*
9 *cabin wheelchair restraint systems.*

10 (b) *REPORT.—Not later than 1 year after the initi-*
11 *ation of the study under subsection (a), the Secretary of*
12 *Transportation shall submit to the Committee on Transpor-*
13 *tation and Infrastructure of the House of Representatives*
14 *and the Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate a report on the findings of the study.*

16 **SEC. 544. ACCESS ADVISORY COMMITTEE RECOMMENDA-**
17 **TIONS.**

18 (a) *IN GENERAL.—Not later than 1 year after the date*
19 *of enactment of this Act, the Secretary of Transportation*
20 *shall issue a notice of proposed rulemaking addressing—*

21 (1) *accommodations for air travelers with dis-*
22 *abilities with respect to in-flight entertainment;*

23 (2) *accessible lavatories on single-aisle aircraft;*
24 *and*

25 (3) *service animals.*

1 *the FAA Modernization and Reform Act of 2012*
2 *(Public Law 112–95), and other relevant Federal*
3 *laws enacted after 2010, including the amendments*
4 *made by those laws, on the Essential Air Service pro-*
5 *gram.*

6 (2) *SCOPE.—In conducting the study under*
7 *paragraph (1), the Comptroller General shall analyze,*
8 *at a minimum—*

9 (A) *the impact of each relevant Federal law,*
10 *including the amendments made by each law, on*
11 *the Essential Air Service program;*

12 (B) *what actions communities and air car-*
13 *riers have taken to reduce ticket prices or in-*
14 *crease enplanements as a result of each law;*

15 (C) *the issuance of waivers by the Secretary*
16 *under section 41731(e) of title 49, United States*
17 *Code;*

18 (D) *whether budgetary savings resulted*
19 *from each law; and*

20 (E) *options for further reform of the Essen-*
21 *tial Air Service program.*

22 (b) *REPORT.—Not later than 180 days after the date*
23 *of enactment of this Act, the Comptroller General shall sub-*
24 *mit to the Committee on Transportation and Infrastructure*
25 *of the House of Representatives and the Committee on Com-*

1 *merce, Science, and Transportation of the Senate a report*
2 *on the results of the study conducted under subsection (a).*

3 **SEC. 554. SMALL COMMUNITY AIR SERVICE.**

4 *(a) ELIGIBILITY.—Section 41743(c) of title 49, United*
5 *States Code, is amended—*

6 *(1) by striking paragraph (1) and inserting the*
7 *following:*

8 *“(1) SIZE.—On the date of submission of the rel-*
9 *evant application under subsection (b), the airport*
10 *erving the community or consortium—*

11 *“(A) is not larger than a small hub airport,*
12 *as determined using the Department of Trans-*
13 *portation’s most recently published classification;*
14 *and*

15 *“(B) has—*

16 *“(i) insufficient air carrier service; or*

17 *“(ii) unreasonably high air fares.”;*

18 *(2) in paragraph (4)—*

19 *(A) by striking “once,” and inserting “once*
20 *in a 10-year period,”; and*

21 *(B) by inserting “at any time” after “dif-*
22 *ferent project”; and*

23 *(3) in paragraph (5)—*

1 (A) by redesignating subparagraphs (E)
2 and (F) as subparagraphs (F) and (G), respec-
3 tively; and

4 (B) by inserting after subparagraph (D) the
5 following:

6 “(E) the assistance will be used to help re-
7 store scheduled passenger air service that has
8 been terminated;”.

9 (b) *AUTHORIZATION OF APPROPRIATIONS.*—Section
10 41743(e)(2) of title 49, United States Code, is amended to
11 read as follows:

12 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—
13 There is authorized to be appropriated to the Sec-
14 retary \$10,000,000 for each of fiscal years 2018
15 through 2023 to carry out this section, of which
16 \$4,800,000 per fiscal year shall be used to carry out
17 the pilot program established under subsection (i).
18 Such sums shall remain available until expended.”.

19 (c) *REGIONAL AIR TRANSPORTATION PILOT PRO-*
20 *GRAM.*—Section 41743 of title 49, United States Code, is
21 amended by adding at the end the following:

22 “(i) *REGIONAL AIR TRANSPORTATION PILOT PRO-*
23 *GRAM.*—

24 “(1) *ESTABLISHMENT.*—The Secretary shall es-
25 tablish a regional air transportation pilot program to

1 *provide operating assistance to air carriers in order*
2 *to provide air service to communities not receiving*
3 *sufficient air carrier service.*

4 “(2) *GRANTS.—The Secretary shall provide*
5 *grants under the program to encourage and maintain*
6 *air service at reasonable airfares between commu-*
7 *nities that have experienced, as determined by the*
8 *Secretary, significant declines in air service.*

9 “(3) *APPLICATION REQUIRED.—In order to par-*
10 *ticipate in the program, a State, local government,*
11 *economic development authority, or other public enti-*
12 *ty shall submit to the Secretary an application, in a*
13 *manner that the Secretary prescribes, that contains—*

14 “(A) *an identification of an air carrier that*
15 *has provided a written agreement to provide the*
16 *air service in partnership with the applicant;*

17 “(B) *assurances that the applicant will pro-*
18 *vide the non-Federal share and that the non-Fed-*
19 *eral share is not derived from airport revenue;*

20 “(C) *a proposed route structure serving not*
21 *more than 8 communities; and*

22 “(D) *a timeline for commencing the air*
23 *service to the communities within the proposed*
24 *route structure.*

1 “(4) *CRITERIA FOR PARTICIPATION.*—*The Sec-*
2 *retary may approve up to 3 applications each fiscal*
3 *year, subject to the availability of funds, if the Sec-*
4 *retary determines that—*

5 “(A) *the proposal of the applicant can rea-*
6 *sonably be expected to encourage and improve*
7 *levels of air service between the relevant commu-*
8 *nities;*

9 “(B) *the applicant has adequate financial*
10 *resources to ensure the commitment to the com-*
11 *munities;*

12 “(C) *the airports serving the communities*
13 *are nonhub, small hub, or medium hub airports,*
14 *as determined using the Department of Trans-*
15 *portation’s most recently published classifica-*
16 *tions; and*

17 “(D) *the air carrier commits to serving the*
18 *communities for at least 2 years.*

19 “(5) *PRIORITIES.*—*The Secretary shall prioritize*
20 *applications that—*

21 “(A) *would initiate new or reestablish air*
22 *service in communities where air fares are high-*
23 *er than the average air fares for all communities;*

24 “(B) *are more likely to result in self-sus-*
25 *taining air service at the end of the program;*

1 “(C) request a Federal share lower than 50
2 percent; and

3 “(D) propose to use grant funds in a timely
4 fashion.

5 “(6) FEDERAL SHARE.—The Federal share of the
6 cost of operating assistance provided under the pro-
7 gram may not exceed 50 percent.

8 “(7) SUNSET.—This subsection shall cease to be
9 effective on October 1, 2023.”.

10 **SEC. 555. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

11 (a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of title
12 49, United States Code, is amended by striking “Wendell
13 H. Ford Aviation Investment and Reform Act for the 21st
14 Century,” and inserting “FAA Extension, Safety, and Se-
15 curity Act of 2016 (Public Law 114–190),”.

16 (b) PROGRAM SUNSET.—Section 41736 of title 49,
17 United States Code, is amended by adding at the end the
18 following:

19 “(h) SUNSET.—

20 “(1) PROPOSALS.—No proposal under subsection
21 (a) may be accepted by the Secretary after the date
22 of enactment of this subsection.

23 “(2) PROGRAM.—The Secretary may not provide
24 any compensation under this section after the date

1 *that is 2 years after the date of enactment of this sub-*
2 *section.”.*

3 ***TITLE VI—MISCELLANEOUS***

4 ***SEC. 601. REVIEW OF FAA STRATEGIC CYBERSECURITY***
5 ***PLAN.***

6 (a) *IN GENERAL.*—*Not later than 120 days after the*
7 *date on which the Interim Chief Executive Officer (CEO)*
8 *of the American Air Navigation Services Corporation is*
9 *hired, the Administrator of the Federal Aviation Adminis-*
10 *tration, in consultation with the Interim CEO (or the CEO*
11 *of the American Air Navigation Services Corporation, as*
12 *appropriate), shall initiate a review of the comprehensive*
13 *and strategic framework of principles and policies (referred*
14 *to in this section as the “framework”) developed pursuant*
15 *to section 2111 of the FAA Extension, Safety, and Security*
16 *Act of 2016 (49 U.S.C. 44903 note).*

17 (b) *CONTENTS.*—*In undertaking the review, the Ad-*
18 *ministrator shall—*

19 (1) *determine how the framework should be up-*
20 *dated to reflect the transfer from the Federal Aviation*
21 *Administration to the American Air Navigation Serv-*
22 *ices Corporation of operational control of air traffic*
23 *services within United States airspace and inter-*
24 *national airspace delegated to the United States; and*

1 (2) *modify the framework to support the Federal*
2 *Aviation Administration in establishing cybersecurity*
3 *standards to assist the American Air Navigation*
4 *Services Corporation in responsibilities associated*
5 *with managing air traffic services in a secure manner*
6 *after the date of transfer (as defined in section*
7 *90101(a) of title 49, United States Code, as added by*
8 *this Act).*

9 (c) *REPORT TO CONGRESS.*—*Not later than 120 days*
10 *after initiating the review required by subsection (a), the*
11 *Administrator shall submit to the Committee on Transpor-*
12 *tation and Infrastructure of the House of Representatives*
13 *and the Committee on Commerce, Science, and Transpor-*
14 *tation of the Senate a report on the results of the review,*
15 *including a description of any modifications made to the*
16 *framework.*

17 **SEC. 602. CONSOLIDATION AND REALIGNMENT OF FAA**
18 **SERVICES AND FACILITIES.**

19 (a) *IN GENERAL.*—*Section 804(a) of the FAA Mod-*
20 *ernization and Reform Act of 2012 (49 U.S.C. 44501 note)*
21 *is amended—*

22 (1) *in paragraph (2) by striking “The purpose*
23 *of the report shall be—” and all that follows through*
24 *“(B) to reduce” and inserting “The purpose of the re-*
25 *port shall be to reduce”; and*

1 (2) *by striking paragraph (4) and inserting the*
2 *following:*

3 “(4) *INPUT.—The report shall be prepared by the*
4 *Administrator (or the Administrator’s designee) with*
5 *the participation of—*

6 “(A) *representatives of labor organizations*
7 *representing air traffic control system employees*
8 *of the FAA; and*

9 “(B) *industry stakeholders.*”.

