

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 7553
OFFERED BY MR. NEHLS OF TEXAS

Strike all after the enacting clause and insert the following:

1 SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Aviation Innovation and Global Competitiveness Act”.

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

Sec. 1. Short title; table of contents.
Sec. 2. Transparency of the FAA type certification process.
Sec. 3. Criteria for FAA issue papers.
Sec. 4. FAA delegation guidance.
Sec. 5. Sense of Congress on United States leadership in aviation.
Sec. 6. Rule of construction.
Sec. 7. Definitions.

6 SEC. 2. TRANSPARENCY OF THE FAA TYPE CERTIFICATION
7 PROCESS.

8 (a) IN GENERAL.—To support innovation in aviation
9 and the development of new and novel technologies and
10 to ensure global leadership in aviation with respect to the
11 type certification of aircraft designed for use in advanced
12 air mobility missions or operations, not later than 180
13 days after the date of enactment of this Act, the Adminis-

1 trator shall develop and publish on the official website of
2 the FAA a plan for—

3 (1) improving the issue paper process associ-
4 ated with applications for a type certificate or sup-
5 plemental type certificate under section 44704 of
6 title 49, United States Code;

7 (2) determining, in any given certification
8 project, the extent to which an industry consensus
9 standard can be used as an acceptable means or
10 method of compliance, to the extent consistent with
11 the public interest in aviation safety, and in the Ad-
12 ministrator's sole discretion;

13 (3) creating stable policy, to the extent prac-
14 ticable, regarding subjects that the Administrator
15 determines are commonly addressed in issue papers,
16 special conditions, special airworthiness criteria, or
17 findings on equivalent levels of safety; and

18 (4) ensuring unmanned aircraft systems meet a
19 comparable level of safety, performance, and redun-
20 dancy as manned aircraft operations performing
21 similar missions.

22 (b) NONBINDING, STANDARD, EXPECTED
23 TIMELINES.—Not later than 270 days after the date of
24 enactment of this section, and subject to subsection (c),
25 the Administrator shall amend FAA order 8110.112A (or

1 any successor document), and shall make conforming
2 amendments to other applicable FAA orders and related
3 documents, to establish a range of standard expected
4 timelines for achievement of major milestones established
5 in the type certification process for aircraft designed for
6 use in advanced air mobility missions or operations, in-
7 cluding—

8 (1) the development of issue papers and memo-
9 randa regarding certification basis, certification plan
10 means of compliance, and equivalent levels of safety,
11 including the anticipated FAA response time at ap-
12 plicable stages of the issue paper process;

13 (2) the amount of time that passes between—

14 (A) closure of an issue paper that contains
15 a special condition; and

16 (B) publication of the respective notice of
17 proposed rulemaking and final rule regarding
18 such special condition, if the FAA decides to
19 publish a proposed special condition;

20 (3) responses by the Administrator to—

21 (A) applicant petitions for exemptions; and

22 (B) applicant proposals setting forth
23 means of compliance with applicable perform-
24 ance-based design standards; and

1 (4) substantive responses by an applicant to the
2 Administrator's requests for information the Admin-
3 istrator deems necessary to close out petitions and
4 proposals covered under paragraph (3).

5 (c) EXCLUSION.—Subsection (b) shall not apply with
6 respect to complex issues as the Administrator may iden-
7 tify. The Administrator may not delegate the authority to
8 make a determination under this subsection.

9 (d) CONSULTATION REQUIREMENT.—In carrying out
10 the requirements of this section and determining any in-
11 dustry consensus standard, the Administrator shall seek
12 guidance and recommendations from the following enti-
13 ties:

14 (1) Organizations representing certified collec-
15 tive bargaining representatives of airline pilots.

16 (2) Trade associations that represent manufac-
17 turers and operators of relevant aircraft, including
18 powered-lift aircraft.

19 (3) Trade associations and prospective infra-
20 structure providers that represent airports or
21 vertiports that serve the relevant aircraft.

22 (4) The certified bargaining representatives of
23 aviation safety inspectors, aviation safety specialists,
24 technicians, and engineers of the Administration.

1 (5) Any other relevant organizations and stake-
2 holders, as determined by the Administrator.

3 (e) BRIEFING TO CONGRESS.—Not later than 180
4 days after the Administrator establishes nonbinding,
5 standard, expected timelines under subsection (b), and an-
6 nually thereafter, the Administrator, in consultation with
7 the FAA’s Executive Director of the Aircraft Certification
8 Service, shall submit to the Committee on Commerce,
9 Science, and Transportation of the Senate and the Com-
10 mittee on Transportation and Infrastructure of the House
11 of Representatives, a report on the status of the imple-
12 mentation of this section, including—

13 (1) metrics on the FAA’s performance in meet-
14 ing standard expected timelines under subsection
15 (b);

16 (2) any changes under consideration to imple-
17 ment subsection (a) that are likely to improve the
18 FAA’s performance to align with such timelines;

19 (3) details on any instance where standard ex-
20 pected timelines were exceeded and changes to staff-
21 ing levels, administration, processes, or capabilities
22 that could improve performance to align with stand-
23 ard expected timelines;

1 (4) the Administrator's progress in creating
2 stable policy with respect to matters commonly cov-
3 ered in issue papers; and

4 (5) any relevant guidance and recommendations
5 received from entities under subsection (d), including
6 any concerns or dissenting opinions, including any
7 mitigations considered by the Administrator to ad-
8 dress such concerns.

9 (f) SAVINGS CLAUSE.—Nothing in this section shall
10 limit the authority of the Administrator of the FAA in
11 ensuring the safety continuum for certification of aircraft.

12 **SEC. 3. CRITERIA FOR FAA ISSUE PAPERS.**

13 (a) IN GENERAL.—To support the FAA type certifi-
14 cation process and innovation in aviation, not later than
15 180 days after the date of enactment of this section, the
16 Administrator shall amend FAA order 8110.112A (or a
17 successor document) and other applicable FAA documents
18 with respect to type certification of aircraft designed for
19 use in advanced air mobility mission or operations to—

20 (1) include specific criteria to be used to deter-
21 mine—

22 (A) when an issue warrants the establish-
23 ment of an issue paper; and

1 (B) which roles within the FAA will be re-
2 sponsible for evaluating whether each criterion
3 is met;

4 (2) account for performance-based rule projects
5 that require issue papers regarding both means and
6 methods of compliance; and

7 (3) improve efficiency and compliance with the
8 timelines established under section 2(b) by—

9 (A) converting stable means of compliance
10 issue papers into published policy or advisory
11 circulars; and

12 (B) incorporating stable issue papers for
13 special conditions, exemptions, equivalent level
14 of safety findings, and other requirements
15 through periodic updates to product airworthi-
16 ness standards issued under title 14, Code of
17 Federal Regulations.

18 (b) SUBSEQUENT ORDERS.—In the event such FAA
19 order 8110.112A is superseded or canceled, the Adminis-
20 trator shall ensure that the matters described in sub-
21 section (a) are included in a subsequent order governing
22 issue papers.

23 **SEC. 4. FAA DELEGATION GUIDANCE.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this section, the Administrator shall

1 publish on the official website of the FAA delegation guid-
2 ance for type certification of aircraft and aircraft engines
3 and propellers with respect solely to aircraft designed for
4 use in advanced air mobility mission or operations under
5 section 44704(a) of title 49, United States Code.

6 (b) REQUIREMENTS.—Subject to section 44702(d) of
7 title 49, United States Code, the updated delegation guid-
8 ance required by subsection (a) shall include each of the
9 following:

10 (1) Criteria for applicant eligibility for delega-
11 tion.

12 (2) Criteria for classification of compliance
13 findings that are considered routine and those that
14 are considered safety-critical.

15 (3) Processes for documentation and manage-
16 ment review when FAA elects not to use authorized
17 representatives of the Administrator or the applicant
18 to perform routine and type certification activities.

19 (4) The extent to which the FAA's implementa-
20 tion of delegation authority considers how to ensure
21 safety and foster predictable type certification proc-
22 esses for new and novel technologies.

1 **SEC. 5. SENSE OF CONGRESS ON UNITED STATES LEADER-**
2 **SHIP IN AVIATION.**

3 In accordance with the Federal Aviation Administra-
4 tion Act of 2024 (Public Law 118–63), it is the sense of
5 Congress that the United States should continue its sup-
6 port for advanced air mobility, United States innovation,
7 and global leadership in the development and safe deploy-
8 ment of new and novel aviation technologies.

9 **SEC. 6. RULE OF CONSTRUCTION.**

10 Notwithstanding any other provision of law—

11 (1) the Administrator’s establishment of non-
12 binding, standard expected timelines or expected
13 ranges of time for certain actions under section 2(b)
14 shall not create any new legal right that did not
15 exist on the day before the date of enactment of this
16 Act; and

17 (2) the Administrator’s adherence, or failure to
18 adhere, to any nonbinding, standard, expected
19 timelines established under section 2(b) in any given
20 instance shall not be subject to judicial review.

21 **SEC. 7. DEFINITIONS.**

22 In this Act:

23 (1) **ADMINISTRATOR.**—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Aviation Administration.

- 1 (2) ADVANCED AIR MOBILITY.—The term “ad-
2 vanced air mobility” has the meaning given such
3 term in section 951 of the FAA Reauthorization Act
4 of 2024 (49 U.S.C. 40101 note).
- 5 (3) FAA.—The term “FAA” means the Fed-
6 eral Aviation Administration.