10 (b) *FAA AIR TRAFFIC CONTROL FACILITY CONSOLIDA-*
11 *TION AND REALIGNMENT PROJECTS.—Notwithstanding sec-*
12 *tion 90317(c) of title 49, United States Code, as added by*
13 *this Act, the Secretary of Transportation shall continue to*
14 *carry out any consolidation or realignment project com-*
15 *menced under section 804 of the FAA Modernization and*
16 *Reform Act of 2012.*

17 **SEC. 603. FAA REVIEW AND REFORM.**

18 (a) *AGENCY REPORT.—Not later than 60 days after*
19 *the date of enactment of this Act, the Administrator of the*
20 *Federal Aviation Administration shall submit to the Com-*
21 *mittee on Transportation and Infrastructure of the House*
22 *of Representatives and the Committee on Commerce,*
23 *Science, and Transportation of the Senate a detailed anal-*
24 *ysis of any actions taken to address the findings and rec-*
25 *ommendations included in the report required under section*

1 812(d) of the FAA Modernization and Reform Act of 2012
2 (49 U.S.C. 106 note), including—

3 (1) consolidating, phasing-out, or eliminating
4 duplicative positions, programs, roles, or offices;

5 (2) eliminating or streamlining wasteful prac-
6 tices;

7 (3) eliminating or phasing-out redundant, obso-
8 lete, or unnecessary functions;

9 (4) reforming and streamlining inefficient proc-
10 esses so that the activities of the Administration are
11 completed in an expedited and efficient manner; and

12 (5) reforming or eliminating ineffectual or out-
13 dated policies.

14 (b) *ADDITIONAL REVIEW*.—Not later than 1 year after
15 the date of transfer, as defined in section 90101(a) of title
16 49, United States Code, as added by this Act, the Adminis-
17 trator shall undertake and complete a thorough review of
18 each program, office, and organization within the Adminis-
19 tration to identify—

20 (1) duplicative positions, programs, roles, or of-
21 fices;

22 (2) wasteful practices;

23 (3) redundant, obsolete, or unnecessary functions;

24 (4) inefficient processes; and

25 (5) ineffectual or outdated policies.

1 (c) *ACTIONS TO STREAMLINE AND REFORM FAA.*—
2 *Not later than 60 days after the date of completion of the*
3 *review under subsection (b), the Administrator shall under-*
4 *take such actions as may be necessary to address the find-*
5 *ings of the Administrator under such subsection.*

6 (d) *REPORT TO CONGRESS.*—*Not later than 120 days*
7 *after the date of completion of the review under subsection*
8 *(b), the Administrator shall submit to the Committee on*
9 *Transportation and Infrastructure of the House of Rep-*
10 *resentatives and the Committee on Commerce, Science, and*
11 *Transportation of the Senate a report on the actions taken*
12 *by the Administrator pursuant to subsection (c), including*
13 *any recommendations for legislative or administrative ac-*
14 *tions.*

15 **SEC. 604. AVIATION FUEL.**

16 (a) *USE OF UNLEADED AVIATION GASOLINE.*—*The*
17 *Administrator of the Federal Aviation Administration shall*
18 *allow the use of an unleaded aviation gasoline in an air-*
19 *craft as a replacement for a leaded gasoline if the Adminis-*
20 *trator—*

21 (1) *determines that an unleaded aviation gaso-*
22 *line qualifies as a replacement for an approved leaded*
23 *gasoline;*

1 (2) *identifies the aircraft and engines that are*
2 *eligible to use the qualified replacement unleaded gas-*
3 *oline; and*

4 (3) *adopts a process (other than the traditional*
5 *means of certification) to allow eligible aircraft and*
6 *engines to operate using qualified replacement un-*
7 *leaded gasoline in a manner that ensures safety.*

8 (b) *TIMING.*—*The Administrator shall adopt the proc-*
9 *ess described in subsection (a)(3) not later than 180 days*
10 *after the later of—*

11 (1) *the date of completion of the Piston Aviation*
12 *Fuels Initiative of the Administration; or*

13 (2) *the date of publication of an American Soci-*
14 *ety for Testing and Materials Production Specifica-*
15 *tion for an unleaded aviation gasoline.*

16 (c) *SENSE OF CONGRESS.*—*It is the sense of Congress*
17 *that the Piston Aviation Fuels Initiative of the Administra-*
18 *tion and the American Society for Testing and Materials*
19 *should work to find an appropriate unleaded aviation gaso-*
20 *line by January 1, 2023.*

21 **SEC. 605. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**

22 **CONTROL SYSTEM.**

23 *Notwithstanding any other provision of law, the Ad-*
24 *ministrator of the Federal Aviation Administration shall,*
25 *upon request of a private aircraft owner or operator, block*

1 *the registration number of the aircraft of the owner or oper-*
2 *ator from any public dissemination or display, except in*
3 *data made available to a Government agency, for the non-*
4 *commercial flights of the owner or operator.*

5 **SEC. 606. AIR SHOWS.**

6 *On an annual basis, the Administrator of the Federal*
7 *Aviation Administration shall work with representatives of*
8 *Administration-approved air shows, the general aviation*
9 *community, and stadiums and other large outdoor events*
10 *and venues to identify and resolve, to the maximum extent*
11 *practicable, scheduling conflicts between Administration-*
12 *approved air shows and large outdoor events and venues*
13 *where—*

14 *(1) flight restrictions will be imposed pursuant*
15 *to section 521 of title V of division F of Public Law*
16 *108–199 (118 Stat. 343); or*

17 *(2) any other restriction will be imposed pursu-*
18 *ant to Federal Aviation Administration Flight Data*
19 *Center Notice to Airmen 4/3621 (or any successor no-*
20 *tice to airmen).*

21 **SEC. 607. PART 91 REVIEW, REFORM, AND STREAMLINING.**

22 *(a) ESTABLISHMENT OF TASK FORCE.—Not later than*
23 *90 days after the date of enactment of this Act, the Adminis-*
24 *trator of the Federal Aviation Administration shall estab-*
25 *lish a task force comprised of representatives of the general*

1 *aviation industry who regularly perform part 91 oper-*
2 *ations, labor unions (including those representing FAA*
3 *aviation safety inspectors and FAA aviation safety engi-*
4 *neers), manufacturers, and the Government to—*

5 (1) *conduct an assessment of the FAA oversight*
6 *and authorization processes and requirements for air-*
7 *craft under part 91; and*

8 (2) *make recommendations to streamline the ap-*
9 *plicable authorization and approval processes, im-*
10 *prove safety, and reduce regulatory cost burdens and*
11 *delays for the FAA and aircraft owners and operators*
12 *who operate pursuant to part 91.*

13 (b) *CONTENTS.—In conducting the assessment and*
14 *making recommendations under subsection (a), the task*
15 *force shall consider—*

16 (1) *process reforms and improvements to allow*
17 *the FAA to review and approve applications in a fair*
18 *and timely fashion;*

19 (2) *the appropriateness of requiring an author-*
20 *ization for each experimental aircraft rather than*
21 *using a broader all makes and models approach;*

22 (3) *ways to improve the timely response to letters*
23 *of authorization applications for aircraft owners and*
24 *operators who operate pursuant to part 91, including*
25 *setting deadlines and granting temporary or auto-*

1 *matic authorizations if deadlines are missed by the*
2 *FAA;*

3 *(4) methods for enhancing the effective use of del-*
4 *egation systems;*

5 *(5) methods for training the FAA's field office*
6 *employees in risk-based and safety management sys-*
7 *tem oversight; and*

8 *(6) such other matters related to streamlining*
9 *part 91 authorization and approval processes as the*
10 *task force considers appropriate.*

11 *(c) REPORT TO CONGRESS.—*

12 *(1) IN GENERAL.—Not later than 1 year after*
13 *the date of enactment of this Act, the Administrator*
14 *shall submit to the Committee on Transportation and*
15 *Infrastructure of the House of Representatives and the*
16 *Committee on Commerce, Science, and Transpor-*
17 *tation of the Senate a report on the results of the task*
18 *force's assessment.*

19 *(2) CONTENTS.—The report shall include an ex-*
20 *planation of how the Administrator will—*

21 *(A) implement the recommendations of the*
22 *task force;*

23 *(B) measure progress in implementing the*
24 *recommendations; and*

1 (C) *measure the effectiveness of the imple-*
2 *mented recommendations.*

3 (d) *IMPLEMENTATION OF RECOMMENDATIONS.—Not*
4 *later than 18 months after the date of enactment of this*
5 *Act, the Administrator shall implement the recommenda-*
6 *tions made under this section.*

7 (e) *DEFINITIONS.—In this section, the following defini-*
8 *tions apply:*

9 (1) *FAA.—The term “FAA” means the Federal*
10 *Aviation Administration.*

11 (2) *PART 91.—The term “part 91” means part*
12 *91 of title 14, Code of Federal Regulations.*

13 (f) *APPLICABLE LAW.—Public Law 92–463 shall not*
14 *apply to the task force.*

15 (g) *SUNSET.—The task force shall terminate on the*
16 *day the Administrator submits the report required under*
17 *subsection (c).*

18 **SEC. 608. AIRCRAFT REGISTRATION.**

19 *Not later than 180 days after the date of enactment*
20 *of this Act, the Administrator of the Federal Aviation Ad-*
21 *ministration shall initiate a rulemaking to increase the du-*
22 *ration of aircraft registrations for noncommercial general*
23 *aviation aircraft to 10 years.*

1 **SEC. 609. AIR TRANSPORTATION OF LITHIUM CELLS AND**
2 **BATTERIES.**

3 (a) *COOPERATIVE EFFORTS TO ENSURE COMPLIANCE*
4 *WITH SAFETY REGULATIONS.*—

5 (1) *IN GENERAL.*—*The Secretary of Transpor-*
6 *tation, in coordination with appropriate Federal*
7 *agencies, shall carry out cooperative efforts to ensure*
8 *that shippers who offer lithium ion and lithium metal*
9 *batteries for air transport to or from the United*
10 *States comply with U.S. Hazardous Materials Regu-*
11 *lations and ICAO Technical Instructions.*

12 (2) *COOPERATIVE EFFORTS.*—*The cooperative ef-*
13 *forts the Secretary shall carry out pursuant to para-*
14 *graph (1) include the following:*

15 (A) *Encouraging training programs at lo-*
16 *cations outside the United States from which*
17 *substantial cargo shipments of lithium ion or*
18 *lithium metal batteries originate for manufac-*
19 *turers, freight forwarders, and other shippers*
20 *and potential shippers of lithium ion and lith-*
21 *ium metal batteries.*

22 (B) *Working with Federal, regional, and*
23 *international transportation agencies to ensure*
24 *enforcement of U.S. Hazardous Materials Regu-*
25 *lations and ICAO Technical Instructions with*
26 *respect to shippers who offer noncompliant ship-*

1 *ments of lithium ion and lithium metal bat-*
2 *teries.*

3 *(C) Sharing information, as appropriate,*
4 *with Federal, regional, and international trans-*
5 *portation agencies regarding noncompliant ship-*
6 *ments.*

7 *(D) Pursuing a joint effort with the inter-*
8 *national aviation community to develop a proc-*
9 *ess to obtain assurances that appropriate en-*
10 *forcement actions are taken to reduce the likeli-*
11 *hood of noncompliant shipments, especially with*
12 *respect to jurisdictions in which enforcement ac-*
13 *tivities historically have been limited.*

14 *(E) Providing information in brochures*
15 *and on the internet in appropriate foreign lan-*
16 *guages and dialects that describes the actions re-*
17 *quired to comply with U.S. Hazardous Materials*
18 *Regulations and ICAO Technical Instructions.*

19 *(F) Developing joint efforts with the inter-*
20 *national aviation community to promote a better*
21 *understanding of the requirements of and meth-*
22 *ods of compliance with U.S. Hazardous Mate-*
23 *rials Regulations and ICAO Technical Instruc-*
24 *tions.*

1 (3) *REPORTING.*—Not later than 120 days after
2 the date of enactment of this Act, and annually there-
3 after for 2 years, the Secretary shall submit to the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives and the Committee on
6 Commerce, Science, and Transportation of the Senate
7 a report on compliance with the policy set forth in
8 subsection (e) and the cooperative efforts carried out,
9 or planned to be carried out, under this subsection.

10 (b) *LITHIUM BATTERY AIR SAFETY ADVISORY COM-*
11 *MITTEE.*—

12 (1) *ESTABLISHMENT.*—Not later than 60 days
13 after the date of enactment of this Act, the Secretary
14 shall establish, in accordance with the requirements of
15 the Federal Advisory Committee Act (5 U.S.C. App.),
16 a lithium ion and lithium metal battery air safety
17 advisory committee (in this subsection referred to as
18 the “Committee”).

19 (2) *DUTIES.*—The Committee shall—

20 (A) facilitate communication between man-
21 ufacturers of lithium ion and lithium metal cells
22 and batteries, manufacturers of products incor-
23 porating both large and small lithium ion and
24 lithium metal batteries, air carriers, and the
25 Federal Government regarding the safe air

1 *transportation of lithium ion and lithium metal*
2 *cells and batteries and the effectiveness and eco-*
3 *nomical and social impacts of the regulation of*
4 *such transportation;*

5 *(B) provide the Secretary, the Federal Avia-*
6 *tion Administration, and the Pipeline and Haz-*
7 *ardous Materials Safety Administration with*
8 *timely information about new lithium ion and*
9 *lithium metal battery technology and transpor-*
10 *tation safety practices and methodologies;*

11 *(C) provide a forum for the Secretary to*
12 *provide information on and to discuss the activi-*
13 *ties of the Department of Transportation relat-*
14 *ing to lithium ion and lithium metal battery*
15 *transportation safety, the policies underlying the*
16 *activities, and positions to be advocated in inter-*
17 *national forums;*

18 *(D) provide a forum for the Secretary to*
19 *provide information and receive advice on—*

20 *(i) activities carried out throughout the*
21 *world to communicate and enforce relevant*
22 *United States regulations and the ICAO*
23 *Technical Instructions; and*

24 *(ii) the effectiveness of the activities;*

1 (E) provide advice and recommendations to
2 the Secretary with respect to lithium ion and
3 lithium metal battery air transportation safety,
4 including how best to implement activities to in-
5 crease awareness of relevant requirements and
6 their importance to travelers and shippers; and

7 (F) review methods to decrease the risk
8 posed by air shipment of undeclared hazardous
9 materials and efforts to educate those who pre-
10 pare and offer hazardous materials for shipment
11 via air transport.

12 (3) *MEMBERSHIP.*—The Committee shall be com-
13 posed of the following members:

14 (A) Individuals appointed by the Secretary
15 to represent—

16 (i) large volume manufacturers of lith-
17 ium ion and lithium metal cells and bat-
18 teries;

19 (ii) domestic manufacturers of lithium
20 ion and lithium metal batteries or battery
21 packs;

22 (iii) manufacturers of consumer prod-
23 ucts powered by lithium ion and lithium
24 metal batteries;

1 (iv) manufacturers of vehicles powered
2 by lithium ion and lithium metal batteries;

3 (v) marketers of products powered by
4 lithium ion and lithium metal batteries;

5 (vi) cargo air service providers based
6 in the United States;

7 (vii) passenger air service providers
8 based in the United States;

9 (viii) pilots and employees of air serv-
10 ice providers described in clauses (vi) and
11 (vii);

12 (ix) shippers of lithium ion and lith-
13 ium metal batteries for air transportation;

14 (x) manufacturers of battery-powered
15 medical devices or batteries used in medical
16 devices; and

17 (xi) employees of the Department of
18 Transportation, including employees of the
19 Federal Aviation Administration and the
20 Pipeline and Hazardous Materials Safety
21 Administration.

22 (B) Representatives of such other Govern-
23 ment departments and agencies as the Secretary
24 determines appropriate.

1 (C) *Any other individuals the Secretary de-*
2 *termines are appropriate to comply with Federal*
3 *law.*

4 (4) *REPORT.—*

5 (A) *IN GENERAL.—Not later than 180 days*
6 *after the establishment of the Committee, the*
7 *Committee shall submit to the Secretary, the*
8 *Committee on Transportation and Infrastructure*
9 *of the House of Representatives, and the Com-*
10 *mittee on Commerce, Science, and Transpor-*
11 *tation of the Senate a report that—*

12 (i) *describes and evaluates the steps*
13 *being taken in the private sector and by*
14 *international regulatory authorities to im-*
15 *plement and enforce requirements relating*
16 *to the safe transportation by air of bulk*
17 *shipments of lithium ion cells and batteries;*
18 *and*

19 (ii) *identifies any areas of enforcement*
20 *or regulatory requirements for which there*
21 *is consensus that greater attention is need-*
22 *ed.*

23 (B) *INDEPENDENT STATEMENTS.—Each*
24 *member of the Committee shall be provided an*
25 *opportunity to submit an independent statement*

1 *of views with the report submitted pursuant to*
2 *subparagraph (A).*

3 (5) *MEETINGS.—*

4 (A) *IN GENERAL.—The Committee shall*
5 *meet at the direction of the Secretary and at*
6 *least twice a year.*

7 (B) *PREPARATION FOR ICAO MEETINGS.—*
8 *Notwithstanding subparagraph (A), the Sec-*
9 *retary shall convene a meeting of the Committee*
10 *in connection with and in advance of each meet-*
11 *ing of the International Civil Aviation Organi-*
12 *zation, or any of its panels or working groups,*
13 *addressing the safety of air transportation of*
14 *lithium ion and lithium metal batteries to brief*
15 *Committee members on positions to be taken by*
16 *the United States at such meeting and provide*
17 *Committee members a meaningful opportunity to*
18 *comment.*

19 (6) *TERMINATION.—The Committee shall termi-*
20 *nate on the date that is 6 years after the date on*
21 *which the Committee is established.*

22 (7) *TERMINATION OF FUTURE OF AVIATION ADVI-*
23 *SORY COMMITTEE.—The Future of Aviation Advisory*
24 *Committee shall terminate on the date on which the*

1 *lithium ion battery air safety advisory committee is*
2 *established.*

3 (c) *MEDICAL DEVICE BATTERIES.*—

4 (1) *LIMITED EXCEPTIONS TO RESTRICTIONS ON*
5 *AIR TRANSPORTATION OF MEDICAL DEVICE BAT-*
6 *TERIES.*—*The Secretary shall issue limited exceptions*
7 *to the restrictions on transportation of lithium ion*
8 *and lithium metal batteries to allow the shipment on*
9 *a passenger aircraft of not more than 2 replacement*
10 *batteries specifically used for a medical device if—*

11 (A) *the intended destination of the batteries*
12 *is not serviced daily by cargo aircraft if a bat-*
13 *tery is required for medically necessary care; or*

14 (B) *with regard to a shipper of lithium ion*
15 *or lithium metal batteries for medical devices*
16 *that cannot comply with a charge limitation in*
17 *place at the time, each battery is—*

18 (i) *individually packed in an inner*
19 *packaging that completely encloses the bat-*
20 *tery;*

21 (ii) *placed in a rigid outer packaging;*

22 *and*

23 (iii) *protected to prevent a short cir-*
24 *cuit.*

1 (2) *MEDICAL DEVICE DEFINED.*—*In this sub-*
2 *section, the term “medical device” means an instru-*
3 *ment, apparatus, implement, machine, contrivance,*
4 *implant, or in vitro reagent, including any compo-*
5 *nent, part, or accessory thereof, which is intended for*
6 *use in the diagnosis of disease or other conditions, or*
7 *in the cure, mitigation, treatment, or prevention of*
8 *disease, in a person.*

9 (3) *SAVINGS CLAUSE.*—*Nothing in this sub-*
10 *section may be construed as expanding or restricting*
11 *any authority of the Secretary under section 828 of*
12 *the FAA Modernization and Reform Act of 2012 (49*
13 *U.S.C. 44701 note).*

14 (d) *PACKAGING IMPROVEMENTS.*—*Not later than 180*
15 *days after the date of enactment of this Act, the Secretary,*
16 *in consultation with interested stakeholders, shall submit to*
17 *the Committee on Transportation and Infrastructure of the*
18 *House of Representatives and the Committee on Commerce,*
19 *Science, and Transportation of the Senate an evaluation*
20 *of current practices for the packaging of lithium ion bat-*
21 *teries and cells for air transportation, including rec-*
22 *ommendations, if any, to improve the packaging of such*
23 *batteries and cells for air transportation in a safe, efficient,*
24 *and cost-effective manner.*

1 (e) *DEPARTMENT OF TRANSPORTATION POLICY ON*
2 *INTERNATIONAL REPRESENTATION.*—*It shall be the policy*
3 *of the Department of Transportation to support the partici-*
4 *pation of industry in all panels and working groups of the*
5 *Dangerous Goods Panel of the International Civil Aviation*
6 *Organization and any other international test or standard*
7 *setting organization that considers proposals on the safety*
8 *or transportation of lithium ion and lithium metal bat-*
9 *teries in which the United States participates.*

10 (f) *HARMONIZATION WITH ICAO TECHNICAL IN-*
11 *STRUCTIONS.*—*Pursuant to section 828 of the FAA Mod-*
12 *ernization and Reform Act of 2012 (49 U.S.C. 44701 note),*
13 *not later than 30 days after the date of enactment of this*
14 *Act, the Secretary shall conform United States regulations*
15 *on the air transport of lithium cells and batteries with the*
16 *lithium cells and batteries requirements in the 2015–2016*
17 *edition of the ICAO Technical Instructions (including all*
18 *addenda), including the revised standards adopted by the*
19 *International Civil Aviation Organization that became ef-*
20 *fective on April 1, 2016.*

21 (g) *DEFINITIONS.*—*In this section, the following defi-*
22 *nitions apply:*

23 (1) *ICAO TECHNICAL INSTRUCTIONS.*—*The term*
24 *“ICAO Technical Instructions” has the meaning*
25 *given that term in section 828(c) of the FAA Mod-*

1 *ernization and Reform Act of 2012 (49 U.S.C. 44701*
2 *note).*

3 (2) *U.S. HAZARDOUS MATERIALS REGULA-*
4 *TIONS.—The term “U.S. Hazardous Materials Regu-*
5 *lations” means the regulations in parts 100 through*
6 *177 of title 49, Code of Federal Regulations (includ-*
7 *ing amendments adopted after the date of enactment*
8 *of this Act).*

9 **SEC. 610. REMOTE TOWER PILOT PROGRAM FOR RURAL**
10 **AND SMALL COMMUNITIES.**

11 (a) *IN GENERAL.—Not later than 180 days after the*
12 *date of enactment of this Act, the Secretary of Transpor-*
13 *tation shall establish a pilot program under which, upon*
14 *approval of an application submitted by an operator of a*
15 *public-use airport, the Secretary shall install and operate*
16 *at the airport a remote air traffic control tower in order*
17 *to assess the operational benefits of remote air traffic control*
18 *towers.*

19 (b) *APPLICATIONS.—The operator of an airport seek-*
20 *ing to participate in the pilot program shall submit to the*
21 *Secretary for approval an application that is in such form*
22 *and contains such information as the Secretary may re-*
23 *quire.*

24 (c) *SELECTION CRITERIA.—*

1 (1) *SELECTION OF AIRPORTS.*—From among the
2 applications submitted under subsection (b), the Sec-
3 retary, after consultation with representatives of labor
4 organizations representing operators and employees of
5 the air traffic control system, shall select for partici-
6 pation in the pilot program 7 airports as follows:

7 (A) 1 nonhub, primary airport.

8 (B) 3 nonprimary airports without existing
9 air traffic control towers.

10 (C) 2 airports with air traffic control tow-
11 ers participating in a program established under
12 section 47124 of title 49, United States Code.

13 (D) 1 airport selected at the discretion of
14 the Secretary.

15 (2) *PRIORITY SELECTION.*—In selecting from
16 among the applications submitted under subsection
17 (b), the Secretary shall give priority to applicants
18 that can best demonstrate the capabilities and poten-
19 tial of remote air traffic control towers, including ap-
20 plicants proposing to operate multiple remote air
21 traffic control towers from a single facility.

22 (3) *AUTHORITY TO REALLOCATE AIRPORT SE-*
23 *LECTION.*—If the Secretary receives an insufficient
24 number of applications, the Secretary may reallocate

1 *the distribution of airport sites described in para-*
2 *graph (1).*

3 *(d) ASSET CLASSIFICATION.—For purposes of section*
4 *90317 of title 49, United States Code, as added by this Act,*
5 *a remote air traffic control tower, including ancillary*
6 *equipment, installed with Government funds pursuant to*
7 *this section shall be considered to be an air navigation facil-*
8 *ity.*

9 *(e) SAFETY RISK MANAGEMENT PANEL.—*

10 *(1) SAFETY RISK MANAGEMENT PANEL MEET-*
11 *ING.—Prior to the operational use of a remote air*
12 *traffic control tower, the Secretary shall convene a*
13 *safety risk management panel for the tower to address*
14 *any safety issues with respect to the tower.*

15 *(2) SAFETY RISK MANAGEMENT PANEL BEST*
16 *PRACTICES.—The safety risk management panels*
17 *shall be created and utilized in a manner similar to*
18 *that of safety risk management panels previously es-*
19 *tablished for remote air traffic control towers, taking*
20 *into account—*

21 *(A) best practices that have been developed;*

22 *and*

23 *(B) operational data from remote air traffic*
24 *control towers located in the United States.*

1 (f) *AIRPORT IMPROVEMENT PROGRAM.*—*The pilot pro-*
2 *gram shall be eligible for airport improvement funding*
3 *under chapter 471 of title 49, United States Code.*

4 (g) *POSSIBLE EXPANSION OF PROGRAM.*—*Not later*
5 *than 30 days after the date that the first remote air traffic*
6 *control tower is commissioned, the Administrator of the*
7 *Federal Aviation Administration shall establish a repeat-*
8 *able process by which future certified remote air traffic con-*
9 *trol tower systems may be commissioned at additional air-*
10 *ports.*

11 (h) *DEFINITIONS.*—

12 (1) *IN GENERAL.*—*In this section, the following*
13 *definitions apply:*

14 (A) *AIR NAVIGATION FACILITY.*—*The term*
15 *“air navigation facility” has the meaning given*
16 *that term in section 40102(a) of title 49, United*
17 *States Code.*

18 (B) *REMOTE AIR TRAFFIC CONTROL*
19 *TOWER.*—*The term “remote air traffic control*
20 *tower” means a remotely operated air naviga-*
21 *tion facility, including all necessary system com-*
22 *ponents, that provides the functions and capa-*
23 *bilities of an air traffic control tower.*

24 (2) *APPLICABILITY OF OTHER DEFINITIONS.*—
25 *The terms “nonhub airport”, “primary airport”, and*

1 “public-use airport” have the meanings given such
2 terms in section 47102 of title 49, United States Code.

3 (i) *SUNSET*.—The pilot program shall terminate on
4 the day before the date of transfer, as defined in section
5 90101(a) of title 49, United States Code, as added by this
6 Act.

7 **SEC. 611. ENSURING FAA READINESS TO PROVIDE SEAM-**
8 **LESS OCEANIC OPERATIONS.**

9 Not later than September 30, 2018, the Secretary of
10 Transportation shall make a final investment decision for
11 the implementation of a reduced oceanic separation capa-
12 bility that, by March 31, 2019, shall be operational and
13 in use providing capabilities at least equivalent to that of-
14 fered in neighboring airspace, and such service shall be pro-
15 vided in the same manner as terrestrial surveillance is pro-
16 vided.

17 **SEC. 612. SENSE OF CONGRESS REGARDING WOMEN IN**
18 **AVIATION.**

19 It is the sense of Congress that the aviation industry
20 should explore all opportunities, including pilot training,
21 science, technology, engineering, and mathematics edu-
22 cation, and mentorship programs, to encourage and support
23 female students and aviators to pursue a career in aviation.

1 **SEC. 613. OBSTRUCTION EVALUATION AERONAUTICAL**
2 **STUDIES.**

3 *The Secretary of Transportation may implement the*
4 *policy set forth in the notice of proposed policy titled “Pro-*
5 *posal to Consider the Impact of One Engine Inoperative*
6 *Procedures in Obstruction Evaluation Aeronautical Stud-*
7 *ies” published by the Department of Transportation on*
8 *April 28, 2014 (79 Fed. Reg. 23300), only if the policy is*
9 *adopted pursuant to a notice and comment rulemaking*
10 *and, for purposes of Executive Order 12866 (5 U.S.C. 601*
11 *note; relating to regulatory planning and review), is treated*
12 *as a significant regulatory action within the scope of section*
13 *3(f)(1) of such Order.*

14 **SEC. 614. AIRCRAFT LEASING.**

15 *Section 44112(b) of title 49, United States Code, is*
16 *amended—*

17 *(1) by striking “on land or water”; and*

18 *(2) by inserting “operational” before “control”.*

19 **SEC. 615. REPORT ON OBSOLETE TEST EQUIPMENT.**

20 *(a) REPORT.—Not later than 180 days after the date*
21 *of enactment of this Act, the Administrator of the Federal*
22 *Aviation Administration shall submit to the Committee on*
23 *Transportation and Infrastructure of the House of Rep-*
24 *resentatives and the Committee on Commerce, Science, and*
25 *Transportation of the Senate a report on the National Test*

1 *Equipment Program of the Federal Aviation Administra-*
2 *tion (in this section referred to as the “Program”).*

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

4 (1) *a list of all known outstanding requests for*
5 *test equipment, cataloged by type and location, under*
6 *the Program;*

7 (2) *a description of the current method under the*
8 *Program of ensuring calibrated equipment is in place*
9 *for utilization;*

10 (3) *a plan by the Administrator for appropriate*
11 *inventory of such equipment;*

12 (4) *the Administrator’s recommendations for in-*
13 *creasing multifunctionality in future test equipment*
14 *and all known and foreseeable manufacturer techno-*
15 *logical advances; and*

16 (5) *a plan to replace, as appropriate, obsolete*
17 *test equipment throughout the service areas.*

18 **SEC. 616. RETIRED MILITARY CONTROLLERS.**

19 *Section 44506(f) of title 49, United States Code, is*
20 *amended—*

21 (1) *in paragraph (3) by inserting “except for in-*
22 *dividuals covered by a program described in para-*
23 *graph (4),” after “section 3307 of title 5,”; and*

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

1 “(4) *RETIRED MILITARY CONTROLLERS.*—*The*
2 *Administrator may establish a program to provide an*
3 *original appointment to a position as an air traffic*
4 *controller for individuals who—*

5 “(A) *are on terminal leave pending retire-*
6 *ment from active duty military service or have*
7 *retired from active duty military service within*
8 *5 years of applying for the appointment; and*

9 “(B) *within 5 years of applying for the ap-*
10 *pointment, have held either an air traffic control*
11 *specialist certification or a facility rating ac-*
12 *ording to Administration standards.”.*

13 **SEC. 617. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**
14 **SENGERS.**

15 (a) *GUIDANCE.*—

16 (1) *IN GENERAL.*—*Not later than 90 days after*
17 *the date of enactment of this Act, the Administrator*
18 *of the Federal Aviation Administration shall make*
19 *publicly available, in a clear and concise format, ad-*
20 *visory guidance that describes how a pilot may share*
21 *flight expenses with passengers in a manner con-*
22 *sistent with Federal law, including regulations.*

23 (2) *EXAMPLES INCLUDED.*—*The guidance shall*
24 *include examples of—*

1 (A) flights for which pilots and passengers
2 may share expenses;

3 (B) flights for which pilots and passengers
4 may not share expenses;

5 (C) the methods of communication that pi-
6 lots and passengers may use to arrange flights
7 for which expenses are shared; and

8 (D) the methods of communication that pi-
9 lots and passengers may not use to arrange
10 flights for which expenses are shared.

11 (b) *REPORT.*—

12 (1) *IN GENERAL.*—Not later than 180 days after
13 the date on which guidance is made publicly available
14 under subsection (a), the Comptroller General of the
15 United States shall submit to the Committee on
16 Transportation and Infrastructure of the House of
17 Representatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report
19 analyzing Federal policy with respect to pilots shar-
20 ing flight expenses with passengers.

21 (2) *EVALUATIONS INCLUDED.*—The report sub-
22 mitted under paragraph (1) shall include an evalua-
23 tion of—

24 (A) the rationale for such Federal policy;

1 (B) safety and other concerns related to pi-
2 lots sharing flight expenses with passengers; and
3 (C) benefits related to pilots sharing flight
4 expenses with passengers.

5 **SEC. 618. AVIATION RULEMAKING COMMITTEE FOR PART**
6 **135 PILOT REST AND DUTY RULES.**

7 (a) *IN GENERAL.*—Not later than 180 days after the
8 date of enactment of this Act, the Administrator of the Fed-
9 eral Aviation Administration shall convene an aviation
10 rulemaking committee to review, and develop findings and
11 recommendations regarding, pilot rest and duty rules under
12 part 135 of title 14, Code of Federal Regulations.

13 (b) *DUTIES.*—The Administrator shall—

14 (1) not later than 2 years after the date of enact-
15 ment of this Act, submit to the Committee on Trans-
16 portation and Infrastructure of the House of Rep-
17 resentatives and the Committee on Commerce,
18 Science, and Transportation of the Senate a report
19 based on the findings of the aviation rulemaking com-
20 mittee; and

21 (2) not later than 1 year after the date of sub-
22 mission of the report under paragraph (1), issue a
23 notice of proposed rulemaking based on any consensus
24 recommendations reached by the aviation rulemaking
25 committee.

1 (c) *COMPOSITION.*—*The aviation rulemaking com-*
2 *mittee shall consist of members appointed by the Adminis-*
3 *trator, including—*

4 (1) *representatives of industry;*

5 (2) *representatives of aviation labor organiza-*
6 *tions, including collective bargaining units rep-*
7 *resenting pilots who are covered by part 135 of title*
8 *14, Code of Federal Regulations, and subpart K of*
9 *part 91 of such title; and*

10 (3) *aviation safety experts with specific knowl-*
11 *edge of flight crewmember education and training re-*
12 *quirements under part 135 of such title.*

13 (d) *CONSIDERATIONS.*—*The Administrator shall direct*
14 *the aviation rulemaking committee to consider—*

15 (1) *recommendations of prior part 135 rule-*
16 *making committees;*

17 (2) *accommodations necessary for small busi-*
18 *nesses;*

19 (3) *scientific data derived from aviation-related*
20 *fatigue and sleep research;*

21 (4) *data gathered from aviation safety reporting*
22 *programs;*

23 (5) *the need to accommodate the diversity of op-*
24 *erations conducted under part 135; and*

25 (6) *other items, as appropriate.*

1 **SEC. 619. METROPOLITAN WASHINGTON AIRPORTS AU-**
2 **THORITY.**

3 (a) *FINDINGS.—Congress finds that—*

4 (1) *the Metropolitan Washington Airports Au-*
5 *thority (in this section referred to as “MWAA”),*
6 *which operates Ronald Reagan Washington National*
7 *Airport and Dulles International Airport by lease*
8 *with the Department of Transportation, has routinely*
9 *performed poorly on audits conducted by the Inspec-*
10 *tor General of the Department of Transportation;*

11 (2) *the responsible stewardship of taxpayer-*
12 *owned assets by MWAA is of great concern to Con-*
13 *gress;*

14 (3) *a March 20, 2015, audit conducted by the In-*
15 *pector General titled “MWAA’s Office of Audit Does*
16 *Not Have an Adequate Quality Assurance and Im-*
17 *provement Program” (Report No. ZA–2015–035)*
18 *found that MWAA’s quality assurance and improve-*
19 *ment program did not conform with the standards of*
20 *the Institute of Internal Auditors; and*

21 (4) *the Inspector General’s audit made 7 rec-*
22 *ommendations to strengthen MWAA governance, its*
23 *Office of Audit, and its quality assurance and im-*
24 *provement program.*

25 (b) *IMPLEMENTING AUDIT RECOMMENDATIONS.—*

1 (1) *STUDY.*—*The Inspector General of the De-*
2 *partment of Transportation shall conduct a study on*
3 *MWAA’s progress in implementing the recommenda-*
4 *tions of the audit referred to in subsection (a).*

5 (2) *REPORT.*—*The Inspector General shall sub-*
6 *mit to the Committee on Transportation and Infra-*
7 *structure of the House of Representatives and the*
8 *Committee on Commerce, Science, and Transpor-*
9 *tation of the Senate a report on the study, including*
10 *the Inspector General’s findings, conclusions, and rec-*
11 *ommendations for strengthening and improving*
12 *MWAA’s Office of Audit.*

13 **SEC. 620. TERMINAL AERODROME FORECAST.**

14 (a) *IN GENERAL.*—*The Administrator of the Federal*
15 *Aviation Administration shall permit a covered air carrier*
16 *to operate to or from a location in a noncontiguous State*
17 *without a Terminal Aerodrome Forecast or Meteorological*
18 *Aerodrome Report if—*

19 (1) *such location is determined to be under vis-*
20 *ual meteorological conditions;*

21 (2) *a current Area Forecast, supplemented by*
22 *other local weather observations or reports, is avail-*
23 *able; and*

1 (3) *an alternate airport that has an available*
2 *Terminal Aerodrome Forecast and weather report is*
3 *specified.*

4 **(b) PROCEDURES.**—*A covered air carrier shall—*

5 (1) *have approved procedures for dispatch or re-*
6 *lease and enroute weather evaluation; and*

7 (2) *operate under instrument flight rules enroute*
8 *to the destination.*

9 **(c) COVERED AIR CARRIER DEFINED.**—*In this section,*
10 *the term “covered air carrier” means an air carrier oper-*
11 *ating in a noncontiguous State under part 121 of title 14,*
12 *Code of Federal Regulations.*

13 **SEC. 621. FEDERAL AVIATION ADMINISTRATION EMPLOY-**
14 **EES STATIONED ON GUAM.**

15 *It is the sense of Congress that—*

16 (1) *the Administrator of the Federal Aviation*
17 *Administration and the Secretary of Defense should*
18 *seek an agreement that would enable Federal Aviation*
19 *Administration employees stationed on Guam to have*
20 *access to Department of Defense hospitals, com-*
21 *missaries, and exchanges on Guam;*

22 (2) *access to these facilities is important to en-*
23 *sure the health and well-being of Federal Aviation*
24 *Administration employees and their families; and*

1 (3) *in exchange for this access, the Federal Avia-*
2 *tion Administration should make payments to cover*
3 *the applicable administrative costs incurred by the*
4 *Department of Defense in carrying out the agreement.*

5 **SEC. 622. TECHNICAL CORRECTIONS.**

6 (a) *AIRPORT CAPACITY ENHANCEMENT PROJECTS AT*
7 *CONGESTED AIRPORTS.*—Section 40104(c) of title 49,
8 *United States Code, is amended by striking “section 47176”*
9 *and inserting “section 47175”.*

10 (b) *PASSENGER FACILITY CHARGES.*—Section
11 *40117(a)(5) of title 49, United States Code, is amended by*
12 *striking “charge or charge” and inserting “charge”.*

13 (c) *OVERFLIGHTS OF NATIONAL PARKS.*—Section
14 *40128(a)(3) of title 49, United States Code, is amended by*
15 *striking “under part 91 of the title 14,” and inserting*
16 *“under part 91 of title 14,”.*

17 (d) *PLANS TO ADDRESS NEEDS OF FAMILIES OF PAS-*
18 *SENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-*
19 *DENTS.*—Section 41313(c)(16) of title 49, United States
20 *Code, is amended by striking “An assurance that the foreign*
21 *air carrier” and inserting “An assurance that”.*

22 (e) *OPERATIONS OF CARRIERS.*—The analysis for
23 *chapter 417 of title 49, United States Code, is amended by*
24 *striking the item relating to section 41718 and inserting*
25 *the following:*

“41718. Special rules for Ronald Reagan Washington National Airport.”.

1 (f) *SCHEDULES FOR CERTAIN TRANSPORTATION OF*
2 *MAIL.*—Section 41902(a) of title 49, United States Code,
3 *is amended by striking “section 41906” and inserting “sec-*
4 *tion 41905”.*

5 (g) *WEIGHING MAIL.*—Section 41907 of title 49,
6 *United States Code, is amended by striking “and -adminis-*
7 *trative” and inserting “and administrative”.*

8 (h) *STRUCTURES INTERFERING WITH AIR COMMERCE*
9 *OR NATIONAL SECURITY.*—Section 44718(b)(1) of title 49,
10 *United States Code, is amended—*

11 (1) *in the matter preceding subparagraph (A) by*
12 *striking “air navigation facilities and equipment”*
13 *and inserting “air or space navigation facilities and*
14 *equipment”;* and

15 (2) *in subparagraph (A)—*

16 (A) *in clause (v) by striking “and” at the*
17 *end;*

18 (B) *by redesignating clause (vi) as clause*
19 *(vii); and*

20 (C) *by inserting after clause (v) the fol-*
21 *lowing:*

22 *“(vi) the impact on launch and reentry*
23 *for launch and reentry vehicles arriving or*
24 *departing from a launch site or reentry site*

1 *licensed by the Secretary of Transportation;*
2 *and”.*

3 (i) *FEES INVOLVING AIRCRAFT NOT PROVIDING AIR*
4 *TRANSPORTATION.*—Section 45302 of title 49, United
5 States Code, is amended by striking “44703(f)(2)” each
6 place it appears and inserting “44703(g)(2)”.

7 (j) *CHAPTER 465.*—The analysis for chapter 465 of
8 title 49, United States Code, is amended by striking the
9 following:

 “46503. Repealed.”.

10 (k) *SOLICITATION AND CONSIDERATION OF COM-*
11 *MENTS.*—Section 47171(l) of title 49, United States Code,
12 is amended by striking “4371” and inserting “4321”.

13 (l) *ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-*
14 *CANTLY INCREASED COSTS.*—Section 426 of the FAA Mod-
15 ernization and Reform Act of 2012 is amended—

16 (1) in subsection (a) (49 U.S.C. 41737 note) by
17 striking “Secretary” and inserting “Secretary of
18 Transportation”; and

19 (2) in subsection (c) (49 U.S.C. 41731 note) by
20 striking “the Secretary may waive” and inserting
21 “the Secretary of Transportation may waive”.

22 (m) *AIRCRAFT DEPARTURE QUEUE MANAGEMENT*
23 *PILOT PROGRAM.*—Section 507(a) of the FAA Moderniza-
24 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is

1 *amended by striking “section 48101(a)” and inserting “sec-*
2 *tion 48101(a) of title 49, United States Code,”.*

3 **SEC. 623. APPLICATION OF VETERANS’ PREFERENCE TO**
4 **FEDERAL AVIATION ADMINISTRATION PER-**
5 **SONNEL MANAGEMENT SYSTEM.**

6 *Section 40122(g)(2)(B) of title 49, United States Code,*
7 *is amended—*

8 *(1) by inserting “3304(f),” before “3308-3320”;*
9 *and*

10 *(2) by inserting “3330a, 3330b, 3330c, and*
11 *3330d,” before “relating”.*

12 **SEC. 624. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING**
13 **FLIGHT TIMES.**

14 *The Administrator of the Federal Aviation Adminis-*
15 *tration shall issue regulations modifying section 61.51(j)(4)*
16 *of title 14, Code of Federal Regulations, so as to include*
17 *aircraft under the direct operational control of forestry and*
18 *fire protection agencies as public aircraft eligible for log-*
19 *ging flight times.*

20 **SEC. 625. FEDERAL AVIATION ADMINISTRATION WORK-**
21 **FORCE REVIEW.**

22 *(a) IN GENERAL.—Not later than 120 days after the*
23 *date of enactment of this Act, the Comptroller General of*
24 *the United States shall conduct a review to assess the work-*
25 *force and training needs of the Federal Aviation Adminis-*

1 *tration (in this section referred to as the “FAA”) in the*
2 *anticipated budgetary environment.*

3 (b) *CONTENTS.—In conducting the review, the Comp-*
4 *troller General shall—*

5 (1) *identify the long-term workforce and training*
6 *needs of the FAA workforce;*

7 (2) *assess the impact of automation, digitaliza-*
8 *tion, and artificial intelligence on the FAA workforce;*

9 (3) *analyze the skills and qualifications required*
10 *of the FAA workforce for successful performance in the*
11 *current and future projected aviation environment;*

12 (4) *review current performance incentive policies*
13 *of the FAA, including awards for performance;*

14 (5) *analyze ways in which the FAA can work*
15 *with industry and labor, including labor groups rep-*
16 *resenting the FAA workforce, to establish knowledge-*
17 *sharing opportunities between the FAA and the avia-*
18 *tion industry regarding new equipment and systems,*
19 *best practices, and other areas of interest; and*

20 (6) *develop recommendations on the most effec-*
21 *tive qualifications, training programs (including e-*
22 *learning training), and performance incentive ap-*
23 *proaches to address the needs of the future projected*
24 *aviation regulatory system in the anticipated budg-*
25 *etary environment.*

1 (c) *REPORT.*—Not later than 270 days after the date
2 of enactment of this Act, the Comptroller General shall sub-
3 mit to the Committee on Transportation and Infrastructure
4 of the House of Representatives and the Committee on Com-
5 merce, Science, and Transportation of the Senate a report
6 on the results of the review.

7 **SEC. 626. STATE TAXATION.**

8 Section 40116(d)(2)(A) of title 49, United States Code,
9 is amended by adding at the end the following:

10 “(v) except as otherwise provided under section
11 47133, levy or collect a tax, fee, or charge, first taking
12 effect after the date of enactment of this clause, upon
13 any business located at a commercial service airport
14 or operating as a permittee of such an airport that
15 is not generally imposed on sales or services by that
16 State, political subdivision, or authority unless whol-
17 ly utilized for airport or aeronautical purposes.”.

18 **SEC. 627. AVIATION AND AEROSPACE WORKFORCE OF THE**

19 **FUTURE.**

20 (a) *FINDINGS.*—Congress finds that—

21 (1) in 2016, United States air carriers carried
22 a record high number of passengers on domestic
23 flights, 719 million passengers;

24 (2) the United States aerospace and defense in-
25 dustry employed 1.7 million workers in 2015, or

1 *roughly 2 percent of the Nation's total employment*
2 *base;*

3 *(3) the average salary of an employee in the*
4 *aerospace and defense industry is 44 percent above*
5 *the national average;*

6 *(4) in 2015, the aerospace and defense industry*
7 *contributed nearly \$202.4 billion in value added to*
8 *the United States economy;*

9 *(5) an effective aviation industry relies on indi-*
10 *viduals with unique skill sets, many of which can be*
11 *directly obtained through career and technical edu-*
12 *cation opportunities; and*

13 *(6) industry and the Federal Government have*
14 *taken some actions to attract qualified individuals to*
15 *careers in aviation and aerospace and to retain*
16 *qualified individuals in such careers.*

17 *(b) SENSE OF CONGRESS.—It is the sense of Congress*
18 *that—*

19 *(1) public and private education institutions*
20 *should make available to students and parents infor-*
21 *mation on approved programs of study and career*
22 *pathways, including career exploration, work-based*
23 *learning opportunities, dual and concurrent enroll-*
24 *ment opportunities, and guidance and advisement re-*
25 *sources;*

1 (2) *public and private education institutions*
2 *should partner with aviation and aerospace compa-*
3 *nies to promote career paths available within the in-*
4 *dustry and share information on the unique benefits*
5 *and opportunities the career paths offer;*

6 (3) *aviation companies, including air carriers,*
7 *manufacturers, commercial space companies, un-*
8 *manned aircraft system companies, and repair sta-*
9 *tions, should create opportunities, through apprentice-*
10 *ships or other mechanisms, to attract young people to*
11 *aviation and aerospace careers and to enable individ-*
12 *uals to gain the critical skills needed to thrive in such*
13 *professions; and*

14 (4) *the Federal Government should consider the*
15 *needs of men and women interested in pursuing ca-*
16 *reers in the aviation and aerospace industry, the*
17 *long-term personnel needs of the aviation and aero-*
18 *space industry, and the role of aviation in the United*
19 *States economy in the creation and administration of*
20 *educational and financial aid programs.*

21 **SEC. 628. FUTURE AVIATION AND AEROSPACE WORKFORCE**

22 **STUDY.**

23 (a) *IN GENERAL.*—*Not later than 90 days after the*
24 *date of enactment of this Act, the Comptroller General of*
25 *the United States shall conduct a study—*

1 (1) to identify the factors influencing the supply
2 of individuals pursuing a career in the aviation or
3 aerospace industry; and

4 (2) to identify best practices or programs to
5 incentivize, recruit, and retain young people in avia-
6 tion and aerospace professions.

7 (b) *CONSULTATION.*—The Comptroller General shall
8 conduct the study in consultation with—

9 (1) appropriate Federal agencies; and

10 (2) the aviation and aerospace industry, institu-
11 tions of higher education, and labor stakeholders.

12 (c) *REPORT TO CONGRESS.*—Not later than 1 year
13 after the date of enactment of this Act, the Comptroller Gen-
14 eral shall submit to the Committee on Transportation and
15 Infrastructure of the House of Representatives and the Com-
16 mittee on Commerce, Science, and Transportation of the
17 Senate a report on the results of the study and related rec-
18 ommendations.

19 **SEC. 629. FAA LEADERSHIP ON CIVIL SUPERSONIC AIR-**
20 **CRAFT.**

21 (a) *IN GENERAL.*—The Administrator of the Federal
22 Aviation Administration shall exercise leadership in the
23 creation of Federal and international policies, regulations,
24 and standards relating to the certification and safe and effi-
25 cient operation of civil supersonic aircraft.

1 (b) *EXERCISE OF LEADERSHIP.*—*In carrying out sub-*
2 *section (a), the Administrator shall—*

3 (1) *consider the needs of the aerospace industry*
4 *and other stakeholders when creating policies, regula-*
5 *tions, and standards that enable the safe commercial*
6 *deployment of civil supersonic aircraft technology and*
7 *the safe and efficient operation of civil supersonic air-*
8 *craft; and*

9 (2) *obtain the input of aerospace industry stake-*
10 *holders regarding—*

11 (A) *the appropriate regulatory framework*
12 *and timeline for permitting the safe and efficient*
13 *operation of civil supersonic aircraft within*
14 *United States airspace, including updating or*
15 *modifying existing regulations on such oper-*
16 *ation;*

17 (B) *issues related to standards and regula-*
18 *tions for the type certification and safe operation*
19 *of civil supersonic aircraft, including noise cer-*
20 *tification, including—*

21 (i) *the operational differences between*
22 *subsonic aircraft and supersonic aircraft;*

23 (ii) *costs and benefits associated with*
24 *landing and takeoff noise requirements for*

1 *civil supersonic aircraft, including impacts*
2 *on aircraft emissions;*

3 *(iii) public and economic benefits of*
4 *the operation of civil supersonic aircraft*
5 *and associated aerospace industry activity;*
6 *and*

7 *(iv) challenges relating to ensuring*
8 *that standards and regulations aimed at re-*
9 *lieving and protecting the public health and*
10 *welfare from aircraft noise and sonic booms*
11 *are economically reasonable, technologically*
12 *practicable, and appropriate for civil super-*
13 *sonic aircraft; and*

14 *(C) other issues identified by the Adminis-*
15 *trator or the aerospace industry that must be ad-*
16 *dressed to enable the safe commercial deployment*
17 *and safe and efficient operation of civil super-*
18 *sonic aircraft.*

19 *(c) INTERNATIONAL LEADERSHIP.—The Adminis-*
20 *trator, in the appropriate international forums, shall take*
21 *actions that—*

22 *(1) demonstrate global leadership under sub-*
23 *section (a);*

24 *(2) address the needs of the aerospace industry*
25 *identified under subsection (b); and*

1 (3) *protect the public health and welfare.*

2 (d) *REPORT TO CONGRESS.—Not later than 1 year*
3 *after the date of enactment of this Act, the Administrator*
4 *shall submit to the Committee on Transportation and In-*
5 *frastructure of the House of Representatives and the Com-*
6 *mittee on Commerce, Science, and Transportation of the*
7 *Senate a report detailing—*

8 (1) *the Administrator’s actions to exercise leader-*
9 *ship in the creation of Federal and international*
10 *policies, regulations, and standards relating to the*
11 *certification and safe and efficient operation of civil*
12 *supersonic aircraft;*

13 (2) *planned, proposed, and anticipated actions*
14 *to update or modify existing policies and regulations*
15 *related to civil supersonic aircraft, including those*
16 *identified as a result of industry consultation and*
17 *feedback; and*

18 (3) *a timeline for any actions to be taken to up-*
19 *date or modify existing policies and regulations re-*
20 *lated to civil supersonic aircraft.*

21 **SEC. 630. OKLAHOMA REGISTRY OFFICE.**

22 *The Administrator of the Federal Aviation Adminis-*
23 *tration shall consider the aircraft registry office in Okla-*
24 *homa City, Oklahoma, as excepted during a Government*
25 *shutdown or emergency (as it provides excepted services) to*

1 *ensure that it remains open during any Government shut-*
2 *down or emergency.*

3 **SEC. 631. FOREIGN AIR TRANSPORTATION UNDER UNITED**
4 **STATES-EUROPEAN UNION AIR TRANSPORT**
5 **AGREEMENT.**

6 (a) *CERTAIN FOREIGN AIR TRANSPORTATION PER-*
7 *MITTS.—The Secretary of Transportation may not issue a*
8 *permit under section 41302 of title 49, United States Code,*
9 *or an exemption under section 40109 of such title, author-*
10 *izing a person to provide foreign air transportation as a*
11 *foreign air carrier under the United States-European*
12 *Union Air Transport Agreement of April 2007 (as amend-*
13 *ed) in a proceeding in which the applicability of Article*
14 *17 bis of such Agreement has been raised by an interested*
15 *person, unless the Secretary—*

16 (1) *finds that issuing the permit or exemption*
17 *would be consistent with the intent set forth in Article*
18 *17 bis of the Agreement, that opportunities created by*
19 *the Agreement do not undermine labor standards or*
20 *the labor-related rights and principles contained in*
21 *the laws of the respective parties to the Agreement;*
22 *and*

23 (2) *imposes on the permit or exemption such*
24 *conditions as may be necessary to ensure that the per-*
25 *son complies with the intent of Article 17 bis.*

1 (b) *PUBLIC INTEREST TEST*.—Section 41302(2) of
2 title 49, United States Code, is amended—

3 (1) in subparagraph (A) by striking “under an
4 agreement with the United States Government; or”
5 and inserting “; and”; and

6 (2) in subparagraph (B) by striking “the foreign
7 air transportation” and inserting “after considering
8 the totality of the circumstances, including the factors
9 set forth in section 40101(a), the foreign air transpor-
10 tation”.

11 (c) *PUBLIC INTEREST REQUIREMENTS*.—

12 (1) *POLICY*.—Section 40101(a) of title 49,
13 United States Code, is amended by adding at the end
14 the following:

15 “(17) preventing entry into United States mar-
16 kets by flag of convenience carriers.”.

17 (2) *INTERNATIONAL AIR TRANSPORTATION*.—Sec-
18 tion 40101(e)(9) of title 49, United States Code, is
19 amended—

20 (A) in subparagraph (D) by striking “and”
21 at the end;

22 (B) in subparagraph (E) by striking the pe-
23 riod at the end and inserting “; and”; and

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

1 “(F) erosion of labor standards associated
2 with flag of convenience carriers.”.

3 (3) *FLAG OF CONVENIENCE CARRIER DEFINED.*—
4 Section 40102(a) of title 49, United States Code, as
5 amended by this Act, is further amended by adding
6 at the end the following:

7 “(49) ‘flag of convenience carrier’ means a for-
8 eign air carrier that is established in a country other
9 than the home country of its majority owner or own-
10 ers in order to avoid regulations of the home coun-
11 try.”.

12 **SEC. 632. TRAINING ON HUMAN TRAFFICKING FOR CERTAIN**
13 **STAFF.**

14 (a) *IN GENERAL.*—Chapter 447 of title 49, United
15 States Code, as amended by this Act, is further amended
16 by adding at the end the following:

17 **“§44737. Training on human trafficking for certain**
18 **staff**

19 “In addition to other training requirements, each air
20 carrier shall provide training—

21 “(1) to ticket counter agents, gate agents, and
22 other air carrier workers whose jobs require regular
23 interaction with passengers; and

24 “(2) on recognizing and responding to potential
25 human trafficking victims.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *447 of title 49, United States Code, as amended by this*
3 *Act, is further amended by adding at the end the following:*
4 “44737. *Training on human trafficking for certain staff.*”.

4 **SEC. 633. PART 107 IMPLEMENTATION IMPROVEMENTS.**

5 (a) *IN GENERAL.*—*Not later than 30 days after the*
6 *date of enactment of this section, the Administrator of the*
7 *Federal Aviation Administration shall publish a direct*
8 *final rule—*

9 (1) *revising section 107.205 of title 14, Code of*
10 *Federal Regulations, by striking the second sentence*
11 *of subsections (a) and (c); and*

12 (2) *revising section 107.25 of such title by strik-*
13 *ing “and is not transporting another person’s prop-*
14 *erty for compensation or hire”.*

15 (b) *DETERMINATION OF WAIVER.*—*In determining*
16 *whether to grant a waiver under part 107 of title 14, Code*
17 *of Federal Regulations, to authorize transportation of an-*
18 *other’s property for compensation or hire beyond the visual*
19 *line of sight of the remote pilot, from a moving vehicle, or*
20 *over people, the Administrator shall consider the techno-*
21 *logical capabilities of the unmanned aircraft system, the*
22 *qualifications of the remote pilot, and the operational envi-*
23 *ronment.*

1 **SEC. 634. PART 107 TRANSPARENCY AND TECHNOLOGY IM-**
2 **PROVEMENTS.**

3 (a) *TRANSPARENCY.*—Not later than 30 days after the
4 date of enactment of this Act, the Administrator of the Fed-
5 eral Aviation Administration shall publish on the Federal
6 Aviation Administration website a representative sample of
7 the safety justifications, offered by applicants for small un-
8 manned aircraft system waivers and airspace authoriza-
9 tions, that have been approved by the Administration for
10 each regulation waived or class of airspace authorized, ex-
11 cept that any published justification shall not reveal propri-
12 etary or commercially sensitive information.

13 (b) *TECHNOLOGY IMPROVEMENTS.*—Not later than 90
14 days after the date of enactment of this Act, the Adminis-
15 trator shall revise the online waiver and certificates of au-
16 thorization processes—

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

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

22 **SEC. 635. PROHIBITIONS AGAINST SMOKING ON PAS-**
23 **SENGER FLIGHTS.**

24 Section 41706 of title 49, United States Code, is
25 amended—

1 (1) *by redesignating subsection (d) as subsection*
2 *(e); and*

3 (2) *by inserting after subsection (c) the fol-*
4 *lowing:*

5 “(d) *ELECTRONIC CIGARETTES.—*

6 *“(1) INCLUSION.—The use of an electronic ciga-*
7 *rette shall be treated as smoking for purposes of this*
8 *section.*

9 *“(2) ELECTRONIC CIGARETTE DEFINED.—In this*
10 *section, the term ‘electronic cigarette’ means a device*
11 *that delivers nicotine to a user of the device in the*
12 *form of a vapor that is inhaled to simulate the experi-*
13 *ence of smoking.”.*

14 **SEC. 636. CONSUMER PROTECTION REQUIREMENTS RELAT-**
15 **ING TO LARGE TICKET AGENTS.**

16 (a) *IN GENERAL.—Not later than 90 days after the*
17 *date of enactment of this Act, the Secretary of Transpor-*
18 *tation shall issue a final rule to require large ticket agents*
19 *to adopt minimum customer service standards.*

20 (b) *PURPOSE.—The purpose of the final rule shall be*
21 *to ensure that, to the maximum extent practicable, there*
22 *is a consistent level of consumer protection regardless of*
23 *where consumers purchase air fares and related air trans-*
24 *portation services.*

1 (c) *STANDARDS.*—*In issuing the final rule, the Sec-*
2 *retary shall consider, at a minimum, establishing standards*
3 *for—*

4 (1) *providing prompt refunds when ticket re-*
5 *funds are due, including fees for optional services that*
6 *consumers purchased but were not able to use due to*
7 *a flight cancellation or oversale situation;*

8 (2) *providing an option to hold a reservation at*
9 *the quoted fare without payment, or to cancel without*
10 *penalty, for 24 hours;*

11 (3) *disclosing cancellation policies, seating con-*
12 *figurations, and lavatory availability with respect to*
13 *flights;*

14 (4) *notifying customers in a timely manner of*
15 *itinerary changes; and*

16 (5) *responding promptly to customer complaints.*

17 (d) *DEFINITIONS.*—*In this section, the following shall*
18 *apply:*

19 (1) *TICKET AGENT.*—

20 (A) *IN GENERAL.*—*Subject to subparagraph*
21 *(B), the term “ticket agent” has the meaning*
22 *given that term in section 40102(a) of title 49,*
23 *United States Code.*

24 (B) *INCLUSION.*—*The term “ticket agent”*
25 *includes a person who acts as an intermediary*

1 involved in the sale of air transportation directly
2 or indirectly to consumers, including by oper-
3 ating an electronic airline information system, if
4 the person—

5 (i) holds the person out as a source of
6 information about, or reservations for, the
7 air transportation industry; and

8 (ii) receives compensation in any way
9 related to the sale of air transportation.

10 (2) *LARGE TICKET AGENT.*—The term “large
11 ticket agent” means a ticket agent with annual reve-
12 nues of \$100,000,000 or more.

13 **SEC. 637. AGENCY PROCUREMENT REPORTING REQUIRE-**
14 **MENTS.**

15 Section 40110(d) of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(5) *ANNUAL REPORT ON THE PURCHASE OF*
18 *FOREIGN MANUFACTURED ARTICLES.*—

19 “(A) *REPORT.*—Not later than 90 days
20 after the end of the fiscal year, the Secretary of
21 Transportation shall submit a report to Congress
22 on the dollar amount of the acquisitions made by
23 the agency from entities that manufacture the
24 articles, materials, or supplies outside of the
25 United States in such fiscal year.

1 “(B) *CONTENTS.*—*The report required by*
2 *subparagraph (A) shall separately indicate—*

3 “(i) *the dollar value of any articles,*
4 *materials, or supplies purchased that were*
5 *manufactured outside of the United States;*
6 *and*

7 “(ii) *a summary of the total procure-*
8 *ment funds spent on goods manufactured in*
9 *the United States versus funds spent on*
10 *goods manufactured outside of the United*
11 *States.*

12 “(C) *AVAILABILITY OF REPORT.*—*The Sec-*
13 *retary shall make the report under subparagraph*
14 *(A) publicly available on the agency’s website*
15 *not later than 30 days after submission to Con-*
16 *gress.”.*

17 **SEC. 638. ZERO-EMISSION VEHICLES AND TECHNOLOGY.**

18 (a) *PASSENGER FACILITY CHARGE ELIGIBILITY.*—
19 *Section 40117(a)(3) of title 49, United States Code, is*
20 *amended by adding at the end the following:*

21 “(H) *A project for—*

22 “(i) *converting or retrofitting vehicles*
23 *and ground support equipment into eligible*
24 *zero-emission vehicles and equipment (as*
25 *defined in section 47102); or*

1 “(ii) acquiring, by purchase or lease,
2 eligible zero-emission vehicles and equip-
3 ment (as defined in section 47102).”.

4 **(b) AIRPORT IMPROVEMENT PROGRAM ELIGIBILITY.**—

5 **(1) AIRPORT DEVELOPMENT DEFINED.**—Section
6 47102(3) of title 49, United States Code, is amended
7 by adding at the end the following:

8 “(P) converting or retrofitting vehicles and
9 ground support equipment into eligible zero-
10 emission vehicles and equipment or acquiring, by
11 purchase or lease, eligible zero-emission vehicles
12 and equipment.

13 “(Q) constructing or modifying airport fa-
14 cilities to install a microgrid in order to provide
15 increased resilience to severe weather, terrorism,
16 and other causes of grid failures.”.

17 **(2) ADDITIONAL DEFINITIONS.**—Section 47102 of
18 title 49, United States Code, as amended by this Act,
19 is further amended by adding at the end the fol-
20 lowing:

21 “(30) ‘eligible zero-emission vehicle and equip-
22 ment’ means a zero-emission vehicle, equipment re-
23 lated to such a vehicle, and ground support equip-
24 ment that includes zero-emission technology that is—

1 “(A) *used exclusively at a commercial serv-*
2 *ice airport; or*

3 “(B) *used exclusively to transport people or*
4 *materials to and from a commercial service air-*
5 *port.*

6 “(31) ‘microgrid’ *means a localized grouping of*
7 *electricity sources and loads that normally operates*
8 *connected to and synchronous with the traditional*
9 *centralized electrical grid, but can disconnect and*
10 *function autonomously as physical or economic condi-*
11 *tions dictate.*

12 “(32) ‘zero-emission vehicle’ *means a zero-emis-*
13 *sion vehicle as defined in section 88.102–94 of title*
14 *40, Code of Federal Regulations, or a vehicle that pro-*
15 *duces zero exhaust emissions of any criteria pollutant*
16 *(or precursor pollutant) under any possible oper-*
17 *ational modes and conditions.”.*

18 (3) *SPECIAL APPORTIONMENT CATEGORIES.—*
19 *Section 47117(e)(1)(A) of title 49, United States*
20 *Code, is amended by inserting “for airport develop-*
21 *ment described in section 47102(3)(P),” after “under*
22 *section 47141,”.*

23 (c) *ZERO-EMISSION PROGRAM.—Chapter 471 of title*
24 *49, United States Code, is amended—*

25 (1) *by striking section 47136;*

1 (2) *by redesignating section 47136a as section*
2 *47136; and*

3 (3) *in section 47136, as so redesignated, by strik-*
4 *ing subsections (a) and (b) and inserting the fol-*
5 *lowing:*

6 “(a) *IN GENERAL.—The Secretary of Transportation*
7 *may establish a pilot program under which the sponsors*
8 *of not less than 10 public-use airports may use funds made*
9 *available under this chapter or section 48103 for use at such*
10 *airports to carry out—*

11 “(1) *activities associated with the acquisition, by*
12 *purchase or lease, and operation of zero-emission ve-*
13 *hicles, including removable power sources for such ve-*
14 *hicles; and*

15 “(2) *the construction or modification of infra-*
16 *structure to facilitate the delivery of fuel and services*
17 *necessary for the use of such vehicles.*

18 “(b) *ELIGIBILITY.—A public-use airport is eligible for*
19 *participation in the program if the vehicles or ground sup-*
20 *port equipment are—*

21 “(1) *used exclusively at the airport; or*

22 “(2) *used exclusively to transport people or ma-*
23 *terials to and from the airport.”;*

1 (4) in section 47136, as so redesignated, by strik-
2 ing subsections (d) and (e) and inserting the fol-
3 lowing:

4 “(d) *FEDERAL SHARE*.—The Federal share of the cost
5 of a project carried out under the program shall be the Fed-
6 eral share specified in section 47109.

7 “(e) *TECHNICAL ASSISTANCE*.—

8 “(1) *IN GENERAL*.—The sponsor of a public-use
9 airport may use not more than 10 percent of the
10 amounts made available to the sponsor under the pro-
11 gram in any fiscal year for—

12 “(A) technical assistance; and

13 “(B) project management support to assist
14 the airport with the solicitation, acquisition, and
15 deployment of zero-emission vehicles, related
16 equipment, and supporting infrastructure.

17 “(2) *PROVIDERS OF TECHNICAL ASSISTANCE*.—
18 To receive the technical assistance or project manage-
19 ment support described in paragraph (1), partici-
20 pants in the program may use—

21 “(A) a nonprofit organization selected by
22 the Secretary; or

23 “(B) a university transportation center re-
24 ceiving grants under section 5505 in the region
25 of the airport.”;

1 (5) in section 47136, as so redesignated, in sub-
2 section (f) by striking “section 47136” and inserting
3 “the inherently low emission airport vehicle pilot pro-
4 gram”; and

5 (6) in section 47136, as so redesignated, by add-
6 ing at the end the following:

7 “(g) *ALLOWABLE PROJECT COST.*—The allowable
8 project cost for the acquisition of a zero-emission vehicle
9 shall be the total cost of purchasing or leasing the vehicle,
10 including the cost of technical assistance or project manage-
11 ment support described in subsection (e).

12 “(h) *FLEXIBLE PROCUREMENT.*—A sponsor of a pub-
13 lic-use airport may use funds made available under the pro-
14 gram to acquire, by purchase or lease, a zero-emission vehi-
15 cle and a removable power source in separate transactions,
16 including transactions by which the airport purchases the
17 vehicle and leases the removable power source.

18 “(i) *TESTING REQUIRED.*—A sponsor of a public-use
19 airport may not use funds made available under the pro-
20 gram to acquire a zero-emission vehicle unless that make,
21 model, or type of vehicle has been tested by a Federal vehicle
22 testing facility acceptable to the Secretary.

23 “(j) *REMOVABLE POWER SOURCE DEFINED.*—In this
24 section, the term ‘removable power source’ means a power
25 source that is separately installed in, and removable from,

1 *a zero-emission vehicle and may include a battery, a fuel*
2 *cell, an ultra-capacitor, or other advanced power source*
3 *used in a zero-emission vehicle.”.*

4 (d) *CLERICAL AMENDMENT.—The analysis for chapter*
5 *471 of title 49, United States Code, is amended by striking*
6 *the items relating to sections 47136 and 47136a and insert-*
7 *ing the following:*

“47136. Zero-emission airport vehicles and infrastructure.”.

8 **SEC. 639. EMPLOYEE ASSAULT PREVENTION AND RE-**
9 **SPONSE PLANS.**

10 (a) *IN GENERAL.—Not later than 90 days after the*
11 *date of enactment of this Act, each air carrier operating*
12 *under part 121 of title 14, Code of Federal Regulations (in*
13 *this section referred to as a “part 121 air carrier”), shall*
14 *submit to the Administrator of the Federal Aviation Ad-*
15 *ministration for review and acceptance an Employee As-*
16 *sault Prevention and Response Plan related to the customer*
17 *service agents of the air carrier and that is developed in*
18 *consultation with the labor union representing such agents.*

19 (b) *CONTENTS OF PLAN.—An Employee Assault Pre-*
20 *vention and Response Plan submitted under subsection (a)*
21 *shall include the following:*

22 (1) *Reporting protocols for air carrier customer*
23 *service agents who have been the victim of a verbal or*
24 *physical assault.*

1 (2) *Protocols for the immediate notification of*
2 *law enforcement after an incident of verbal or phys-*
3 *ical assault committed against an air carrier cus-*
4 *tomers service agent.*

5 (3) *Protocols for informing Federal law enforce-*
6 *ment with respect to violations of section 46503 of*
7 *title 49, United States Code.*

8 (4) *Protocols for ensuring that a passenger in-*
9 *volved in a violent incident with a customer service*
10 *agent of an air carrier is not allowed to move through*
11 *airport security or board an aircraft until appro-*
12 *priate law enforcement has had an opportunity to as-*
13 *sess the incident and take appropriate action.*

14 (5) *Protocols for air carriers to inform pas-*
15 *sengers of Federal laws protecting Federal, airport,*
16 *and air carrier employees who have security duties*
17 *within an airport.*

18 (c) *EMPLOYEE TRAINING.*—*A part 121 air carrier*
19 *shall conduct initial and recurrent training for all employ-*
20 *ees, including management, of the air carrier with respect*
21 *to the plan required under subsection (a), which shall in-*
22 *clude training on de-escalating hostile situations, written*
23 *protocols on dealing with hostile situations, and the report-*
24 *ing of relevant incidents.*

1 **SEC. 640. STUDY ON TRAINING OF CUSTOMER-FACING AIR**
2 **CARRIER EMPLOYEES.**

3 (a) *IN GENERAL.*—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall conduct a study on the training received by
6 customer-facing employees of air carriers.

7 (b) *CONTENTS.*—The study shall include—

8 (1) *an analysis of the training received by cus-*
9 *tomers-facing employees with respect to the manage-*
10 *ment of disputes on aircraft; and*

11 (2) *an examination of how institutions of higher*
12 *learning, in coordination with air carriers, customer-*
13 *facing employees and their representatives, consumer*
14 *advocacy organizations, and other stakeholders,*
15 *could—*

16 (A) *review such training and related prac-*
17 *tices;*

18 (B) *produce recommendations; and*

19 (C) *if determined appropriate, provide sup-*
20 *plemental training.*

21 (c) *REPORT.*—Not later than 1 year after the date of
22 enactment of this Act, the Secretary shall submit to the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on Commerce,
25 Science, and Transportation of the Senate a report on the
26 results of the study.

1 **SEC. 641. MINIMUM DIMENSIONS FOR PASSENGER SEATS.**

2 (a) *IN GENERAL.*—Not later than 1 year after the date
3 of enactment of this Act, and after providing notice and
4 an opportunity for comment, the Administrator of the Fed-
5 eral Aviation Administration shall issue regulations that
6 establish minimum dimensions for passenger seats on air-
7 craft operated by air carriers in interstate air transpor-
8 tation or intrastate air transportation, including mini-
9 mums for seat pitch, width, and length, and that are nec-
10 essary for the safety and health of passengers.

11 (b) *DEFINITIONS.*—The definitions contained in sec-
12 tion 40102(a) of title 49, United States Code, apply to this
13 section.

14 **SEC. 642. STUDY OF GROUND TRANSPORTATION OPTIONS.**

15 Not later than 1 year after the date of enactment of
16 this Act, the Comptroller General of the United States shall
17 conduct a study that examines the ground transportation
18 options at the Nation's 10 busiest airports in order to—

19 (1) understand the impact of new and emerging
20 transportation options for travelers to get into and
21 out of airports;

22 (2) determine whether it is appropriate to use
23 airport improvement funds and revenues from pas-
24 senger facility charges to address traffic congestion
25 and passenger travel times between urban commercial
26 centers and airports; and

1 (3) *review guidelines and requirements for air-*
2 *port improvement funds and passenger facility*
3 *charges to determine under what conditions such*
4 *funds may be used to address traffic congestion in*
5 *urban commercial centers for travel to airports.*

Union Calendar No. 213

115TH CONGRESS
1ST Session

H. R. 2997

[Report No. 115-296]

A BILL

To transfer operation of air traffic services currently provided by the Federal Aviation Administration to a separate not-for-profit corporate entity, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

SEPTEMBER 6, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed