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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. SHUSTER (for himself and Mr. LOBIONDO) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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 and streamline 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  
5 “Aviation Innovation, Reform, and Reauthorization Act of  
6 2016”.

1 (b) TABLE OF CONTENTS.—The table of contents for  
2 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. Overflight fees.

Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charge modernization.
- Sec. 112. Pilot program for passenger facility charge authorizations at certain airports.

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. Recycling plans for airports.
- Sec. 124. Extension of competitive access reports.
- Sec. 125. Grant assurances.
- Sec. 126. Government share of project costs.
- Sec. 127. Special rule.
- Sec. 128. Marshall Islands, Micronesia, and Palau.
- Sec. 129. State block grant program expansion.
- Sec. 130. Pilot program sunset.
- Sec. 131. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 132. Midway Island Airport.
- Sec. 133. Property conveyance releases.
- Sec. 134. Minority and disadvantaged business participation.
- Sec. 135. Contract tower program.
- Sec. 136. Critical habitat on or near airport property.
- Sec. 137. RNAV departure procedures.
- Sec. 138. Review and notification of categorical exclusions granted for Next Generation flight procedures.

TITLE II—ATC CORPORATION

- Sec. 201. Purposes.

Subtitle A—Establishment of ATC Corporation

- Sec. 211. ATC 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. Severability.

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. Streamlining certification of small general aviation airplanes.
- Sec. 317. Additional certification resources.

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. Regional 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. Designated Agency Safety and Health Officer.
- Sec. 402. Repair stations located outside United States.

- Sec. 403. Enhanced training for flight attendants.
- Sec. 404. FAA technical training.
- Sec. 405. Safety critical staffing.
- Sec. 406. Deadline for airline pilot records database.
- Sec. 407. International efforts regarding tracking of civil aircraft.
- Sec. 408. Aircraft data access and retrieval systems.
- Sec. 409. Panel of automation experts.
- Sec. 410. Risk-based cockpit safety.
- Sec. 411. Cockpit automation management.
- Sec. 412. Heads-up displays.
- Sec. 413. HIMS program.
- Sec. 414. Acceptance of voluntarily provided safety information.
- Sec. 415. Marking of towers.
- Sec. 416. Cabin evacuation.
- Sec. 417. Medical certification of certain small aircraft pilots.
- Sec. 418. ODA staffing and oversight.

#### Subtitle B—Unmanned Aircraft Systems

- Sec. 431. Definitions.
- Sec. 432. Codification of existing law; additional provisions.
- Sec. 433. Unmanned aircraft test ranges.
- Sec. 434. Unmanned aircraft systems senior leadership and staffing.
- Sec. 435. Sense of Congress regarding unmanned aircraft safety.
- Sec. 436. UAS privacy review.
- Sec. 437. Public UAS operations by tribal governments.
- Sec. 438. Facilitating unmanned aircraft authorization in support of fire-fighting operations.
- Sec. 439. Low altitude unmanned aircraft system traffic management.
- Sec. 440. UAS detection systems pilot program.
- Sec. 441. Evaluation of aircraft registration for small unmanned aircraft.

### TITLE V—AIR SERVICE IMPROVEMENTS

#### Subtitle A—Passenger Air Service Improvements

- Sec. 501. Families traveling together.
- Sec. 502. Cell phone voice communication ban.
- Sec. 503. Availability of consumer rights information.
- Sec. 504. Consumer complaints hotline.
- Sec. 505. Improved notification of insecticide use.
- Sec. 506. Advisory committee for aviation consumer protection.
- Sec. 507. Delayed checked baggage.
- Sec. 508. Air travel accessibility.

#### Subtitle B—Small Community Air Service

- Sec. 531. Essential air service reform.
- Sec. 532. Essential air service authorization.
- Sec. 533. Extension of final order establishing mileage adjustment eligibility.
- Sec. 534. Study on essential air service reform.
- Sec. 535. Small community air service.

### TITLE VI—MISCELLANEOUS

- Sec. 601. Federal Aviation Administration strategic cybersecurity plan.
- Sec. 602. Consolidation and realignment of FAA services and facilities.

- Sec. 603. Metropolitan Washington Airports Authority.
- Sec. 604. Aircraft noise exposure.
- Sec. 605. FAA review and reform.
- Sec. 606. Sense of Congress on one engine inoperative procedures.
- Sec. 607. Aviation fuel.
- Sec. 608. Technical corrections.
- Sec. 609. Right to privacy when using air traffic control system.
- Sec. 610. Air shows.
- Sec. 611. Federal authority.
- Sec. 612. Part 91 review, reform, and streamlining.
- Sec. 613. Aircraft registration.
- Sec. 614. Community involvement in FAA NextGen projects located in metroplexes.
- Sec. 615. Air transportation of lithium cells and batteries.
- Sec. 616. Remote tower pilot program for rural or small communities.

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  
13 47504(c)” and all that follows through the period at the  
14 end and inserting the following: “section 47504(c)—

15                   “(1) \$3,350,000,000 for fiscal year 2016;

16                   “(2) \$3,424,000,000 for fiscal year 2017;

17                   “(3) \$3,499,000,000 for fiscal year 2018;

18                   “(4) \$3,576,000,000 for fiscal year 2019;

1 “(5) \$3,655,000,000 for fiscal year 2020;

2 “(6) \$3,735,000,000 for fiscal year 2021; and

3 “(7) \$3,817,000,000 for fiscal year 2022.”.

4 (b) OBLIGATION AUTHORITY.—Section 47104(c) of  
5 title 49, United States Code, is amended in the matter  
6 preceding paragraph (1) by striking “After” and all that  
7 follows before “the Secretary” and inserting “After Sep-  
8 tember 30, 2022,”.

9 **SEC. 102. FACILITIES AND EQUIPMENT.**

10 (a) AUTHORIZATION OF APPROPRIATIONS FROM AIR-  
11 PORT AND AIRWAY TRUST FUND.—Section 48101(a) of  
12 title 49, United States Code, is amended by striking para-  
13 graphs (1) through (5) and inserting the following:

14 “(1) \$2,855,000,000 for fiscal year 2016.

15 “(2) \$2,914,000,000 for fiscal year 2017.

16 “(3) \$2,981,000,000 for fiscal year 2018.

17 “(4) \$3,048,000,000 for fiscal year 2019.”.

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

22 (c) AUTHORIZATION OF APPROPRIATIONS FROM  
23 GENERAL FUND.—

1           (1) IN GENERAL.—Title 49, United States  
2           Code, is amended by inserting after section 48101  
3           the following:

4    **“§ 48101a. Other facilities and equipment**

5           “There is authorized to be appropriated to the Sec-  
6           retary of Transportation to acquire, establish, and im-  
7           prove facilities and equipment (other than facilities and  
8           equipment relating to air traffic services)—

9           “(1) \$193,000,000 for fiscal year 2020;

10          “(2) \$197,000,000 for fiscal year 2021; and

11          “(3) \$202,000,000 for fiscal year 2022.”.

12          (2) CLERICAL AMENDMENT.—The analysis for  
13          chapter 481 of title 49, United States Code, is  
14          amended by inserting after the item relating to sec-  
15          tion 48101 the following:

“48101a. Other facilities and equipment.”.

16          (3) CONFORMING AMENDMENTS.—

17                 (A) SUBMISSION OF BUDGET INFORMA-  
18                 TION AND LEGISLATIVE RECOMMENDATIONS  
19                 AND COMMENTS.—Section 48109 of title 49,  
20                 United States Code, is amended by inserting “,  
21                 48101a,” before “or 48102”.

22                 (B) REPROGRAMMING NOTIFICATION RE-  
23                 QUIREMENT.—Section 48113 of title 49, United  
24                 States Code, is amended by inserting  
25                 “48101a,” before “or 48103”.

1 **SEC. 103. FAA OPERATIONS.**

2 (a) AUTHORIZATION OF APPROPRIATIONS FROM  
3 GENERAL FUND.—Section 106(k)(1) of title 49, United  
4 States Code, is amended—

5 (1) in the paragraph heading by inserting  
6 “FROM GENERAL FUND” after “MAINTENANCE”; and

7 (2) by striking subparagraphs (A) through (E)  
8 and inserting the following:

9 “(A) \$1,988,000,000 for fiscal year 2016;

10 “(B) \$2,055,000,000 for fiscal year 2017;

11 “(C) \$2,124,000,000 for fiscal year 2018;

12 “(D) \$2,196,000,000 for fiscal year 2019;

13 “(E) \$1,637,000,000 for fiscal year 2020;

14 “(F) \$1,675,000,000 for fiscal year 2021;

15 and

16 “(G) \$1,713,000,000 for fiscal year  
17 2022.”.

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

22 “(2) SALARIES, OPERATIONS, AND MAINTENANCE FROM AIRPORT AND AIRWAY TRUST FUND.—

23 There is authorized to be appropriated to the Sec-  
24 retary out of the Airport and Airway Trust Fund es-  
25 tablished under section 9502 of the Internal Rev-  
26



1           enue Code of 1986 for salaries, operations, and  
2           maintenance of the Administration—

3                   “(A) \$7,922,000,000 for fiscal year 2016;

4                   “(B) \$8,057,000,000 for fiscal year 2017;

5                   “(C) \$8,215,000,000 for fiscal year 2018;

6                   and

7                   “(D) \$8,374,000,000 for fiscal year  
8                   2019.”.

9           (c) **AUTHORITY TO TRANSFER FUNDS.**—Section  
10 106(k)(3) of title 49, United States Code, is amended—

11                   (1) by striking “fiscal years 2012” and all that  
12                   follows through “2016” and inserting “fiscal years  
13                   2016 through 2019”; and

14                   (2) by striking “paragraph (1)” each place it  
15                   appears and inserting “paragraphs (1) and (2)”.

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

17           Effective October 1, 2016, section 48112 of title 49,  
18           United States Code, and the item relating to such section  
19           in the analysis for chapter 481 of such title, are repealed.

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

21           Section 48114(a)(1)(A)(ii) of title 49, United States  
22           Code, is amended by striking “in fiscal year 2014 and  
23           each fiscal year thereafter” and inserting “in fiscal years  
24           2014 through 2016”.

1 **SEC. 106. OVERFLIGHT FEES.**

2 Section 45301 of title 49, United States Code, is  
3 amended by adding at the end the following:

4 “(f) **TERMINATION OF FEES.**—The fees established  
5 under this section shall terminate on the date of transfer  
6 (as defined in section 90101(a)).”.

7 **Subtitle B—Passenger Facility**  
8 **Charges**

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

10 Section 40117(b) of title 49, United States Code, is  
11 amended—

12 (1) in paragraph (1) by striking “or \$3” and  
13 inserting “\$3, \$4, or \$4.50”;

14 (2) by repealing paragraph (4);

15 (3) in paragraph (6)—

16 (A) by striking “specified in paragraphs  
17 (1) and (4)” and inserting “specified in para-  
18 graph (1)”; and

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

22 (4) in paragraph (7)(A)—

23 (A) by striking “specified in paragraphs  
24 (1), (4), and (6)” and inserting “specified in  
25 paragraphs (1) and (6)”; and

1 (B) by striking “imposed under paragraph  
2 (1) or (4)” and inserting “imposed under para-  
3 graph (1)”.

4 **SEC. 112. PILOT PROGRAM FOR PASSENGER FACILITY**  
5 **CHARGE AUTHORIZATIONS AT CERTAIN AIR-**  
6 **PORTS.**

7 Section 40117(l) of title 49, United States Code, is  
8 amended—

9 (1) in the subsection heading by striking  
10 “NONHUB” and inserting “CERTAIN”; and

11 (2) in paragraph (1) by striking “nonhub” and  
12 inserting “nonhub, small hub, and medium hub”.

13 **Subtitle C—Airport Improvement**  
14 **Program Modifications**

15 **SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO**  
16 **PROVIDE FAA AIRPORT SPACE.**

17 Section 44502 of title 49, United States Code, is  
18 amended by adding at the end the following:

19 “(f) AIRPORT SPACE.—

20 “(1) IN GENERAL.—Except as provided in para-  
21 graph (2), the Administrator of the Federal Aviation  
22 Administration may not require an airport owner,  
23 operator, or sponsor (as defined in section 47102) to  
24 provide building construction, maintenance, utilities,  
25 administrative support, or space on airport property

1 to the Federal Aviation Administration without ade-  
2 quate compensation.

3 “(2) EXCEPTIONS.—Paragraph (1) does not  
4 apply in any case in which an airport owner, oper-  
5 ator, or sponsor—

6 “(A) provides land or buildings without  
7 compensation prior to the date of transfer (as  
8 defined in section 90101(a)) to the Federal  
9 Aviation Administration for facilities used to  
10 carry out activities related to air traffic control  
11 or navigation pursuant to a grant assurance; or

12 “(B) provides goods or services to the Fed-  
13 eral Aviation Administration without compensa-  
14 tion or at below-market rates pursuant to a ne-  
15 gotiated agreement between the owner, oper-  
16 ator, or sponsor and the Administrator.”.

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

18 (a) LACTATION AREA DEFINED.—Section 47102 of  
19 title 49, United States Code, is amended—

20 (1) by redesignating paragraphs (10) through  
21 (28) as paragraphs (11) through (29), respectively;  
22 and

23 (2) by inserting after paragraph (9) the fol-  
24 lowing:

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

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

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

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

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

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

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

16                   (1) IN GENERAL.—Section 47107(a) of title 49,  
17           United States Code, is amended—

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

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

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

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

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

4 (2) APPLICABILITY.—

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

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

21 (c) TERMINAL DEVELOPMENT COSTS.—Section  
22 47119(a) of title 49, United States Code, is amended by  
23 adding at the end the following:

24 “(3) LACTATION AREAS.—In addition to the  
25 projects described in paragraph (1), the Secretary

1       may approve a project for terminal development for  
2       the construction or installation of a lactation area at  
3       a commercial service airport.”.

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

13 **SEC. 123. RECYCLING PLANS FOR AIRPORTS.**

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

17 **SEC. 124. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

18       Section 47107(r)(3) of title 49, United States Code,  
19 is amended by striking “April 1, 2016” and inserting “Oc-  
20 tober 1, 2022”.

21 **SEC. 125. GRANT ASSURANCES.**

22       Section 47107 is amended by adding at the end the  
23 following:

24       “(t) **CONSTRUCTION OF RECREATIONAL AIR-**  
25 **CRAFT.**—

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

4                   “(A) determining an airport’s compliance  
5                   with a grant assurance made under this section  
6                   or any other provision of law; and

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

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

12                   “(A) used or intended to be used exclu-  
13                   sively for recreational purposes; and

14                   “(B) constructed or under construction by  
15                   a private individual at a general aviation air-  
16                   port.”.

17 **SEC. 126. GOVERNMENT SHARE OF PROJECT COSTS.**

18           Section 47109(a) of title 49, United States Code, is  
19           amended—

20                   (1) in paragraph (1) by striking “primary air-  
21                   port having at least .25 percent of the total number  
22                   of passenger boardings each year at all commercial  
23                   service airports;” and inserting “medium or large  
24                   hub airport;”; and



1           (2) by striking paragraph (5) and inserting the  
2 following:

3           “(5) 95 percent for a project that—

4                   “(A) the Administrator determines is a  
5 successive phase of a multi-phase construction  
6 project for which the sponsor received a grant  
7 in fiscal year 2011; and

8                   “(B) for which the United States Govern-  
9 ment’s share of allowable project costs could  
10 otherwise be 90 percent under paragraph (2) or  
11 (3).”.

12 **SEC. 127. SPECIAL RULE.**

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

15                   “(C) During fiscal years 2016 through  
16 2019—

17                           “(i) an airport that accrued appor-  
18 tionment funds under subparagraph (A) in  
19 fiscal year 2014 that is listed as having an  
20 unclassified status under the most recent  
21 national plan of integrated airport systems  
22 shall continue to accrue apportionment  
23 funds under subparagraph (A) at the same  
24 amount the airport accrued apportionment

1 funds in fiscal year 2014, subject to the  
2 conditions of this paragraph;

3 “(ii) notwithstanding the period of  
4 availability as described in section  
5 47117(b), an amount apportioned to an  
6 airport under clause (i) shall be available  
7 to the airport only during the fiscal year in  
8 which the amount is apportioned; and

9 “(iii) notwithstanding the waiver per-  
10 mitted under section 47117(c)(2), an air-  
11 port receiving apportionment funds under  
12 clause (i) may not waive its claim to any  
13 part of the apportioned funds in order to  
14 make the funds available for a grant for  
15 another public-use airport.

16 “(D) An airport that re-establishes its  
17 classified status shall be eligible to accrue ap-  
18 portionment funds pursuant to subparagraph  
19 (A) so long as such airport retains its classified  
20 status.”.

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

22 Section 47115 of title 49, United States Code, is  
23 amended—

24 (1) by striking subsection (i);

1           (2) by redesignating subsection (j) as sub-  
2           section (i); and

3           (3) in subsection (i) (as so redesignated) by  
4           striking “2012” and all that follows through “2016”  
5           and inserting “2016 through 2022”.

6   **SEC. 129. STATE BLOCK GRANT PROGRAM EXPANSION.**

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

12   **SEC. 130. PILOT PROGRAM SUNSET.**

13          (a) IN GENERAL.—Section 47140 of title 49, United  
14          States Code, is repealed.

15          (b) CONFORMING AMENDMENT.—Section 47140a of  
16          title 49, United States Code, is redesignated as section  
17          47140.

18          (c) CLERICAL AMENDMENTS.—The analysis for  
19          chapter 471 of title 49, United States Code, is amended—

20               (1) by striking the items relating to sections  
21               47140 and 47140a; and

22               (2) by inserting after the item relating to sec-  
23               tion 47139 the following:

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

1 **SEC. 131. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**  
2 **IBLE LAND USE PLANNING AND PROJECTS**  
3 **BY STATE AND LOCAL GOVERNMENTS.**

4 Section 47141(f) of title 49, United States Code, is  
5 amended by striking “not be in effect after March 31,  
6 2016” and inserting “cease to be effective beginning Octo-  
7 ber 1, 2022”.

8 **SEC. 132. MIDWAY ISLAND AIRPORT.**

9 Section 186(d) of the Vision 100—Century of Avia-  
10 tion Reauthorization Act (117 Stat. 2518) is amended in  
11 the first sentence by striking “fiscal years 2012 through  
12 2015” and all that follows through “2016,” and inserting  
13 “fiscal years 2016 through 2022”.

14 **SEC. 133. PROPERTY CONVEYANCE RELEASES.**

15 Section 817(a) of the FAA Modernization and Re-  
16 form Act of 2012 (49 U.S.C. 47125 note) is amended—

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

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

21 **SEC. 134. MINORITY AND DISADVANTAGED BUSINESS PAR-**  
22 **TICIPATION.**

23 Congress finds the following:

24 (1) While significant progress has occurred due  
25 to the establishment of the airport disadvantaged  
26 business enterprise program (49 U.S.C. 47107(e)

1 and 47113), discrimination and related barriers con-  
2 tinue to pose significant obstacles for minority- and  
3 women-owned businesses seeking to do business in  
4 airport-related markets across the Nation. These  
5 continuing barriers merit the continuation of the air-  
6 port disadvantaged business enterprise program.

7 (2) Congress has received and reviewed testi-  
8 mony and documentation of race and gender dis-  
9 crimination from numerous sources, including con-  
10 gressional hearings and roundtables, scientific re-  
11 ports, reports issued by public and private agencies,  
12 news stories, reports of discrimination by organiza-  
13 tions and individuals, and discrimination lawsuits.  
14 This testimony and documentation shows that race-  
15 and gender-neutral efforts alone are insufficient to  
16 address the problem.

17 (3) This testimony and documentation dem-  
18 onstrates that discrimination across the Nation  
19 poses a barrier to full and fair participation in air-  
20 port-related businesses of women business owners  
21 and minority business owners in the racial groups  
22 detailed in parts 23 and 26 of title 49, Code of Fed-  
23 eral Regulations, and has impacted firm develop-  
24 ment and many aspects of airport-related business  
25 in the public and private markets.

1           (4) This testimony and documentation provides  
2           a strong basis that there is a compelling need for the  
3           continuation of the airport disadvantaged business  
4           enterprise program and the airport concessions dis-  
5           advantaged business enterprise program to address  
6           race and gender discrimination in airport-related  
7           business.

8   **SEC. 135. CONTRACT TOWER PROGRAM.**

9           (a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

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

15                       “(i) for the 1-year period after such  
16                       determination is made; or

17                       “(ii) if an appeal of such determina-  
18                       tion is requested, for the 1-year period de-  
19                       scribed in subsection (d)(4)(C).”.

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

23                       “(E) FUNDING.—Amounts appropriated  
24                       pursuant to section 106(k)(1) may be used to  
25                       carry out this paragraph.”.

1           (3) CONSTRUCTION OF AIR TRAFFIC CONTROL  
2           TOWERS.—

3           (A) GRANTS.—Section 47124(b)(4)(A) of  
4           title 49, United States Code, is amended in  
5           each of clauses (i)(III) and (ii)(III) by inserting  
6           “, including remote air traffic control tower  
7           equipment certified by the Federal Aviation Ad-  
8           ministration” after “1996”.

9           (B) ELIGIBILITY.—Section 47124(b)(4)(B)  
10          of title 49, United States Code, is amended to  
11          read as follows:

12           “(B) ELIGIBILITY.—

13           “(i) BEFORE DATE OF TRANSFER.—  
14           Before the date of transfer (as defined in  
15           section 90101(a)), an airport sponsor shall  
16           be eligible for a grant under this para-  
17           graph only if—

18           “(I)(aa) the sponsor is a partici-  
19           pant in the Federal Aviation Adminis-  
20           tration contract tower program estab-  
21           lished under subsection (a) and con-  
22           tinued under paragraph (1) or the  
23           pilot program established under para-  
24           graph (3); or

1           “(bb) construction of a non-  
2           approach control tower would qualify  
3           the sponsor to be eligible to partici-  
4           pate in such program;

5           “(II) the sponsor certifies that it  
6           will pay not less than 10 percent of  
7           the cost of the activities for which the  
8           sponsor is receiving assistance under  
9           this paragraph;

10          “(III) the Secretary affirmatively  
11          accepts the proposed contract tower  
12          into a contract tower program under  
13          this section and certifies that the Sec-  
14          retary will seek future appropriations  
15          to pay the Federal Aviation Adminis-  
16          tration’s cost of the contract to oper-  
17          ate the tower to be constructed under  
18          this paragraph;

19          “(IV) the sponsor certifies that it  
20          will pay its share of the cost of the  
21          contract to operate the tower to be  
22          constructed under this paragraph; and

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



1 section 47114(d)(2) or  
2 47114(d)(3)(B), the Secretary cer-  
3 tifies that—

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

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

14 “(ii) ON AND AFTER DATE OF TRANS-  
15 FER.—On and after the date of transfer  
16 (as defined in section 90101(a)), an air-  
17 port sponsor shall be eligible for a grant  
18 under this paragraph only if—

19 “(I) the Secretary determines  
20 that the tower to be constructed at  
21 the sponsor’s airport using the  
22 amounts of the grant will be operated  
23 pursuant to an agreement entered  
24 into by the ATC Corporation and an

1 entity pursuant to section  
2 90302(c)(3);

3 “(II) the sponsor certifies that it  
4 will pay not less than 10 percent of  
5 the cost of the activities for which the  
6 sponsor is receiving assistance under  
7 this paragraph; and

8 “(III) in the case of a tower to  
9 be constructed under this paragraph  
10 from amounts made available under  
11 section 47114(d)(2) or  
12 47114(d)(3)(B), the Secretary cer-  
13 tifies that—

14 “(aa) the Federal Aviation  
15 Administration has consulted the  
16 State within the borders of which  
17 the tower is to be constructed  
18 and the State supports the con-  
19 struction of the tower as part of  
20 its State airport capital plan; and

21 “(bb) the selection of the  
22 tower for funding is based on ob-  
23 jective criteria.”.

1 (C) LIMITATION ON FEDERAL SHARE.—

2 Section 47124(b)(4) of title 49, United States

3 Code, is amended by striking subparagraph (C).

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

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

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

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

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

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

22 “(d) CRITERIA TO EVALUATE PARTICIPANTS.—

23 “(1) TIMING OF EVALUATIONS.—

24 “(A) TOWERS PARTICIPATING IN COST-  
25 SHARE PROGRAM.—In the case of an air traffic

1 control tower that is operated under the pro-  
2 gram established under subsection (b)(3), the  
3 Secretary shall annually calculate a benefit-to-  
4 cost ratio with respect to the tower.

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

16 “(i) by more than 25 percent from the  
17 previous year; or

18 “(ii) by more than 60 percent cumula-  
19 tively in the preceding 3-year period.

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

1           “(A) The Federal Aviation Administra-  
2           tion’s actual cost of wages and benefits of per-  
3           sonnel working at the tower.

4           “(B) The Federal Aviation Administra-  
5           tion’s actual telecommunications costs directly  
6           associated with the tower.

7           “(C) The Federal Aviation Administra-  
8           tion’s costs of purchasing and installing any air  
9           traffic control equipment that would not have  
10          been purchased or installed except for the oper-  
11          ation of the tower.

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

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

1 the criteria the Secretary used in calculating that  
2 ratio.

3 “(4) REVIEW OF COST-BENEFIT DETERMINA-  
4 TIONS.—In issuing a benefit-to-cost ratio determina-  
5 tion under this section with respect to an air traffic  
6 control tower located at an airport, the Secretary  
7 shall implement the following procedures:

8 “(A) The Secretary shall provide the air-  
9 port (or the State or local government having  
10 jurisdiction over the airport) at least 90 days  
11 following the date of receipt of the determina-  
12 tion to submit to the Secretary a request for an  
13 appeal of the determination, together with up-  
14 dated or additional data in support of the ap-  
15 peal.

16 “(B) Upon receipt of a request for an ap-  
17 peal submitted pursuant to subparagraph (A),  
18 the Secretary shall—

19 “(i) transmit to the Administrator any  
20 updated or additional data submitted in  
21 support of the appeal; and

22 “(ii) provide the Administrator not  
23 more than 90 days to review the data and  
24 provide a response to the Secretary based  
25 on the review.

1           “(C) After receiving a response from the  
2 Administrator pursuant to subparagraph (B),  
3 the Secretary shall—

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

7                   “(ii) withhold from taking further ac-  
8 tion in connection with the appeal during  
9 that 30-day period.

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

19 **SEC. 136. CRITICAL HABITAT ON OR NEAR AIRPORT PROP-**  
20 **ERTY.**

21           (a) **FEDERAL AGENCY REQUIREMENTS.**—The Sec-  
22 retary of Transportation, to the maximum extent prac-  
23 ticable, shall work with the heads of appropriate Federal  
24 agencies to ensure that designations of critical habitat, as  
25 that term is defined in section 3 of the Endangered Spe-

1 cies Act of 1973 (16 U.S.C. 1532), on or near airport  
2 property do not—

3 (1) result in conflicting statutory, regulatory, or  
4 Federal grant assurance requirements for airports or  
5 aircraft operators;

6 (2) interfere with the safe operation of aircraft;  
7 or

8 (3) occur on airport-owned lands that have be-  
9 come attractive habitat for a threatened or endan-  
10 gered species because such lands—

11 (A) have been prepared for future develop-  
12 ment;

13 (B) have been designated as noise buffer  
14 land; or

15 (C) are held by the airport to prevent en-  
16 croachment of uses that are incompatible with  
17 airport operations.

18 (b) STATE REQUIREMENTS.—In a State where a  
19 State agency is authorized to designate land on or near  
20 airport property for the conservation of a threatened or  
21 endangered species in the State, the Secretary, to the  
22 maximum extent practicable, shall work with the State in  
23 the same manner as the Secretary works with the heads  
24 of Federal agencies under subsection (a).



1 **SEC. 137. RNAV DEPARTURE PROCEDURES.**

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 consulta-  
10 tion with the affected community, submits a request  
11 to the 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. 138. REVIEW AND NOTIFICATION OF CATEGORICAL**  
20 **EXCLUSIONS GRANTED FOR NEXT GENERA-**  
21 **TION FLIGHT PROCEDURES.**

22       Section 213(e) of the FAA Modernization and Re-  
23 form Act of 2012 (49 U.S.C. 40101 note) is amended by  
24 adding at the end the following:

1           “(3) NOTIFICATIONS AND CONSULTATIONS.—

2           As part of the process to apply a categorical exclu-  
3           sion under this subsection, the Administrator shall—

4                   “(A) notify and consult with the operator  
5                   of the airport at which the procedure would be  
6                   implemented regarding appropriate community  
7                   involvement practices; and

8                   “(B) consider consultations or other en-  
9                   gagement with the community in which the air-  
10                  port is located to inform the public of the new  
11                  procedure.

12           “(4) REVIEW OF CERTAIN CATEGORICAL EX-  
13           CLUSIONS.—

14                   “(A) IN GENERAL.—The Administrator  
15                   shall review a decision of the Administrator  
16                   made between February 14, 2012, and Sep-  
17                   tember 30, 2014, to grant a categorical exclu-  
18                   sion under this subsection with respect to a pro-  
19                   cedure to be implemented at an OEP airport  
20                   that was a material change from procedures  
21                   previously in effect at the airport to determine  
22                   if the implementation of the procedure had a  
23                   significant effect on the human environment in  
24                   the community in which the airport is located.

1           “(B) CONTENT OF REVIEW.—If, in con-  
2           ducting a review under subparagraph (A) with  
3           respect to a procedure implemented at an OEP  
4           airport, the Administrator, in consultation with  
5           the operator of the airport, determines that im-  
6           plementing the procedure had a significant ef-  
7           fect on the human environment in the commu-  
8           nity in which the airport is located, the Admin-  
9           istrator shall—

10                   “(i) consult with the operator of the  
11                   airport to identify measures to mitigate the  
12                   effect of the procedure on the human envi-  
13                   ronment; and

14                   “(ii) in conducting such consultations,  
15                   consider the use of alternative flight paths  
16                   that do not substantially degrade the effi-  
17                   ciencies achieved by the implementation of  
18                   the procedure being reviewed.

19           “(C) HUMAN ENVIRONMENT DEFINED.—  
20           In this paragraph, the term ‘human environ-  
21           ment’ has the meaning given that term in sec-  
22           tion 1508.14 of title 40, Code of Federal Regu-  
23           lations (as in effect on the day before the date  
24           of enactment of this paragraph).”.

1 **TITLE II—ATC CORPORATION**

2 **SEC. 201. PURPOSES.**

3 It is declared to be the purpose of Congress in this  
 4 title to transfer operation of air traffic services currently  
 5 provided by the Federal Aviation Administration to a sep-  
 6 arate not-for-profit corporate entity to provide for the  
 7 more efficient operation and improvement of air traffic  
 8 services.

9 **Subtitle A—Establishment of ATC**  
 10 **Corporation**

11 **SEC. 211. ATC CORPORATION.**

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

14 **“Subtitle XI—ATC Corporation**

“Chapter	Sec.
<b>“901. General Provisions</b> .....	<b>90101</b>
<b>“903. Establishment of Corporation; Transfer of Air Traf- fic Services</b> .....	<b>90301</b>
<b>“905. Oversight of Corporation</b> .....	<b>90501</b>
<b>“907. Employee Management</b> .....	<b>90701</b>
<b>“909. Other Matters</b> .....	<b>90901</b>

15 **“CHAPTER 901—GENERAL PROVISIONS**

“Sec.  
 “90101. Definitions.

16 **“§ 90101. Definitions**

17 “(a) IN GENERAL.—In this subtitle, the following  
 18 definitions apply:

19 “(1) ADMINISTRATOR.—The term ‘Adminis-  
 20 trator’ means the Administrator of the FAA.

1           “(2) AIR TRAFFIC SERVICES.—The term ‘air  
2           traffic services’ means services used for the moni-  
3           toring, directing, control, and guidance of aircraft or  
4           flows of aircraft and for the safe conduct of flight,  
5           including communications, navigation, and surveil-  
6           lance services and provision of aeronautical informa-  
7           tion.

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

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

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

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

20          “(7) CORPORATION.—The term ‘Corporation’  
21          means the ATC Corporation established under this  
22          subtitle.

23          “(8) DATE OF TRANSFER.—The term ‘date of  
24          transfer’ means the date on which the Corporation  
25          assumes operational control of air traffic services

1 from the FAA pursuant to this subtitle, which shall  
2 be October 1, 2019.

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

5 “(10) FAA.—The term ‘FAA’ means the Fed-  
6 eral Aviation Administration.

7 “(11) INTERIM CEO.—The term ‘Interim CEO’  
8 means the Interim Chief Executive Officer of the  
9 Corporation.

10 “(12) MAINLINE AIR CARRIER.—The term  
11 ‘mainline air carrier’ means an air carrier that oper-  
12 ates under part 121 of title 14, Code of Federal  
13 Regulations, and has primary responsibility for in-  
14 ventory control of the carrier’s flights.

15 “(13) NOMINATING MEMBER.—The term  
16 ‘Nominating Member’ means a Nominating Member  
17 of the Corporation.

18 “(14) SECRETARY.—The term ‘Secretary’  
19 means the Secretary of Transportation.

20 “(b) APPLICABILITY OF OTHER DEFINITIONS.—Ex-  
21 cept with respect to the terms specifically defined in this  
22 subtitle, the definitions contained in section 40102(a) shall  
23 apply to the terms used in this subtitle.

1 **“CHAPTER 903—ESTABLISHMENT OF COR-**  
2 **PORATION; TRANSFER OF AIR TRAF-**  
3 **FIC 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. Nominating Membership.

“90306. Board of Directors.

“90307. Committees of Board; independent auditors.

“90308. Advisory Board.

“90309. Officers and their responsibilities.

“90310. Authority of Corporation.

“90311. Charges and fees for air traffic services.

“90312. Preemption of authority over air traffic services.

“90313. Actions by and against Corporation.

“90314. Air traffic services for Federal agencies.

“90315. Transfer of Federal personnel to Corporation.

“90316. Transfer of facilities to Corporation.

“90317. Approval of transferred air navigation facilities and other equipment.

“90318. Use of spectrum systems and data.

4 **“§ 90301. Establishment of Corporation**

5 “(a) FEDERAL CHARTER.—There is established a  
6 federally chartered, not-for-profit corporation to be known  
7 as the ‘ATC Corporation’, which shall be incorporated in  
8 a State of its choosing.

9 “(b) CORPORATION NAME.—

10 “(1) IN GENERAL.—The Corporation may con-  
11 duct its business and affairs, and otherwise hold  
12 itself out, as the ‘ATC Corporation’ in any jurisdic-  
13 tion.

14 “(2) EXCLUSIVE RIGHT.—The Corporation  
15 shall have the exclusive right to use the name ‘ATC  
16 Corporation’.

1 **“§ 90302. Transfer of air traffic services**

2 “(a) IN GENERAL.—The Secretary shall transfer  
3 operational control over air traffic services within United  
4 States airspace and international airspace delegated to the  
5 United States to the Corporation on the date of transfer  
6 in a systematic and orderly manner that ensures con-  
7 tinuity of safe air traffic services.

8 “(b) MANAGEMENT AND OPERATION OF AIR TRAF-  
9 FIC SERVICES.—Subject to section 90501, the Corpora-  
10 tion may establish and carry out plans for the manage-  
11 ment and operation of air traffic services within United  
12 States airspace and international airspace delegated to the  
13 United States.

14 “(c) ENTITIES AUTHORIZED TO PROVIDE AIR TRAF-  
15 FIC SERVICES AFTER DATE OF TRANSFER.—After the  
16 date of transfer, no entity, other than the Corporation,  
17 is authorized or permitted to provide air traffic services  
18 within United States airspace or international airspace  
19 delegated to the United States, except for—

20 “(1) the Department of Defense, as directed by  
21 the President;

22 “(2) entities to which the United States has  
23 delegated certain air traffic service responsibilities;  
24 and

25 “(3) entities with which the Corporation has  
26 contracted for the provision of air traffic services.



1 **“§ 90303. Role of Secretary in transferring air traffic**  
2 **services to Corporation**

3 “(a) IN GENERAL.—As appropriate, and except as  
4 otherwise provided, the Secretary shall manage and exe-  
5 cute the transfer of operational control over air traffic  
6 services pursuant to section 90302(a) and any related  
7 transition processes and procedures.

8 “(b) NONDELEGATION.—Except as otherwise pro-  
9 vided, the Secretary may not delegate any of the authority  
10 or requirements under this subtitle to the Administrator.

11 **“§ 90304. Status and applicable laws**

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

15 “(b) LIABILITY.—The United States Government  
16 shall not be liable for the actions or inactions of the Cor-  
17 poration.

18 “(c) NOT-FOR-PROFIT CORPORATION.—The Cor-  
19 poration shall maintain its status as a not-for-profit cor-  
20 poration exempt from taxation under the Internal Revenue  
21 Code of 1986.

22 “(d) NO FEDERAL GUARANTEE.—Any debt assumed  
23 by the Corporation shall not have an implied or explicit  
24 Federal guarantee.

1 **“§ 90305. Nominating Membership**

2 “(a) NOMINATING MEMBERSHIP.—The Nominating  
3 Membership of the Corporation shall be composed of the  
4 following Nominating Members:

5 “(1) A representative of the Federal Govern-  
6 ment, who shall be the Secretary.

7 “(2) Individuals appointed as follows:

8 “(A) An individual appointed by the prin-  
9 cipal organization representing mainline air car-  
10 riers.

11 “(B) An individual appointed by the prin-  
12 cipal organization representing noncommercial  
13 owners and recreational operators of general  
14 aviation aircraft.

15 “(C) An individual appointed by the prin-  
16 cipal organization engaged in collective bar-  
17 gaining on behalf of air traffic controllers em-  
18 ployed by the Corporation.

19 “(D) An individual appointed by the prin-  
20 cipal organization representing the largest cer-  
21 tified collective bargaining representative of air-  
22 line pilots.

23 “(b) DETERMINATION OF PRINCIPAL ORGANIZA-  
24 TIONS.—

25 “(1) BEFORE DATE OF TRANSFER.—Before the  
26 date of transfer, and not later than 30 days after

1 the date of enactment of this subtitle, the Secretary  
2 shall determine the principal organizations referred  
3 to in subsection (a)(2).

4 “(2) AFTER DATE OF TRANSFER.—On and  
5 after the date of transfer, the Board shall determine  
6 the principal organizations referred to in subsection  
7 (a)(2) in accordance with the bylaws of the Corpora-  
8 tion.

9 “(c) TERMS.—Each Nominating Member appointed  
10 under subsection (a)(2) shall serve at the pleasure of the  
11 principal organization that appointed the Nominating  
12 Member.

13 “(d) QUALIFICATIONS.—

14 “(1) IN GENERAL.—Only a citizen of the  
15 United States may be appointed as a Nominating  
16 Member.

17 “(2) PROHIBITIONS.—An individual may not  
18 serve as a Nominating Member under subsection  
19 (a)(2) if the individual is—

20 “(A) an officer or employee of the Cor-  
21 poration;

22 “(B) a Member of Congress or an elected  
23 official serving in a State, local, or tribal gov-  
24 ernment; or

1                   “(C) an officer or employee of the Federal  
2                   Government or any State, local, or tribal gov-  
3                   ernment.

4                   “(e) PRINCIPAL ORGANIZATION ENGAGED IN COL-  
5                   LECTIVE BARGAINING ON BEHALF OF AIR TRAFFIC CON-  
6                   TROLLERS EMPLOYED BY CORPORATION.—For purposes  
7                   of this section and section 90306, before the date of trans-  
8                   fer, the term ‘principal organization engaged in collective  
9                   bargaining on behalf of air traffic controllers employed by  
10                  the Corporation’ means the principal organization engaged  
11                  in collective bargaining on behalf of air traffic controllers  
12                  employed by the FAA.

13                  **“§ 90306. Board of Directors**

14                  “(a) AUTHORITY.—The powers of the Corporation  
15                  shall be vested in a Board of Directors that governs the  
16                  Corporation.

17                  “(b) COMPOSITION OF BOARD OF DIRECTORS.—The  
18                  Board shall be composed of the following Directors:

19                         “(1) The CEO.

20                         “(2) 2 Directors appointed by the Secretary.

21                         “(3) 4 Directors nominated by the Nominating  
22                         Member appointed by the principal organization rep-  
23                         resenting mainline air carriers.

24                         “(4) 2 Directors nominated by the Nominating  
25                         Member appointed by the principal organization rep-

1       resenting noncommercial owners and recreational op-  
2       erators of general aviation aircraft.

3           “(5) 1 Director nominated by the Nominating  
4       Member appointed by the principal organization en-  
5       gaged in collective bargaining on behalf of air traffic  
6       controllers employed by the Corporation.

7           “(6) 1 Director nominated by the Nominating  
8       Member appointed by the principal organization rep-  
9       resenting the largest certified collective bargaining  
10      representative of airline pilots.

11      “(c) NOMINATIONS AND APPOINTMENTS.—

12           “(1) APPROVAL OF INITIAL NOMINATIONS.—  
13      Before the date on which all of the Directors have  
14      been approved for the first time or the date of trans-  
15      fer, whichever occurs first, nominations made under  
16      subsection (b) shall be subject to the approval of the  
17      Directors appointed by the Secretary under sub-  
18      section (b)(2).

19           “(2) APPROVAL OF SUBSEQUENT NOMINA-  
20      TIONS.—Except as provided by paragraph (3)(B), on  
21      and after the date on which all of the Directors have  
22      been approved for the first time or the date of trans-  
23      fer, whichever occurs first, all nominations made  
24      under subsection (b) shall be subject to the approval  
25      of the Board.

1           “(3) DIRECTORS APPOINTED BY SECRETARY.—

2           “(A) DEADLINE FOR INITIAL APPOINT-  
3           MENTS.—The Secretary shall appoint the initial  
4           Directors under subsection (b)(2) not later than  
5           30 days after the date of enactment of this sub-  
6           title.

7           “(B) APPROVAL NOT REQUIRED.—None of  
8           the Directors appointed by the Secretary under  
9           subsection (b)(2) shall be subject to approval by  
10          the Board.

11          “(d) FIDUCIARY DUTIES.—The fiduciary duties of all  
12          Directors shall be to the Corporation.

13          “(e) QUALIFICATIONS.—

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

17          “(2) PROHIBITIONS.—An individual may not  
18          serve as a Director if the individual is—

19                  “(A) an officer, agent, or employee of the  
20                  Corporation (other than the CEO);

21                  “(B) a Member of Congress or an elected  
22                  official serving in a State, local, or tribal gov-  
23                  ernment;

1           “(C) an officer or employee of the Federal  
2           Government or any State, local, or tribal gov-  
3           ernment;

4           “(D) a director, officer, trustee, agent, or  
5           employee of—

6                   “(i) a bargaining agent that rep-  
7                   resents employees of the Corporation; or

8                   “(ii) an entity that has a material in-  
9                   terest as a supplier, client, or user of the  
10                  Corporation’s services unless the Board  
11                  unanimously determines, with the concur-  
12                  rence in writing of a majority of the Nomi-  
13                  nating Members, that such material inter-  
14                  est would not be likely to adversely affect  
15                  in a material way the individual’s ability to  
16                  discharge the individual’s obligations as a  
17                  Director; or

18           “(E) a director, officer, agent, or employee  
19           of one of the principal organizations determined  
20           under section 90305(b).

21           “(f) CHAIRPERSON.—The Chairperson of the Board  
22 shall—

23                   “(1) be selected from among the Directors  
24                   (other than the CEO) by a majority vote of the Di-  
25                   rectors; and

1           “(2) subject to subsection (g), serve until re-  
2 placed by a majority vote of the Directors.

3           “(g) TERMS.—

4           “(1) INITIAL TERMS.—The term of each Direc-  
5 tor appointed, or nominated and approved, before  
6 the date of transfer (other than the CEO) shall ex-  
7 pire on the last day before the date of transfer.

8           “(2) SUBSEQUENT TERMS.—The term of each  
9 Director appointed, or nominated and approved, on  
10 or after the date of transfer (other than the CEO)  
11 shall be 3 years, except as provided by paragraph  
12 (3).

13           “(3) STAGGERING.—The Board shall stagger  
14 the duration of the terms of the initial Directors ap-  
15 pointed, or nominated and approved, on or after the  
16 date of transfer to promote the stability of the  
17 Board.

18           “(h) VACANCIES.—

19           “(1) MANNER OF NOMINATIONS AND APPOINT-  
20 MENTS.—A vacancy on the Board shall be filled in  
21 the manner in which the original appointment or  
22 nomination and approval was made.

23           “(2) SERVICE UNTIL SUCCESSOR TAKES OF-  
24 FICE.—A Director may serve after the expiration of



1 the Director's term until a successor has taken of-  
2 fice.

3 “(i) QUORUM.—

4 “(1) IN GENERAL.—A quorum of the Board,  
5 consisting of a majority of the Directors, shall be re-  
6 quired to conduct any business of the Board.

7 “(2) APPROVAL OF BOARD ACTIONS.—Except  
8 as otherwise provided, the threshold for approving  
9 Board actions shall be as set forth in the bylaws.

10 “(j) REMOVAL OF DIRECTORS.—A Director may be  
11 removed in accordance with the bylaws of the Corporation.

12 “(k) MEETINGS.—

13 “(1) IN GENERAL.—The Board shall meet at  
14 the call of the Chairperson (or as otherwise provided  
15 in the bylaws) and, at a minimum, on a quarterly  
16 basis.

17 “(2) RESPONSIBILITIES.—The Board shall be  
18 responsible for actions of the Corporation, including  
19 the following matters:

20 “(A) Adoption of an annual budget.

21 “(B) Approval of a strategic plan and up-  
22 dates thereto.

23 “(C) Authorization for issuance of indebt-  
24 edness.

1           “(D) Assessment, modification, and collec-  
2           tion of charges and fees to air traffic services  
3           users.

4           “(E) Hiring of the Interim CEO and CEO.

5           “(F) Adoption and amendment of the by-  
6           laws of the Corporation.

7           “(I) ANNUAL FINANCIAL REPORT.—Not later than 1  
8           year after the date of transfer, and annually thereafter,  
9           the Corporation shall publish a report on the activities of  
10          the Corporation during the prior year. The annual report  
11          shall also contain financial and operational performance  
12          information regarding the Corporation and shall be made  
13          publicly available. The Corporation shall ensure that any  
14          propriety information that may be contained in the annual  
15          report is not made public.

16       **“§ 90307. Committees of Board; independent auditors**

17          “(a) COMMITTEES OF BOARD.—The Board shall es-  
18          tablish and maintain a Safety Committee and such other  
19          committees as the Board determines are necessary or ap-  
20          propriate to carry out the responsibilities of the Board ef-  
21          fectively. Such committees shall be composed solely of Di-  
22          rectors.

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

1 **“§ 90308. Advisory Board**

2 “(a) ESTABLISHMENT.—There shall be an Advisory  
3 Board of the Corporation.

4 “(b) DUTIES.—The Advisory Board—

5 “(1) shall conduct such activities as the Board  
6 determines appropriate; and

7 “(2) may, on its own initiative, study, report,  
8 and make recommendations to the Board on matters  
9 relating to the Corporation’s provision of air traffic  
10 services and associated safety considerations.

11 “(c) MEMBERSHIP.—

12 “(1) NUMBER.—The Advisory Board shall con-  
13 sist of not more than 15 individuals representing in-  
14 terested entities.

15 “(2) REPRESENTATIVES.—The members of the  
16 Advisory Board shall include, at a minimum, rep-  
17 resentatives of the following:

18 “(A) Commercial service airports.

19 “(B) Owners, operators, and users of gen-  
20 eral aviation aircraft used exclusively in further-  
21 ance of business enterprises.

22 “(C) Aerospace manufacturers.

23 “(D) Operators of commercial unmanned  
24 aircraft systems.

25 “(E) Appropriate labor organizations.

26 “(F) The Department of Defense.

1 “(G) Small communities.

2 “(d) STRUCTURE; TERMS.—The membership and  
3 structure of the Advisory Board, including the duration  
4 that individuals may serve on the Advisory Board, shall  
5 be determined by the Board in accordance with the bylaws  
6 of the Corporation.

7 **“§ 90309. Officers and their responsibilities**

8 “(a) CHIEF EXECUTIVE OFFICER.—

9 “(1) HIRING.—

10 “(A) IN GENERAL.—The Corporation shall  
11 have a Chief Executive Officer, who shall be  
12 hired by the Board to manage the Corporation.

13 “(B) QUALIFICATIONS.—The CEO shall be  
14 an individual who is a citizen of the United  
15 States and who, by reason of professional back-  
16 ground and experience, is especially qualified to  
17 manage the Corporation.

18 “(2) DUTIES.—The CEO shall—

19 “(A) be responsible for the management  
20 and direction of the Corporation, including its  
21 officers and employees, and for the exercise of  
22 all powers and responsibilities of the Corpora-  
23 tion;

24 “(B) establish Corporation offices and de-  
25 fine the responsibilities and duties of the of-

1           fices, with full authority to organize the Cor-  
2           poration as required; and

3           “(C) designate an officer of the Corpora-  
4           tion who is vested with the authority to act in  
5           the capacity of the CEO if the CEO is absent  
6           or incapacitated.

7           “(3) SCOPE OF AUTHORITY.—

8           “(A) IN GENERAL.—The CEO shall be  
9           subject to the policy guidance of the Board, re-  
10          port to the Board, and serve at the pleasure of  
11          the Board.

12          “(B) AUTHORITY OF BOARD.—The Board  
13          may modify or revoke actions of the CEO pur-  
14          suant to procedures set forth in the bylaws of  
15          the Corporation.

16          “(4) OTHER OFFICERS AND EMPLOYEES.—

17          “(A) IN GENERAL.—The CEO shall ap-  
18          point such other officers and employees of the  
19          Corporation as the CEO determines appro-  
20          priate.

21          “(B) DELEGATION OF FUNCTIONS.—The  
22          CEO may delegate to the other officers and em-  
23          ployees of the Corporation any of the functions  
24          of the Corporation.

25          “(b) INTERIM CEO.—

1           “(1) HIRING.—Not later than 90 days after the  
2           date of the Secretary’s initial determination of the  
3           principal organizations under section 90305(b)(1),  
4           the Board shall hire an Interim Chief Executive Of-  
5           ficer who meets the qualifications specified in sub-  
6           section (a)(1)(B).

7           “(2) AUTHORITY AND TERM.—

8           “(A) AUTHORITY.—The Interim CEO  
9           shall—

10                   “(i) exercise the same authority as the  
11                   CEO, including serving on the Board;

12                   “(ii) carry out the same duties as the  
13                   CEO; and

14                   “(iii) be subject to the same prohibi-  
15                   tions and limitations as the CEO.

16           “(B) TERM.—The Interim CEO shall serve  
17           until the Board hires a CEO.

18           “(3) STATUTORY CONSTRUCTION.—Nothing in  
19           this subsection may be construed to restrict the abil-  
20           ity of the Board to hire the individual serving as the  
21           Interim CEO to be the CEO.

22   **“§ 90310. Authority of Corporation**

23           “(a) GENERAL AUTHORITY.—Except as otherwise  
24           provided in this subtitle, the Corporation—

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

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

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

7           “(4) may contract with other parties;

8           “(5) may sue or be sued;

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

11          “(7) may indemnify the Directors, including the  
12          Interim CEO or CEO, and other officers, agents,  
13          and employees of the Corporation; and

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

17          “(b) PROHIBITION.—The Corporation may not issue  
18          or sell equity shares in the Corporation.

19          **“§ 90311. Charges and fees for air traffic services**

20          “(a) ASSESSMENT AND COLLECTION OF CHARGES  
21          AND FEES.—Beginning on the date of transfer, and sub-  
22          ject to section 90502, the Corporation may assess and col-  
23          lect charges and fees from any air traffic services user for  
24          air traffic services provided by the Corporation in United

1 States airspace or international airspace delegated to the  
2 United States.

3 “(b) PUBLICATION AND BOARD APPROVAL OF PRO-  
4 POSALS.—

5 “(1) PUBLICATION.—The Corporation shall  
6 publish any proposed charge or fee under subsection  
7 (a) and any changes thereto.

8 “(2) BOARD APPROVAL.—The Board shall—

9 “(A) approve any proposed charge or fee  
10 under subsection (a) and any changes thereto;  
11 and

12 “(B) carry out the approval in a form and  
13 manner accessible to the public and aircraft op-  
14 erators using United States airspace or inter-  
15 national airspace delegated to the United  
16 States.

17 “(c) CHARGING PRINCIPLES AND METHODOLOGY.—

18 The Corporation shall comply with the following charging  
19 principles when proposing a charge or fee under sub-  
20 section (a):

21 “(1) Charges and fees shall be consistent with  
22 the International Civil Aviation Organization’s Poli-  
23 cies on Charges for Air Navigation Services, Ninth  
24 Edition, 2012.



1           “(2) Charges and fees for certain categories of  
2 users may be charged on a flat-fee basis so long as  
3 the charge or fee is otherwise consistent with the  
4 charging principles described in paragraph (1).

5           “(3) Charges and fees may not be imposed for  
6 operations of aircraft owned or operated by the  
7 Armed Forces or described in section 40125(c).

8           “(4) Charges and fees may not be imposed for  
9 air traffic services provided with respect to—

10                   “(A) aircraft operations of piston engine  
11 aircraft; or

12                   “(B) noncommercial aircraft operations of  
13 turbine engine aircraft.

14           “(5) Charges and fees may not be imposed for  
15 operations of air taxis in remote locations.

16           “(6) Charges and fees may not violate any  
17 international obligation of the United States.

18           “(d) ACCESS TO AIRSPACE.—Neither the amount of  
19 charges and fees paid nor the applicability of subsection  
20 (c)(4) shall be determinant of access to airspace.

21           “(e) PAYMENT OF CHARGES AND FEES.—

22                   “(1) IN GENERAL.—An operator using air traf-  
23 fic services in United States airspace or inter-  
24 national airspace delegated to the United States  
25 shall pay a charge or fee assessed by the Corpora-

1           tion under subsection (a) for services rendered and  
2           any interest and penalties assessed under paragraph  
3           (2).

4           “(2) LATE PAYMENT OR NONPAYMENT.—The  
5           Corporation may assess and collect interest and pen-  
6           alties for late payment or nonpayment of a charge  
7           or fee assessed by the Corporation under subsection  
8           (a).

9           “(3) PRIVATE RIGHT OF ACTION.—The Cor-  
10          poration may file suit in any district court of the  
11          United States having jurisdiction over the parties,  
12          without respect to the amount in controversy and  
13          without regard to the citizenship of the parties, to  
14          enforce this subsection not later than 2 years after  
15          the date on which a claim accrues. A claim accrues,  
16          under this paragraph, upon the rendering of the rel-  
17          evant air traffic services by the Corporation.

18          “(f) PUBLICATION OF FEE SCHEDULE.—The Cor-  
19          poration shall publish a schedule of charges and fees to  
20          be assessed under subsection (a) and interest and pen-  
21          alties to be assessed under subsection (e)(2), including any  
22          changes thereto—

23                 “(1) at least 90 days before initiating the col-  
24                 lection of the charges, fees, interest, or penalties  
25                 pursuant to the schedule or change thereto; and

1           “(2) in a form and manner accessible to air-  
2           craft operators using United States airspace or  
3           international airspace delegated to the United  
4           States.

5           “(g) INITIAL SCHEDULE.—

6           “(1) PUBLICATION OF INITIAL SCHEDULE.—

7           The Corporation shall publish the initial schedule  
8           under subsection (f)—

9                   “(A) at least 180 days before the date of  
10                  transfer; and

11                   “(B) in a form and manner accessible to  
12                  aircraft operators using United States airspace  
13                  or international airspace delegated to the  
14                  United States.

15           “(2) DISPUTE RESOLUTION REQUIREMENTS  
16           FOR INITIAL SCHEDULE.—The requirements of sec-  
17           tion 90502 shall apply if a written complaint is filed  
18           with the Secretary for a determination of reason-  
19           ableness with respect to the initial schedule.

20           “(h) DEFINITIONS.—In this section, the following  
21           definitions apply:

22                   “(1) AIRCRAFT OPERATION.—The term ‘air-  
23                  craft operation’ means the movement of an aircraft  
24                  beginning with the take-off of the aircraft and end-  
25                  ing with the landing of the aircraft.

1           “(2) GAS TURBINE ENGINE.—The term ‘gas  
2 turbine engine’ means a turboprop, turbofan, or tur-  
3 bojet aircraft engine.

4           “(3) NONCOMMERCIAL AIRCRAFT OPER-  
5 ATION.—The term ‘noncommercial aircraft oper-  
6 ation’ means an aircraft operation that does not in-  
7 volve the transportation of passengers, cargo, or  
8 mail for remuneration or hire.

9           “(4) OPERATIONS OF AIR TAXIS.—The term  
10 ‘operations of air taxis’ means the commuter or on-  
11 demand operations of a person who holds or is re-  
12 quired to hold an air carrier certificate or operating  
13 certificate under part 119 of title 14, Code of Fed-  
14 eral Regulations, or helicopter air ambulance oper-  
15 ations as defined in section 135.601(b)(1) of title  
16 14, Code of Federal Regulations.

17           “(5) PISTON ENGINE AIRCRAFT.—The term  
18 ‘piston engine aircraft’ means an aircraft that has 1  
19 or more piston-powered engines connected to 1 or  
20 more propellers, which provide thrust to move the  
21 aircraft on the ground and through the air.

22           “(6) REMOTE LOCATION.—The term ‘remote lo-  
23 cation’ means a location in the United States where  
24 alternatives to transportation by air taxi are unavail-  
25 able or infeasible, as determined by the Secretary.

1           “(7) TURBINE ENGINE AIRCRAFT.—The term  
2           ‘turbine engine aircraft’ means any aircraft that uti-  
3           lizes a gas turbine engine as a means of propulsion.

4           **“§ 90312. Preemption of authority over air traffic**  
5   **services**

6           “(a) STATE DEFINED.—In this section, the term  
7           ‘State’ means a State, the District of Columbia, and a ter-  
8           ritory or possession of the United States.

9           “(b) PREEMPTION.—A State, political subdivision of  
10          a State, or political authority of at least 2 States may not  
11          enact or enforce a law, regulation, or other provision hav-  
12          ing the force and effect of law related to air traffic serv-  
13          ices.

14          “(c) AIRPORT OWNER OR OPERATOR.—Subsection  
15          (b) may not be construed to limit a State, political subdivi-  
16          sion of a State, or political authority of at least 2 States  
17          that owns or operates a landing area from carrying out  
18          its proprietary powers and rights over the landing area.

19          **“§ 90313. Actions by and against Corporation**

20          “(a) JURISDICTION FOR LEGAL ACTIONS GEN-  
21          ERALLY.—

22   “(1) JURISDICTION OF UNITED STATES DIS-  
23          TRICT COURTS.—The United States district courts  
24          shall have original jurisdiction over all actions

1 brought by or against the Corporation, except as  
2 otherwise provided in this subtitle.

3 “(2) REMOVAL OF ACTIONS IN STATE  
4 COURTS.—Any action brought in a State court to  
5 which the Corporation is a party shall be removed  
6 to the appropriate United States district court under  
7 the provisions of chapter 89 of title 28.

8 “(b) TESTIMONY OF CORPORATION EMPLOYEES.—

9 “(1) IN GENERAL.—Except with the consent of  
10 the chief legal officer of the Corporation, employees  
11 of the Corporation may not provide expert opinion or  
12 expert testimony in civil litigation related to the Cor-  
13 poration.

14 “(2) EXCEPTIONS.—The Corporation may pre-  
15 scribe the circumstances, if any, under which em-  
16 ployees of the Corporation may provide expert opin-  
17 ion or expert testimony in civil litigation related to  
18 the Corporation.

19 **“§ 90314. Air traffic services for Federal agencies**

20 “Before the date of transfer, the Secretary shall es-  
21 tablish processes, requirements, procedures, and regula-  
22 tions and take any other measure necessary, consistent  
23 with the purposes of this subtitle, to ensure that all United  
24 States Government activities supported by the FAA’s op-  
25 eration of air traffic services as of the date of transfer

1 receive support from the Corporation after the date of  
2 transfer and on an ongoing basis.

3 **“§ 90315. Transfer of Federal personnel to Corpora-**  
4 **tion**

5 “(a) TRANSFER OF FAA EMPLOYEES TO CORPORA-  
6 TION.—

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

17 “(2) DETERMINATION; TRANSFER.—The Sec-  
18 retary shall—

19 “(A) not later than 180 days prior to the  
20 date of transfer, complete the determination of  
21 which activities, employees, or categories of em-  
22 ployees shall be transferred to the Corporation  
23 under paragraph (1);

24 “(B) upon completing the determination,  
25 notify the CEO, the labor organizations recog-

1 nized under section 7111 of title 5 as exclusive  
2 representatives of FAA employees, and all af-  
3 fected employees of such determination; and

4 “(C) on or before the date of transfer,  
5 transfer such activities, employees, or categories  
6 of employees.

7 “(b) SUBSEQUENT TRANSFER OF EMPLOYEES.—

8 “(1) IN GENERAL.—

9 “(A) TRANSFERS FROM FAA TO CORPORA-  
10 TION.—During the 180-day period beginning on  
11 the date of transfer, the Secretary, after meet-  
12 ing and conferring with the CEO and represent-  
13 atives of the certified labor organizations recog-  
14 nized under section 90705 and labor organiza-  
15 tions recognized under section 7111 of title 5 as  
16 exclusive representatives of FAA employees,  
17 may transfer an employee from the FAA to the  
18 Corporation if the Secretary, after meeting and  
19 conferring with the CEO and the representa-  
20 tives, finds that the determination with respect  
21 to the employee under subsection (a) was incon-  
22 sistent with the purposes of this subtitle.

23 “(B) TRANSFERS FROM CORPORATION TO  
24 FAA.—During the 180-day period beginning on  
25 the date of transfer, the Secretary, after meet-



1           ing and conferring with the CEO and represent-  
2           atives of the certified labor organizations recog-  
3           nized under section 90705 and labor organiza-  
4           tions recognized under section 7111 of title 5 as  
5           exclusive representatives of FAA employees,  
6           may transfer an employee from the Corporation  
7           to the FAA if the Secretary, after the consulta-  
8           tion with the CEO and the representatives,  
9           finds that the determination with respect to the  
10          employee under subsection (a) was inconsistent  
11          with the purposes of this subtitle.

12           “(2) REEMPLOYMENT OF FEDERAL EMPLOY-  
13          EES.—An employee transferred from the Corpora-  
14          tion to the FAA under this subsection shall be enti-  
15          tled to the same rights and benefits, and reemploy-  
16          ment, in the same manner as if covered by section  
17          3582 of title 5 notwithstanding section 8347(o),  
18          8713, or 8914 of such title.

19           “(3) ELECTION OF BENEFITS FOR EMPLOYEES  
20          SUBJECT TO DELAYED TRANSFER TO CORPORA-  
21          TION.—In the case of an employee of the FAA  
22          transferred to the Corporation under this subsection,  
23          such employee shall be afforded the opportunity to  
24          make the election provided under section 90702(b)  
25          with respect to benefits.

1           “(c) CORPORATION EMPLOYEE BENEFITS.—At least  
2 180 days before the date of transfer, the Corporation shall  
3 establish a compensation and benefits program for—

4           “(1) employees hired by the Corporation after  
5 the date of transfer; and

6           “(2) employees that make the election under  
7 section 90702(b)(1)(A)(ii).

8           “(d) PROTECTIONS FOR EMPLOYEES NOT TRANS-  
9 FERRED TO CORPORATION.—For those employees of the  
10 FAA directly involved in the operation of air traffic serv-  
11 ices who are not transferred to the Corporation pursuant  
12 to subsection (a) or who transferred back to the FAA pur-  
13 suant to subsection (b), the Secretary shall provide to such  
14 employees compensation and benefits consistent with the  
15 applicable collective-bargaining agreement that are not  
16 less than the level of compensation and benefits provided  
17 to such FAA employees prior to the date of transfer unless  
18 mutually agreed to by the FAA and representatives of the  
19 certified labor organization.

20           “(e) SUITABILITY, CLEARANCES, AND MEDICAL  
21 QUALIFICATIONS.—All federally issued or federally re-  
22 quired credentials, certificates, clearances, medical quali-  
23 fications, access rights, substance testing results, and any  
24 other Federal permissions or approvals held by any em-  
25 ployee of the FAA in the operation of air traffic services

1 that are valid and effective on the day prior to the date  
2 of transfer shall remain valid and effective after the date  
3 of transfer—

4 “(1) unless revoked for cause; or

5 “(2) until equivalent or substantially equivalent  
6 credentials, certificates, clearances, medical quali-  
7 fications, access rights, substance testing results,  
8 and any other Federal permissions or approvals have  
9 been issued to the employee on or after the date of  
10 transfer.

11 “(f) TRANSITION AGREEMENTS.—

12 “(1) BIPARTITE AGREEMENT.—

13 “(A) MEETINGS.—At least 180 days before  
14 the date of transfer, the Corporation shall meet  
15 with the labor organizations recognized under  
16 section 7111 of title 5 as exclusive representa-  
17 tives of FAA employees to resolve employment-  
18 related transition matters that affect employees  
19 represented by those labor organizations and  
20 that are not otherwise covered under this sec-  
21 tion.

22 “(B) DUTY TO BARGAIN IN GOOD FAITH.—

23 The Corporation and the labor organizations  
24 described in subparagraph (A) (in this sub-  
25 section referred to as the ‘parties’) shall be sub-

1           ject to the duty to bargain in good faith under  
2           chapter 907 in any meetings pursuant to this  
3           paragraph.

4           “(C) DISPUTE RESOLUTION PROCEDURE.—If the parties fail to reach an agree-  
5           ment over the initial or subsequent employ-  
6           ment-related transition issues not otherwise  
7           covered under this section, the matters shall be  
8           subject to the dispute resolution procedures es-  
9           tablished under subsections (a), (b), and (e) of  
10          section 90707.

12          “(2) TRIPARTITE AGREEMENT.—

13                 “(A) MEETINGS.—At least 1 year before  
14                 the date of transfer, the Corporation and the  
15                 FAA shall meet with the labor organizations  
16                 recognized under section 7111 of title 5 as ex-  
17                 clusive representatives of FAA employees to re-  
18                 solve transition matters related to the separa-  
19                 tion of air traffic services from the FAA pursu-  
20                 ant to this subtitle that affect employees rep-  
21                 resented by those labor organizations and that  
22                 are not otherwise covered under this section.

23                 “(B) DUTY TO BARGAIN IN GOOD FAITH.—  
24                 To the extent applicable, the Corporation and  
25                 the labor organizations described in subpara-

1 graph (A) shall be subject to the duty to bar-  
2 gain in good faith under chapter 907 in any  
3 meetings pursuant to this paragraph.

4 “(C) DISPUTE RESOLUTION PROCEDURE.—If the Corporation and the certified  
5 labor organizations described in subparagraph  
6 (A) fail to reach an agreement over the initial  
7 or subsequent transition issues related to the  
8 separation of air traffic services from the FAA,  
9 not otherwise covered under this section, the  
10 matters shall be subject to the dispute resolu-  
11 tion procedures established under subsections  
12 (a), (b), and (e) of section 90707.  
13

14 **“§ 90316. Transfer of facilities to Corporation**

15 “(a) INVENTORY OF FAA PROPERTY AND FACILI-  
16 TIES.—At least 1 year before the date of transfer, the Sec-  
17 retary, in consultation with the CEO, shall identify the  
18 licenses, patents, software rights, and real and personal  
19 property, including air navigation facilities (as defined in  
20 section 40102(a)) of the United States under FAA juris-  
21 diction, that are necessary and appropriate for the Cor-  
22 poration to carry out the air traffic services transferred  
23 to the Corporation under this subtitle.

24 “(b) TRANSFER OF FEDERAL PROPERTY.—

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

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

13          “(3) REVERSIONARY INTEREST.—Any convey-  
14          ance of real property under this section located at an  
15          FAA technical facility shall be subject to the condi-  
16          tion that all right, title, and interest in the real  
17          property shall revert to the United States and be  
18          placed under the administrative control of the Sec-  
19          retary if—

20                 “(A) the Corporation determines the real  
21                 property is no longer necessary to carry out the  
22                 air traffic services transferred to the Corpora-  
23                 tion under this subtitle; and



1 **“§ 90318. Use of spectrum systems and data**

2 “Beginning on the date of transfer, the Secretary  
3 shall provide the Corporation with such access to the spec-  
4 trum systems used by the FAA before the date of transfer  
5 to provide air traffic services, and any successor spectrum  
6 systems, and to the data from such systems, as is nec-  
7 essary to enable the Corporation to provide air traffic serv-  
8 ices under this subtitle.

9 **“CHAPTER 905—OVERSIGHT OF**  
10 **CORPORATION**

“Sec.

“90501. Safety oversight and regulation of Corporation.

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

“90503. Air navigation facilities established after date of transfer.

“90504. International agreements and activities.

“90505. Availability of safety information.

“90506. Reporting of safety violations to FAA.

“90507. Insurance requirements.

11 **“§ 90501. Safety oversight and regulation of Corpora-**  
12 **tion**

13 “(a) PERFORMANCE-BASED REGULATIONS AND MIN-  
14 IMUM SAFETY STANDARDS.—Before the date of transfer,  
15 the Secretary shall—

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

19 “(2) adopt, after consultation with the Corpora-  
20 tion and the FAA’s certified bargaining representa-  
21 tives, policies and other administrative materials of



1 the FAA in effect before the date of transfer for  
2 providing air traffic services.

3 “(b) SAFETY MANAGEMENT SYSTEM.—

4 “(1) IN GENERAL.—The regulations and stand-  
5 ards shall include a safety management system for  
6 air traffic services provided by the Corporation.

7 “(2) FOUNDATION.—The safety management  
8 system shall be based on the safety management  
9 system used by the Air Traffic Organization of the  
10 FAA before the date of transfer.

11 “(3) USE BY CORPORATION.—Beginning on the  
12 date of transfer, the Corporation shall use the safety  
13 management system, including any changes thereto,  
14 when assessing and managing risks in all proce-  
15 dures, processes, and practices necessary to provide  
16 air traffic services.

17 “(c) PROPOSALS TO MODIFY AIR TRAFFIC MANAGE-  
18 MENT PROCEDURES, ASSIGNMENTS, AND CLASSIFICA-  
19 TIONS OF AIRSPACE.—

20 “(1) SUBMISSION OF PROPOSALS TO SEC-  
21 RETARY.—The Corporation or another interested  
22 party may submit to the Secretary a proposal to  
23 modify—

24 “(A) air traffic management procedures,  
25 assignments, classifications of airspace, or other

1 actions affecting airspace access that are devel-  
2 oped pursuant to the safety management sys-  
3 tem; and

4 “(B) FAA policies and other administra-  
5 tive materials adopted under subsection (a)(2).

6 “(2) REVIEW AND APPROVAL OF PROPOSALS.—  
7 The regulations and standards prescribed under sub-  
8 section (a)(1) shall include a process for expedited  
9 review and approval of a proposal received under  
10 paragraph (1).

11 “(3) STANDARD FOR APPROVAL.—The Sec-  
12 retary shall approve a proposal received under para-  
13 graph (1) if the Secretary determines that the pro-  
14 posal complies with the regulations and standards  
15 prescribed under subsection (a)(1) and is otherwise  
16 consistent with the public interest.

17 “(4) APPROVALS, DISAPPROVALS, AND MODI-  
18 FICATIONS.—

19 “(A) IN GENERAL.—During the 45-day pe-  
20 riod beginning on the date of receipt of a pro-  
21 posal under paragraph (1), the Secretary shall  
22 approve, disapprove, or modify the proposal.

23 “(B) WRITTEN EXPLANATION.—If the  
24 Secretary disapproves or modifies the proposal,

1 the Secretary shall provide a written expla-  
2 nation of the Secretary's decision, including—

3 “(i) any instances of inconsistency  
4 with the regulations and standards pre-  
5 scribed under subsection (a)(1); and

6 “(ii) any other information that  
7 formed the basis for the Secretary's deci-  
8 sion.

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

15 “(d) JUDICIAL REVIEW.—

16 “(1) IN GENERAL.—Any decision made by the  
17 Secretary to approve, disapprove, or modify a pro-  
18 posal received under subsection (c)(1) shall be sub-  
19 ject to judicial review pursuant to subsections (a),  
20 (b), (d), and (e) of section 46110.

21 “(2) STANDARD OF REVIEW.—

22 “(A) DISAPPROVALS; MODIFICATIONS.—In  
23 the case of a petition filed under section  
24 46110(a) to review a decision of the Secretary  
25 that disapproves or modifies a proposal received

1 from the Corporation under subsection (c)(1),  
2 the court shall, without deference to the Sec-  
3 retary's determination, review de novo the  
4 record to determine if the Secretary's deter-  
5 mination is consistent with the regulations and  
6 standards prescribed under subsection (a)(1).

7 “(B) APPROVALS.—In the case of a peti-  
8 tion filed under section 46110(a) to review a  
9 decision of the Secretary that approves a pro-  
10 posal received from the Corporation under sub-  
11 section (c)(1), the court may overturn the ap-  
12 proval only upon a finding of clear error or an  
13 abuse of discretion.

14 “(e) COMPILATION.—

15 “(1) ESTABLISHMENT.—The Corporation shall  
16 establish and maintain a compilation of the policies  
17 and other materials referred to in subsection (a)(2).

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

21 “(3) PUBLICATION.—The Corporation shall  
22 make the compilation available to the public.

23 “(f) SPECIAL RULES FOR PROPOSALS AFFECTING  
24 CERTAIN AIRSPACE.—The regulations and standards pre-  
25 scribed under subsection (a)(1) shall include procedures

1 (including advance submission of necessary supporting  
2 data, analysis, and documentation) for the Secretary to  
3 evaluate, at least 180 days before its submission under  
4 subsection (c)(1), a proposal for an airspace change that  
5 would affect airspace that is—

6 “(1) within an area designated as a ‘Metroplex’  
7 by the FAA as of June 8, 2015;

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

10 “(3) adjacent to or containing special use air-  
11 space.

12 “(g) SPECIAL RULES FOR PROPOSALS RELATING TO  
13 OPERATION OF CONTRACT TOWERS.—

14 “(1) IN GENERAL.—The regulations and stand-  
15 ards prescribed under subsection (a)(1) shall include  
16 procedures for the Secretary to evaluate, under sub-  
17 section (c), a proposal for an airspace change that  
18 results from the proposed closure of a tower that is  
19 operating under a contract with the Corporation and  
20 that, prior to the date of transfer, was operated  
21 under a contract with the Secretary pursuant to sec-  
22 tion 47124.

23 “(2) PROCEDURES.—The procedures required  
24 pursuant to paragraph (1) shall include—

1           “(A) the advance submission of necessary  
2 supporting data, analysis, and documentation  
3 related to—

4           “(i) the safety risk management as-  
5 sessment of the proposed contract tower  
6 closure;

7           “(ii) an assessment of the impact of  
8 the proposed closure on the operation of  
9 the national airspace system;

10           “(iii) an assessment of the impact of  
11 the proposed closure on air service to af-  
12 fected communities; and

13           “(iv) any other safety or operational  
14 information the Secretary determines to be  
15 necessary to understand the safety impact  
16 of the proposed closure; and

17           “(B) a process to receive input from the  
18 public, impacted air traffic services users, local  
19 communities, and the airport operator of the  
20 airport where the contract tower proposed to be  
21 closed is located.

22           “(h) EXEMPTED AIRSPACE ACTIONS.—The require-  
23 ments of this section shall not apply to—

24           “(1) temporary airspace actions directed by the  
25 Administrator or Secretary;

1           “(2) airspace actions necessitated by an exer-  
2           cise of authority under section 40106; or

3           “(3) certain emergency circumstances, as de-  
4           fined by the Secretary in regulation.

5           “(i) DELEGATION.—Notwithstanding section  
6 90303(b), and except for the process and procedures re-  
7           quired by subsection (g), the Secretary may delegate safe-  
8           ty oversight functions to the Administrator.

9           **“§ 90502. Resolution of disputes concerning air traffic**  
10           **services charges and fees**

11           “(a) AUTHORITY TO REQUEST SECRETARY’S DETER-  
12           MINATION.—

13           “(1) IN GENERAL.—The Secretary shall issue a  
14           determination as to whether a charge or fee assessed  
15           by the Corporation for the use of air traffic services  
16           in United States airspace or international airspace  
17           delegated to the United States is reasonable if a  
18           written complaint for such determination is filed  
19           with the Secretary by an affected air traffic services  
20           user not later than 60 days after the air traffic serv-  
21           ices user receives written notice of the establishment  
22           or increase of such charge or fee.

23           “(2) SECRETARY’S DETERMINATION.—In deter-  
24           mining under paragraph (1) whether a charge or fee  
25           is reasonable, the Secretary may only determine

1       whether the charge or fee is reasonable pursuant to  
2       subsection (c).

3           “(3) TREATMENT OF INTEREST AND PEN-  
4       ALTIES.—In this section, the terms ‘charge’ and  
5       ‘fee’ include any interest and penalties relating  
6       thereto.

7           “(b) PROCEDURAL REGULATIONS.—At least 270  
8       days before the date of transfer, the Secretary shall pub-  
9       lish in the Federal Register final regulations, policy state-  
10      ments, or guidelines establishing the procedures for acting  
11      upon written complaints filed under subsection (a)(1) and  
12      requests of the Corporation pursuant to subsection (e)(3).

13          “(c) DETERMINATION OF REASONABLENESS.—In de-  
14      termining under subsection (a)(1) whether a charge or fee  
15      is reasonable, the Secretary shall determine only if the  
16      charge or fee is—

17           “(1) consistent with the charging principles de-  
18      scribed in section 90311(c); and

19           “(2) otherwise consistent with the public inter-  
20      est.

21          “(d) DECISIONS BY SECRETARY.—The final regula-  
22      tions, policy statements, or guidelines required in sub-  
23      section (b) shall provide for the following:

24           “(1) Not later than 90 days after an air traffic  
25      services user files with the Secretary a written com-



1       plaint relating to an air traffic service charge or fee,  
2       the Secretary shall issue a final order determining  
3       whether the charge or fee is reasonable.

4               “(2) Not later than 30 days after such com-  
5       plaint is filed with the Secretary, the Secretary shall  
6       dismiss the complaint if no significant dispute exists  
7       or shall assign the matter to an administrative law  
8       judge. Thereafter, the matter shall be handled in ac-  
9       cordance with part 302 of title 14, Code of Federal  
10      Regulations, or as modified by the Secretary, to en-  
11      sure an orderly disposition of the matter within the  
12      90-day period and any specifically applicable provi-  
13      sions of this section.

14              “(3) The administrative law judge shall issue a  
15      recommended decision within 45 days after the com-  
16      plaint is assigned or within such shorter period as  
17      the Secretary may specify.

18              “(4) If the Secretary, upon the expiration of 90  
19      days after the filing of the complaint, has not issued  
20      a final order, the decision of the administrative law  
21      judge shall be deemed to be the final order of the  
22      Secretary.

23              “(5) Any party to the dispute may seek review  
24      of a final order of the Secretary under this sub-  
25      section in the Circuit Court of Appeals for the Dis-

1        trict of Columbia Circuit or the court of appeals in  
2        the circuit with venue.

3            “(6) Any findings of fact in a final order of the  
4        Secretary under this subsection, if supported by sub-  
5        stantial evidence, shall be conclusive if challenged in  
6        a court pursuant to this subsection. No objection to  
7        such a final order shall be considered by the court  
8        unless objection was urged before an administrative  
9        law judge or the Secretary at a proceeding under  
10       this subsection or, if not so urged, unless there were  
11       reasonable grounds for failure to do so.

12        “(e) PAYMENT UNDER PROTEST; GUARANTEE OF  
13 AIR TRAFFIC SERVICES USER ACCESS.—

14            “(1) PAYMENT UNDER PROTEST.—

15            “(A) IN GENERAL.—Any charge or fee in-  
16        crease or newly established charge or fee that  
17        is the subject of a complaint that is not dis-  
18        missed by the Secretary shall be paid by the  
19        complainant air traffic services user to the Cor-  
20        poration under protest.

21            “(B) REFERRAL OR CREDIT.—Any  
22        amounts paid under this subsection by a com-  
23        plainant air traffic services user to the Corpora-  
24        tion under protest shall be subject to refund or  
25        credit to the air traffic services user in accord-

1           ance with directions in the final order of the  
2           Secretary within 30 days of such order.

3           “(C) **TIMELY REPAYMENT.**—In order to  
4           ensure the timely repayment, with interest, of  
5           amounts in dispute determined not to be rea-  
6           sonable by the Secretary, the Corporation shall  
7           obtain a letter of credit, or surety bond, or  
8           other suitable credit facility, equal to the  
9           amount in dispute that is due during the 90-  
10          day period established by this section, plus in-  
11          terest, unless the Corporation and the air traf-  
12          fic services user agree otherwise.

13          “(D) **DEADLINE.**—The letter of credit, or  
14          surety bond, or other suitable credit facility  
15          shall be provided to the Secretary not later than  
16          20 days after the filing of the complaint and  
17          shall remain in effect for 30 days after the ear-  
18          lier of 90 days or the issuance of a timely final  
19          order by the Secretary determining whether  
20          such charge or fee is reasonable.

21          “(2) **GUARANTEE OF AIR TRAFFIC SERVICES**  
22          **USER ACCESS.**—Contingent upon an air traffic serv-  
23          ices user’s compliance with the requirements of  
24          paragraph (1) and pending the issuance of a final  
25          order by the Secretary determining the reasonable-

1       ness of a charge or fee that is the subject of a com-  
2       plaint filed under subsection (a)(1), the Corporation  
3       may not withhold air traffic services as a means of  
4       enforcing the charge or fee.

5               “(3) NONCOMPLIANCE.—Prior to the issuance  
6       of a final order by the Secretary determining the  
7       reasonableness of a charge or fee that is the subject  
8       of a complaint filed under subsection (a)(1), if an  
9       air traffic services user does not comply with the re-  
10      quirements of paragraph (1) of this subsection, the  
11      Corporation shall withhold air traffic services from  
12      the user if the Corporation requests and receives ap-  
13      proval from the Secretary to withhold air traffic  
14      services.

15      **“§ 90503. Air navigation facilities established after**  
16               **date of transfer**

17               “(a) SAFETY MANAGEMENT SYSTEM FOR AIR NAVI-  
18      GATION FACILITIES.—Notwithstanding section 44702 or  
19      44708, or any other provision of law, the Secretary shall  
20      establish procedures under which the Corporation or any  
21      other interested person may submit to the Secretary for  
22      approval a safety management system for use by the Cor-  
23      poration or person in designing, manufacturing, testing,  
24      or operating an air navigation facility, as defined in sec-  
25      tion 40102(a), established after the date of transfer.

1           “(b) ESTABLISHMENT OF PROCEDURES.—The proce-  
2       dures established under subsection (a) shall—

3                   “(1) be established before the date of transfer;

4                   “(2) include a process for the Secretary to peri-  
5       odically review, in an expedited manner, a safety  
6       management system approved under subsection (a)  
7       and its implementation; and

8                   “(3) allow for enforcement of the terms and  
9       conditions of the safety management system by the  
10      Secretary pursuant to section 46301(a)(1)(A).

11          “(c) COMPLIANCE REQUIRED.—In carrying out ac-  
12      tivities related to the design, manufacture, testing, or op-  
13      eration of air navigation facilities, the Corporation or any  
14      other interested person shall act in accordance with the  
15      applicable safety management system approved pursuant  
16      to this section.

17      **“§ 90504. International agreements and activities**

18          “(a) CONSISTENCY WITH INTERNATIONAL OBLIGA-  
19      TIONS AND LAWS OF OTHER COUNTRIES.—The Corpora-  
20      tion shall provide air traffic services under this subtitle  
21      in a manner that is consistent with any obligation as-  
22      sumed by the United States in a treaty, convention, or  
23      agreement that may be in force between the United States  
24      and a foreign country or foreign countries or between the  
25      United States and an international organization, and shall

1 take into consideration any applicable laws and require-  
2 ments of foreign countries.

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

7 **“§ 90505. Availability of safety information**

8 “(a) SAFETY INFORMATION.—The Corporation shall  
9 make available to air traffic services users and the pub-  
10 lic—

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

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

15 “(3) any updates or revisions to the safety in-  
16 formation referred to in paragraphs (1) and (2).

17 “(b) METEOROLOGICAL SERVICES; AERONAUTICAL  
18 CHARTS.—The Corporation may provide for the dissemi-  
19 nation of available aviation-related meteorological infor-  
20 mation and aeronautical charts to air traffic services  
21 users.

22 **“§ 90506. 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  
10          from a report of the Corporation or another person or en-  
11          tity.

12          “(c) STATUTORY CONSTRUCTION.—This section may  
13          not be construed to limit the authority of the Adminis-  
14          trator to undertake enforcement actions upon the Admin-  
15          istrator’s initiative.

16          **“§ 90507. Insurance requirements**

17          “The Corporation shall maintain adequate liability  
18          insurance policies and coverages, as determined by the  
19          Secretary, including complete indemnification of employ-  
20          ees of the Corporation for acts within the scope of employ-  
21          ment.

22          **“CHAPTER 907—EMPLOYEE MANAGEMENT**

“Sec.

“90701. Definitions.

“90702. Employee management and benefits election.

“90703. Labor and employment policy.

“90704. Bargaining units.

“90705. Recognition of labor organizations.

“90706. Collective-bargaining agreements.

“90707. Collective-bargaining dispute resolution.

“90708. Potential and pending grievances, arbitrations, and settlements.

“90709. Legal action.

1 **“§ 90701. Definitions**

2 “In this chapter, the following definitions apply:

3 “(1) AGENCY.—The term ‘Agency’ means, as  
4 the context requires, the Department of Transpor-  
5 tation or the FAA.

6 “(2) AIR TRAFFIC CONTROLLER.—

7 “(A) IN GENERAL.—The term ‘air traffic  
8 controller’ means an employee of the Corpora-  
9 tion who, in an air traffic control facility or  
10 flight service station facility—

11 “(i) is actively engaged—

12 “(I) in the separation and control  
13 of air traffic; or

14 “(II) in providing preflight,  
15 inflight, or airport advisory service to  
16 aircraft operators; or

17 “(ii) is the immediate supervisor of  
18 any employee described in clause (i).

19 “(B) LIMITATION.—Notwithstanding sub-  
20 paragraph (A), the definition of ‘air traffic con-  
21 troller’ for purposes of section 8336(e) of chap-  
22 ter 83 of title 5 and section 8412(e) of chapter  
23 84 of such title shall mean only employees ac-  
24 tively engaged in the separation of air traffic



1 and the immediate supervisors of such employ-  
2 ees, as set forth in section 8331(30) of such  
3 title, and section 8401(35) of such title.

4 “(3) AUTHORITY.—The term ‘Authority’ means  
5 the Federal Labor Relations Authority, as described  
6 in section 7104(a) of title 5.

7 “(4) SERVICE.—The term ‘Service’ means the  
8 Federal Mediation and Conciliation Service estab-  
9 lished by section 202 of the Labor Management Re-  
10 lations Act, 1947 (29 U.S.C. 172).

11 **“§ 90702. Employee management and benefits elec-**  
12 **tion**

13 “(a) AUTHORITY OF CEO.—

14 “(1) IN GENERAL.—Except as otherwise pro-  
15 vided by law, the CEO shall classify and fix the com-  
16 pensation and benefits of employees in the Corpora-  
17 tion.

18 “(2) NEGOTIATIONS.—In developing, making  
19 changes to, and implementing wages, hours, and  
20 other terms and conditions of employment, including  
21 when establishing the compensation and benefits  
22 program under section 90315(c), the Corporation  
23 shall negotiate with exclusive representatives recog-  
24 nized under section 90705.

1           “(3) BEFORE DATE OF TRANSFER.—For pur-  
2           poses of paragraph (2), before the date of transfer,  
3           the term ‘exclusive representatives recognized under  
4           section 90705’ shall refer to labor organizations rec-  
5           ognized under section 7111 of title 5 as exclusive  
6           representatives of FAA employees.

7           “(b) FORMER FEDERAL EMPLOYEES.—

8           “(1) FEDERAL RETIREMENT BENEFITS.—

9           “(A) ELECTION OF RETIREMENT BENE-  
10           FITS.—At least 90 days before the date of  
11           transfer, an employee transferring to the Cor-  
12           poration who will be subject to either the Civil  
13           Service Retirement System under chapter 83 of  
14           title 5 (in this section referred to as ‘CSRS’) or  
15           the Federal Employees’ Retirement System  
16           under chapter 84 of title 5 (in this section re-  
17           ferred to as ‘FERS’) on the day immediately  
18           preceding the date of transfer shall elect either  
19           to—

20                   “(i) retain the employee’s coverage  
21                   under either CSRS or FERS, as applica-  
22                   ble, in lieu of coverage by the Corpora-  
23                   tion’s employee benefits system established  
24                   under section 90315(c); or

1                   “(ii) receive a deferred annuity, lump-  
2                   sum benefit, or any other benefit available  
3                   to the employee under CSRS or FERS, in  
4                   the same manner that would have been  
5                   available to the employee if the employee  
6                   had voluntarily separated from Federal  
7                   employment on the day before the date of  
8                   transfer.

9                   “(B) THRIFT SAVINGS PLAN ACCOUNTS.—  
10                  An employee who makes the election under sub-  
11                  paragraph (A)(ii) shall have the option to trans-  
12                  fer the balance in the employee’s Thrift Savings  
13                  Plan account to the plan under the Corpora-  
14                  tion’s retirement system, consistent with appli-  
15                  cable law and the terms of the Corporation’s  
16                  plan.

17                  “(C) PERIODIC ELECTION.—The Corpora-  
18                  tion shall provide for periodic election seasons  
19                  during which an employee who transferred to  
20                  the Corporation on the date of transfer may be-  
21                  come eligible for retirement benefits under the  
22                  Corporation’s employee benefits system estab-  
23                  lished under section 90315(c) by making an  
24                  election 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 RETIRE-  
21          MENT AND DISABILITY FUND.—For employees of the  
22          Corporation who elect to retain their coverage under  
23          either CSRS or FERS pursuant to paragraph (1),  
24          the Corporation shall only be required to pay to the  
25          Civil 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 ex-  
5           ceed 2 percent of the amounts under subpara-  
6           graph (A), as are determined necessary by the  
7           Office of Personnel Management to pay the cost  
8           of administering retirement benefits for employ-  
9           ees who retire from the Corporation after the  
10          date of transfer under either CSRS or FERS,  
11          for their survivors, and for survivors of employ-  
12          ees of the Corporation who die after the date of  
13          transfer (which amounts shall be available to  
14          the Office of Personnel Management as pro-  
15          vided in section 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  
20          their coverage under FERS pursuant to paragraph  
21          (1).

22          “(4) HEALTH BENEFITS PLAN ELECTION.—Any  
23          employee of the Corporation who was subject to the  
24          Federal Employee Health Benefits Program under  
25          chapter 89 of title 5 (in this section referred to as

1 ‘FEHBP’) on the day immediately preceding the  
2 date of transfer shall have the option to receive  
3 health benefits from a health benefit plan estab-  
4 lished by the Corporation under section 90315(e) or  
5 to continue coverage under FEHBP without inter-  
6 ruption.

7 “(5) PAYMENTS TO EMPLOYEES HEALTH BENE-  
8 FITS FUND.—For employees of the Corporation who  
9 elect to retain their coverage under FEHBP pursu-  
10 ant to paragraph (4), the Corporation shall pay to  
11 the Employees Health Benefits Fund—

12 “(A) such employee deductions and agency  
13 contributions as are required by subsections (a)  
14 through (f) of section 8906 of title 5; and

15 “(B) such amounts as are determined nec-  
16 essary by the Office of Personnel Management  
17 under paragraph (6) to reimburse the Office of  
18 Personnel Management for contributions under  
19 section 8906(g)(1) of title 5.

20 “(6) REIMBURSEMENT AMOUNTS.—The  
21 amounts required to be paid by the Corporation  
22 under paragraph (5)(B) shall be equal to the  
23 amount of Government contributions for retired em-  
24 ployees who retire from the Corporation after the  
25 date of transfer under either CSRS or FERS, for

1 survivors of such retired employees, and for sur-  
2 vivors of employees of the Corporation who die after  
3 the date of transfer, with said amounts prorated to  
4 reflect only that portion of the total service of such  
5 employees and retired persons that was performed  
6 for the Corporation after the date of transfer.

7 “(7) ADDITIONAL BENEFITS.—Subject to the  
8 provisions of this chapter, any employee of the Cor-  
9 poration who was subject to the provisions of sub-  
10 chapter I of chapter 85 (concerning unemployment  
11 compensation) and chapters 87 (concerning life in-  
12 surance), 89A (concerning enhanced dental bene-  
13 fits), and 89B (concerning enhanced vision benefits)  
14 of title 5 shall have the option to continue coverage  
15 under such provisions without interruption in lieu of  
16 applicable coverage by the Corporation’s employee  
17 benefits system established under section 90315(c).  
18 The Corporation shall withhold from pay, and shall  
19 make contributions, under the provisions of title 5  
20 referred to in this subsection at the same rates ap-  
21 plicable to agencies of the Federal Government for  
22 such employees.

23 “(8) WORKERS COMPENSATION.—Officers and  
24 employees of the Corporation shall be covered by,  
25 and shall be considered employees for purposes of,

1 subchapter I of chapter 81 of title 5 (concerning  
2 compensation for work injuries). The Corporation  
3 shall make contributions to the Employees' Com-  
4 pensation Fund under the provisions of section 8147  
5 of title 5 at the same rates applicable to agencies of  
6 the Federal Government.

7 “(9) NON-FOREIGN AREA.—To the extent con-  
8 sistent with law, the Non-Foreign Area Retirement  
9 Equity Assurance Act of 2009 shall apply to officers  
10 and employees of the Corporation transferred under  
11 section 90315.

12 “(10) TRANSFER OF LEAVE.—Sick and annual  
13 leave, credit hours, and compensatory time of offi-  
14 cers and employees of the Corporation, whether ac-  
15 crued before or after the date of transfer, shall be  
16 obligations of the Corporation under the provisions  
17 of this chapter.

18 “(11) WHISTLEBLOWER PROTECTION.—Neither  
19 the Corporation, nor any officer or employee of the  
20 Corporation, may take any action described in sub-  
21 section (b)(8), (b)(9), or (b)(13), or the final para-  
22 graph of subsection (b), of section 2302 of title 5  
23 (relating to whistleblower protection).



1 **“§ 90703. Labor and employment policy**

2       “(a) APPLICATION OF CHAPTER 71 OF TITLE 5.—  
3 To the extent not inconsistent with this chapter, labor-  
4 management relations shall be subject to the provisions  
5 of chapter 71 of title 5, provided that the obligation of  
6 the Corporation and an exclusive bargaining representa-  
7 tive recognized under section 90705 to bargain collectively  
8 in good faith over conditions of employment shall mean  
9 to bargain over the same wages, hours, and other terms  
10 and conditions of employment as are negotiable under sec-  
11 tion 8(d) of the Act of July 5, 1935, as amended (29  
12 U.S.C. 158(d)), and without application of section  
13 7103(a)(14) of title 5 and section 7117 of title 5, which  
14 shall not apply.

15       “(b) APPLICABILITY.—To the limited extent nec-  
16 essary for the implementation of this chapter, the Cor-  
17 poration shall have the rights and obligations of an agency  
18 under chapter 71 of title 5.

19       “(c) APPLICATION OF FAIR LABOR STANDARDS  
20 ACT.—The provisions of the Fair Labor Standards Act  
21 of 1938 (29 U.S.C. 201 et seq.) shall apply to the Cor-  
22 poration and to its officers and employees.

23       “(d) REPORTING AND DISCLOSURE.—The provisions  
24 of the Labor-Management Reporting and Disclosure Act  
25 of 1959 (29 U.S.C. 401 et seq.) shall be applicable to labor  
26 organizations that have or are seeking to attain recogni-

1 tion under section 90705, and to such organizations' offi-  
2 cers, agents, shop stewards, other representatives, and  
3 members.

4 “(e) RIGHT TO COLLECTIVELY BARGAIN.—Each em-  
5 ployee of the Corporation shall have the right, freely and  
6 without fear of penalty or reprisal, to form, join, and assist  
7 a labor organization or to refrain from any such activity,  
8 and each employee shall be protected in the exercise of  
9 this right. Such right shall include the right to engage in  
10 collective bargaining with respect to the same wages,  
11 hours, and other terms and conditions of employment as  
12 are negotiable under section 8(d) of the Act of July 5,  
13 1935, as amended (29 U.S.C. 158(d)).

14 **“§ 90704. Bargaining units**

15 “(a) IN GENERAL.—Pursuant to section 7112 of title  
16 5 and subject to the requirements of this chapter, the Au-  
17 thority shall decide in each case the unit appropriate for  
18 collective bargaining with the Corporation.

19 “(b) PREVIOUSLY CERTIFIED UNITS.—Notwith-  
20 standing subsection (a), the Authority may not adopt, cer-  
21 tify, or decide upon bargaining units that include employ-  
22 ees in bargaining units previously certified by the Author-  
23 ity that are smaller in geographic scope than such pre-  
24 viously certified bargaining units, unless the Authority  
25 finds by compelling evidence that such previously certified

1 units would not, absent modification, remain units appro-  
2 priate for collective bargaining with the Corporation.

3 “(c) OTHER UNITS.—Notwithstanding subsections  
4 (a) or (b), the Authority shall not recognize or certify any  
5 bargaining unit different than the bargaining units pre-  
6 viously certified by the Authority prior to the date de-  
7 scribed in section 90705(g).

8 **“§ 90705. Recognition of labor organizations**

9 “(a) APPLICATION OF CHAPTER 71 OF TITLE 5.—  
10 To the extent not inconsistent with this chapter, section  
11 7111 of title 5 shall apply to the recognition and certifi-  
12 cation of labor organizations for the employees of the Cor-  
13 poration and the Corporation shall accord exclusive rec-  
14 ognition to and bargain collectively with a labor organiza-  
15 tion when the organization has been selected by a majority  
16 of the employees in an appropriate unit as their represent-  
17 ative.

18 “(b) RECOGNITION OF EXCLUSIVE REPRESENTA-  
19 TIVE.—Notwithstanding subsection (a), each labor organi-  
20 zation that, immediately before the date of transfer, was  
21 recognized as the exclusive representative for a bargaining  
22 unit of employees of the Agency shall be deemed to be  
23 recognized on the date of transfer or thereafter as the ex-  
24 clusive representative for those employees of the Corpora-  
25 tion in the same or similar bargaining unit unless another

1 representative for a bargaining unit of employees is cer-  
2 tified pursuant 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  
12 on the date of transfer shall continue to be recognized by  
13 and binding on the Corporation, the bargaining represent-  
14 ative, and all covered employees until altered or amended  
15 pursuant to law. Any agreement, supplement, or arbitra-  
16 tion award continued by this section is deemed to be an  
17 agreement, supplement, or arbitration award binding on  
18 the Corporation, the bargaining representative, and all  
19 covered employees for purposes of this chapter and title  
20 5.

21       “(d) LIMITATION ON APPLICATION.—Notwith-  
22 standing section 90703, sections 7106 and 7113 of title  
23 5 shall not apply to this chapter.

24       “(e) CONTINUATION OF BARGAINING.—If an exclu-  
25 sive representative and the Agency are engaged in bar-

1 gaining (whether concerning a collective-bargaining agree-  
2 ment, issues related to the transfer of functions and re-  
3 sponsibilities from the Agency to the Corporation, or oth-  
4 erwise) prior to the date of transfer, such bargaining shall  
5 continue between the exclusive representative and the Cor-  
6 poration, and the Corporation shall be bound by any com-  
7 mitments made during bargaining by the Agency.

8 “(f) STATUTORY CONSTRUCTION.—Nothing in this  
9 section may be construed to prohibit the waiving of hear-  
10 ings by stipulation for the purpose of a consent election  
11 in conformity with regulations and rules of decision of the  
12 Authority.

13 “(g) LIMITATION.—Notwithstanding any other provi-  
14 sion of this chapter or any provision of title 5, no bar-  
15 gaining unit or part of a bargaining unit consisting of em-  
16 ployees of the Corporation represented by a labor organi-  
17 zation pursuant to subsection (b) may be reviewed, re-  
18 scinded, amended, altered, or varied, other than—

19 “(1) to include in the unit any employees who  
20 are not represented by a labor organization, or

21 “(2) to merge bargaining units that are rep-  
22 resented by the same labor organization,

23 before the first day of the last 3 months of the first collec-  
24 tive agreement entered into after the date of transfer that  
25 applies to those employees and that has resulted from col-

1 lective bargaining between such labor organization and the  
2 Corporation.

3 “(h) DEDUCTION.—

4 “(1) IN GENERAL.—Notwithstanding section  
5 90703, 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  
9 the regular and periodic dues, initiation fees, and as-  
10 sements (not including fines and penalties) of the  
11 organization from the pay of all members of the or-  
12 ganization in the unit of recognition if the Corpora-  
13 tion (or, before the date of transfer, the Agency) has  
14 received from each employee, on whose account such  
15 deductions are made, a written assignment which  
16 shall be irrevocable for a period of not more than 1  
17 year.

18 “(3) CONTINUATION.—Any agreement de-  
19 scribed in subsection (c) that provides for deduction  
20 by the Agency of the regular and periodic dues, initi-  
21 ation fees, and assessments (not including fines and  
22 penalties) of the labor organization from the pay of  
23 its members shall continue in full force and effect  
24 and the obligation for such deductions shall be as-  
25 sumed by the Corporation. No such deduction may

1 be made from the pay of any employee except on the  
2 employee's written assignment, which shall be irrev-  
3 ocable for a period of not more than 1 year.

4 **“§ 90706. Collective-bargaining agreements**

5 “(a) IN GENERAL.—Except as provided under section  
6 90705(c), collective-bargaining agreements between the  
7 Corporation and bargaining representatives shall be effec-  
8 tive for not less than 2 years.

9 “(b) PROCEDURES.—Collective-bargaining agree-  
10 ments between the Corporation and bargaining represent-  
11 atives recognized under section 90705 may include any  
12 procedures for resolution by the parties of grievances and  
13 adverse actions arising under the agreement, including  
14 procedures culminating in binding third-party arbitration,  
15 or the parties may adopt any such procedures by mutual  
16 agreement in the event of a dispute.

17 “(c) LIMITATION ON APPLICATION.—Notwith-  
18 standing section 90703, section 7121(c) of title 5 shall not  
19 apply to this chapter.

20 “(d) DISPUTE RESOLUTION PROCEDURES.—The  
21 Corporation and bargaining representatives recognized  
22 under section 90705 may by mutual agreement adopt pro-  
23 cedures for the resolution of disputes or impasses arising  
24 in the negotiation of a collective-bargaining agreement.

1 **“§ 90707. Collective-bargaining dispute resolution**

2 “(a) RESOLUTION OF DISPUTES.—

3 “(1) IN GENERAL.—If, prior to 90 days after  
4 the expiration of the term collective-bargaining  
5 agreement or 90 days after the parties begin mid-  
6 term negotiations, the Corporation and the exclusive  
7 bargaining representative of the employees of the  
8 Corporation (in this section referred to collectively  
9 as the ‘parties’) do not reach an agreement under  
10 sections 7114(a)(1), 7114(a)(4), and 7114(b) of title  
11 5 (as such sections apply to the Corporation under  
12 this chapter), or 90706(d) of this chapter, the Cor-  
13 poration and the bargaining representative shall use  
14 the mediation services of the Service to attempt to  
15 reach such agreement in accordance with part 1425  
16 of title 29, Code of Federal Regulations (as in effect  
17 on the date of enactment of this subtitle).

18 “(2) MEDIATION PERIOD.—The mediation pe-  
19 riod under paragraph (1) may not exceed 60 days  
20 unless 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 par-  
2 ties shall submit their issues in controversy to a pri-  
3 vate 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 pro-  
7 vide for the appointment of the 3 members of  
8 an arbitration 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  
18 PARTIES.—Not later than 10 days after receiv-  
19 ing a list of names under subparagraph (A), the  
20 parties shall each select one arbitrator. The ar-  
21 bitrators selected by the parties do not need to  
22 be arbitrators whose names appear on the list.

23 “(C) SELECTION OF THIRD ARBI-  
24 TRATOR.—Not later than 7 days after the date  
25 on which the 2 arbitrators are selected by the

1 parties under subparagraph (B), the 2 arbitra-  
2 tors, acting jointly, shall select a third person  
3 from the list prepared under subparagraph (A).

4 “(D) FAILURE TO ACT.—If either of the  
5 parties fails to select a person or if the 2 arbi-  
6 trators are unable to agree on the third person  
7 in 7 days, the parties shall make the selection  
8 by alternately striking names on the list pre-  
9 pared under subparagraph (A), beginning with  
10 the party chosen on a random basis, until one  
11 arbitrator remains.

12 “(3) FRAMING ISSUES IN CONTROVERSY.—If  
13 the parties do not agree on the framing of the issues  
14 to 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  
19 support of their claims and an opportunity to  
20 present their case in person, by counsel, or by other  
21 representative 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

1 arbitration board shall be conclusive and binding  
2 upon the parties.

3 “(6) EVIDENCE.—The arbitration board shall  
4 consider and afford the proper weight to all of the  
5 evidence presented by the parties.

6 “(7) COSTS.—The parties shall share costs of  
7 the arbitration equally.

8 “(c) RATIFICATION OF AGREEMENTS.—Upon reach-  
9 ing a voluntary agreement or at the conclusion of the bind-  
10 ing arbitration under subsection (b), the final agreement,  
11 except for those matters decided by a private arbitration  
12 board, 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  
18 5.

19 “(d) MID-TERM BARGAINING.—

20 “(1) PREPARATION OF LIST OF ARBITRA-  
21 TORS.—If the mediation services of the Service  
22 under subsection (a) do not lead to the resolution of  
23 issues in controversy arising from the negotiation of  
24 a mid-term collective-bargaining agreement, the Di-  
25 rector shall provide the parties a list of not fewer

1 than 10 names of arbitrators of nationwide reputa-  
2 tion and professional stature with at least 20 years  
3 of experience in labor-management arbitration and  
4 considerable experience in interest arbitration in  
5 major industries.

6 “(2) SELECTION OF ARBITRATOR.—The parties  
7 shall alternately strike names on the list, beginning  
8 with the party chosen on a random basis, until one  
9 arbitrator remains.

10 “(3) DECISION.—The arbitrator shall hold a  
11 hearing, and not later than 90 days after date of the  
12 appointment of the arbitrator, issue a written deci-  
13 sion resolving the issues in controversy. The decision  
14 shall be conclusive and binding upon the parties.

15 “(e) ENFORCEMENT.—To enforce this section, either  
16 party may bring suit in the United States District Court  
17 for the District of Columbia, which shall hear and resolve  
18 the enforcement action on an expedited basis.

19 “(f) APPLICATION.—Notwithstanding section  
20 90703(a), section 7119 of title 5 shall not apply to this  
21 chapter.

22 **“§ 90708. Potential and pending grievances, arbitra-**  
23 **tions, and settlements**

24 “(a) IN GENERAL.—The Corporation is deemed to be  
25 the employer referred to in any agreement or supplement

1 referred to in section 90705(e) for the purpose of any arbi-  
2 tration proceeding or arbitration award. Any agreement  
3 concerning any employee that resolves a potential or filed  
4 grievance that is binding on the Agency shall, to the extent  
5 that the employee becomes an employee of the Corpora-  
6 tion, become binding on the Corporation.

7 “(b) EXISTING BINDING AGREEMENTS.—Any agree-  
8 ment or supplement referred to in section 90705(e) is  
9 binding on—

10 “(1) the Corporation as if it were the employer  
11 referred to in such agreement or supplement;

12 “(2) the bargaining representative that is a  
13 party to the agreement or supplement; and

14 “(3) the employees of the Corporation in the  
15 bargaining unit with respect to whom that bar-  
16 gaining representative has been certified.

17 “(c) JURISDICTION.—Subject to section 90703, the  
18 Authority shall retain jurisdiction over all matters arising  
19 before the date of transfer in relation to the interpretation  
20 and application of any agreement or supplement referred  
21 to in section 90705(e), whether or not such agreement or  
22 supplement has expired.

23 “(d) EXISTING GRIEVANCES OR ARBITRATIONS.—  
24 Grievances or arbitrations that were filed or commenced  
25 before the date of transfer with respect to any agreement

1 or supplement referred to in section 90705(c) shall be con-  
2 tinued as though the Corporation were the employer re-  
3 ferred to in the agreement or supplement.

4 “(e) PROCEEDINGS AFTER DATE OF TRANSFER.—  
5 Where events giving rise to a grievance under any agree-  
6 ment or supplement referred to in section 90705(c) oc-  
7 curred before the date of transfer but the proceedings had  
8 not commenced before that date, the proceedings may be  
9 commenced on or after the date of transfer in accordance  
10 with such agreement or supplement as though the Cor-  
11 poration were the employer referred to in such agreement  
12 or supplement.

13 “(f) ACTIONS DEEMED TO BE BY CORPORATION.—  
14 For the purposes of subsections (c), (d), and (e), anything  
15 done, or not done, by the Agency is deemed to have been  
16 done, or to have not been done, as the case may be, by  
17 the Corporation.

18 “(g) EXCEPTIONS TO ARBITRAL AWARDS.—

19 “(1) IN GENERAL.—Notwithstanding section  
20 90703, section 7122 of title 5 shall not apply to this  
21 chapter.

22 “(2) ACTIONS TO VACATE.—Either party to  
23 grievance arbitration under this chapter may file an  
24 action pursuant to section 90709(a) to enforce the  
25 arbitration process or to vacate or enforce an arbi-

1       tration award. An arbitration award may only be va-  
2       cated on the grounds, and pursuant to the stand-  
3       ards, that would be applicable to an action to vacate  
4       an arbitration award brought in the Federal courts  
5       under section 301 of the Labor Management Rela-  
6       tions Act, 1947 (29 U.S.C. 185).

7       **“§ 90709. Legal action**

8       “(a) IN GENERAL.—Consistent with the require-  
9       ments of section 90313, actions to enforce the arbitration  
10      process or vacate or enforce an arbitral award under sec-  
11      tion 90708(g)(2) between the Corporation and a labor or-  
12      ganization representing Corporation employees, or be-  
13      tween any such labor organizations, may be brought in  
14      any district court of the United States having jurisdiction  
15      of the parties, without respect to the amount in con-  
16      troversy.

17      “(b) AUTHORIZED ACTS.—A labor organization rec-  
18      ognized under section 90705 and the Corporation shall be  
19      bound by the authorized acts of their agents. Any labor  
20      organization may sue or be sued as an entity and on behalf  
21      of the employees whom it represents in the courts of the  
22      United States. Any money judgment against a labor orga-  
23      nization in a district court of the United States shall be  
24      enforceable only against the organization as an entity and

1 against its assets, and shall not be enforceable against any  
2 individual member or his assets.

3 “(c) JURISDICTION.—Under this subtitle, for the  
4 purposes of actions and proceedings by or against labor  
5 organizations in the district courts of the United States,  
6 district courts shall be deemed to have jurisdiction of a  
7 labor organization—

8 “(1) in the district in which such organization  
9 maintains its principal offices; or

10 “(2) in any district in which its duly authorized  
11 officers or agents are engaged in representing or  
12 acting for employee members.

13 “(d) SUMMONS OR SUBPOENA.—The service of sum-  
14 mons, subpoena, or other legal process of any court of the  
15 United States upon an officer or agent of a labor organiza-  
16 tion, in his capacity as such, shall constitute service upon  
17 the labor organization.

## 18 **“CHAPTER 909—OTHER MATTERS**

“Sec.

“90901. Termination of Government functions.

“90902. Savings provisions.

“90903. Inspector General reports to Congress on transition.

### 19 **“§ 90901. Termination of Government functions**

20 “Except as otherwise provided in this subtitle, when-  
21 ever any function vested by law in the Secretary, Adminis-  
22 trator, Department of Transportation, or FAA has been



1 transferred to the Corporation pursuant to this subtitle,  
2 it shall no longer be a function of the Government.

3 **“§ 90902. Savings provisions**

4 “(a) COMPLETED ADMINISTRATIVE ACTIONS.—

5 “(1) IN GENERAL.—Completed administrative  
6 actions of the Department of Transportation or the  
7 FAA shall not be affected by the enactment of this  
8 subtitle, but shall continue in effect according to  
9 their terms until amended, modified, superseded,  
10 terminated, set aside, or revoked in accordance with  
11 law.

12 “(2) COMPLETED ADMINISTRATIVE ACTION DE-  
13 FINED.—In paragraph (1), the term ‘completed ad-  
14 ministrative action’ includes orders, determinations,  
15 rules, regulations, personnel actions, permits, agree-  
16 ments, grants, contracts, certificates, licenses, reg-  
17 istrations, and privileges.

18 “(b) CONTINUED EFFECTIVENESS OF PENDING AC-  
19 TIONS.—

20 “(1) PENDING ACTIONS AND PROCEEDINGS.—

21 The provisions of this subtitle shall not affect any  
22 proceedings of the Department of Transportation or  
23 the FAA pending on the date of transfer, includ-  
24 ing—

1           “(A) notices of proposed rulemaking re-  
2           lated to activities of the FAA not transferred to  
3           the Corporation;

4           “(B) an application for a license, a permit,  
5           a certificate, or financial assistance pending on  
6           the date of transfer before the Department of  
7           Transportation or the FAA, or any officer  
8           thereof, with respect to activities not trans-  
9           ferred by this subtitle; or

10          “(C) an application for a license, a permit,  
11          a certificate, or financial assistance pending on  
12          the date of transfer before the Department of  
13          Transportation or the FAA, or any officer  
14          thereof, with respect to activities transferred by  
15          this subtitle.

16          “(2) EFFECT OF ORDERS.—Orders issued in  
17          any proceedings referred to in paragraph (1) shall  
18          continue in effect until modified, terminated, super-  
19          seded, or revoked in accordance with law. Nothing in  
20          this subsection prohibits the discontinuance or modi-  
21          fication of any such proceeding under the same  
22          terms and conditions and to the same extent that  
23          such proceeding could have been discontinued or  
24          modified if this subtitle had not been enacted.

1           “(c) CONTINUED EFFECTIVENESS OF ADMINISTRA-  
2 TIVE AND JUDICIAL ACTIONS.—No causes of action or ac-  
3 tions by or against the Department of Transportation or  
4 the FAA arising from acts or omissions occurring before  
5 the date of transfer shall abate by reason of the enactment  
6 of this subtitle.

7           “(d) SUBSTITUTION OR ADDITION OF PARTIES TO  
8 JUDICIAL ACTIONS.—Except as provided by subsection  
9 (e)(2), if, on the date of transfer, the Department of  
10 Transportation or the FAA, or any officer thereof in the  
11 officer’s capacity, is a party to an action and, under this  
12 subtitle, the performance of that activity of the Depart-  
13 ment, FAA, or officer is transferred to the Corporation,  
14 such action shall be continued with the CEO substituted  
15 or added as a party.

16           “(e) AIR TRAFFIC SERVICE LIABILITIES AND OBLI-  
17 GATIONS.—

18                 “(1) ASSUMPTION OF OBLIGATIONS.—Except as  
19 provided in paragraph (2), the Corporation shall as-  
20 sume—

21                     “(A) all obligations (tangible and incorpo-  
22 real, present, and executory) associated with the  
23 air traffic services transferred under this sub-  
24 title on the date of transfer, including leases,

1           permits, licenses, contracts, agreements, ac-  
2           counts receivable, and accounts payable; and

3           “(B) all claims and liabilities associated  
4           with the air traffic services transferred under  
5           this subtitle pending on the date of transfer.

6           “(2) CLAIMS AND ACTIONS THAT REMAIN LI-  
7           ABILITIES OF UNITED STATES.—

8           “(A) CLAIMS AND ACTIONS ARISING IN  
9           TORT.—All claims and actions arising in tort  
10          pending on the date of transfer and arising out  
11          of the alleged acts or omissions of employees of  
12          the FAA who transfer to the Corporation shall  
13          remain liabilities of the United States.

14          “(B) CONTINGENT LIABILITIES.—All con-  
15          tingent liabilities existing on the date of trans-  
16          fer shall remain with the United States, includ-  
17          ing (without limitation) environmental and in-  
18          tellectual property infringement claims.

19          “(C) OTHER CLAIMS AND LIABILITIES.—  
20          All other claims and liabilities arising out of the  
21          alleged acts or omissions of the United States  
22          before the date of transfer (including those aris-  
23          ing under an agreement referred to in section  
24          90705(c)) whose remedy is financial or mone-

1           tary in nature shall remain liabilities of the  
2           United States.

3                   “(D) ACCESS OF FEDERAL REPRESENTA-  
4           TIVES TO EMPLOYEES AND RECORDS.—The  
5           Secretary shall ensure that, before the date of  
6           transfer, the Corporation has agreed to allow  
7           representatives of the Secretary and the Attor-  
8           ney General such access as they may require to  
9           employees and records of the Corporation for  
10          all purposes relating to the handling of such  
11          claims under this paragraph.

12   **“§ 90903. Inspector General reports to Congress on**  
13                   **transition**

14          “(a) IN GENERAL.—Before the date of transfer, the  
15          Inspector General of the Department of Transportation  
16          shall submit regular reports to Congress on the progress  
17          of the preparation of the Department of Transportation  
18          and of the Corporation for the transfer of operational con-  
19          trol of air traffic services under this subtitle.

20          “(b) TIMING.—The reports described in subsection  
21          (a) shall be submitted, at a minimum, on a quarterly basis  
22          until the date of transfer.

23          “(c) SUNSET.—This section shall expire on the date  
24          of transfer.

1           “(d) STATUTORY CONSTRUCTION.—Nothing in this  
2 section may be construed to limit the authority of the In-  
3 spector General of the Department of Transportation to  
4 conduct oversight of the Department of Transportation’s  
5 interactions with the Corporation after the date of trans-  
6 fer.”.

7           (b) ANALYSIS FOR TITLE 49.—The analysis for title  
8 49, United States Code, is amended by adding at the end  
9 the following:

          “**XI. ATC Corporation** .....**90101**”.

10                   **Subtitle B—Amendments to**  
11                   **Federal Aviation Laws**

12           **SEC. 221. DEFINITIONS.**

13           Section 40102(a) of title 49, United States Code, is  
14 amended by adding at the end the following:

15                   “(48) ‘ATC Corporation’ means the ATC Cor-  
16 poration established by subtitle XI.”.

17           **SEC. 222. SUNSET OF FAA AIR TRAFFIC ENTITIES AND OFFI-  
18                   CERS.**

19           (a) AIR TRAFFIC SERVICES COMMITTEE.—Section  
20 106(p) of title 49, United States Code, is amended—

21                   (1) in paragraph (7) by adding at the end the  
22 following:

23                   “(I) SUNSET.—The Committee shall termi-  
24 nate and this paragraph shall cease to be effec-

1           tive beginning on the date of transfer (as de-  
2           fined in section 90101(a)).”; and

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

4           “(9) SUNSET OF AIR TRAFFIC ADVISORY  
5           ROLE.—Beginning on the date of transfer (as de-  
6           fined in section 90101(a)), the Council shall not de-  
7           velop or submit comments, recommended modifica-  
8           tions, or dissenting views directly regarding the ATC  
9           Corporation or air traffic services.”.

10          (b) AIRCRAFT NOISE OMBUDSMAN.—Section  
11 106(q)(2)(C) of title 49, United States Code, is amended  
12 by inserting “before the date of transfer (as defined in  
13 section 90101(a)),” before “be consulted”.

14          (c) CHIEF OPERATING OFFICER.—Section 106(r) of  
15 title 49, United States Code, is amended by adding at the  
16 end the following:

17           “(6) SUNSET.—The position of Chief Operating  
18           Officer shall terminate and this subsection shall  
19           cease to be effective beginning on the date of trans-  
20           fer (as defined in section 90101(a)).”.

21          (d) CHIEF NEXTGEN OFFICER.—Section 106(s) of  
22 title 49, United States Code, is amended by adding at the  
23 end the following:

24           “(8) SUNSET.—The position of Chief NextGen  
25           Officer shall terminate and this subsection shall

1       cease to be effective beginning on the date of trans-  
2       fer (as defined in section 90101(a)).”.

3   **SEC. 223. ROLE OF ADMINISTRATOR.**

4       Section 40103(b) of title 49, United States Code, is  
5   amended—

6           (1) in paragraph (1) by striking “The Adminis-  
7       trator” and inserting “Before the date of transfer  
8       (as defined in section 90101(a)), the Adminis-  
9       trator”;

10          (2) by striking paragraph (2) and inserting the  
11       following:

12       “(2) The Administrator shall—

13           “(A) before the date of transfer (as defined in  
14       section 90101(a)), prescribe air traffic regulations  
15       on the flight of aircraft (including regulations on  
16       safe altitudes) for—

17           “(i) navigating, protecting, and identifying  
18       aircraft;

19           “(ii) protecting individuals and property on  
20       the ground;

21           “(iii) using the navigable airspace effi-  
22       ciently; and

23           “(iv) preventing collision between aircraft,  
24       between aircraft and land or water vehicles, and  
25       between aircraft and airborne objects; and



1           “(B) on and after the date of transfer (as de-  
2           fined in section 90101(a)), prescribe safety regula-  
3           tions on the flight of aircraft (including regulations  
4           on safe altitudes) for—

5                   “(i) navigating, protecting, and identifying  
6           aircraft;

7                   “(ii) protecting individuals and property on  
8           the ground; and

9                   “(iii) preventing collision between aircraft,  
10           between aircraft and land or water vehicles, and  
11           between aircraft and airborne objects.”; and

12           (3) in paragraph (3) by striking “Adminis-  
13           trator” each place it appears and inserting “Sec-  
14           retary”.

15 **SEC. 224. EMERGENCY POWERS.**

16           Section 40106(a) of title 49, United States Code, is  
17           amended—

18                   (1) in the matter preceding paragraph (1) by  
19           striking “air traffic”;

20                   (2) in paragraph (1) by inserting “and the ATC  
21           Corporation” after “Administration”; and

22                   (3) in paragraph (2) by inserting “and the ATC  
23           Corporation” after “Administrator”.

1 **SEC. 225. PRESIDENTIAL TRANSFERS IN TIME OF WAR.**

2 Section 40107(b) of title 49, United States Code, is  
3 amended to read as follows:

4 “(b) DURING WAR.—If war occurs, the President by  
5 Executive order may temporarily transfer to the Secretary  
6 of Defense a duty, power, activity, or facility of the Ad-  
7 ministrator or the ATC Corporation. In making the trans-  
8 fer, the President may temporarily transfer records, prop-  
9 erty, officers, and employees of the Administration or the  
10 ATC Corporation to the Department of Defense.”.

11 **SEC. 226. AIRWAY CAPITAL INVESTMENT PLAN BEFORE**  
12 **DATE OF TRANSFER.**

13 Section 44501(b) of title 49, United States Code, is  
14 amended—

15 (1) in the first sentence by striking “The Ad-  
16 ministrator” and inserting “Before the date of  
17 transfer (as defined in section 90101(a)), the Ad-  
18 ministrator”;

19 (2) in paragraph (4)(B) by striking “and” at  
20 the end;

21 (3) in paragraph (5) by striking the period at  
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(6) for fiscal years 2016 through 2019, a  
25 process under which the Administrator shall con-  
26 tinue to comply with the requirements of this section

1 before the date of transfer (as defined in section  
2 90101(a)).”.

3 **SEC. 227. AVIATION FACILITIES BEFORE DATE OF TRANS-**  
4 **FER.**

5 (a) GENERAL AUTHORITY.—Section 44502(a) of title  
6 49, United States Code, is amended—

7 (1) in paragraph (1) by striking “The Adminis-  
8 trator of the Federal Aviation Administration may”  
9 and inserting “Before the date of transfer (as de-  
10 fined in section 90101(a)), the Secretary of Trans-  
11 portation may”;

12 (2) in paragraph (2) by striking “The cost”  
13 and inserting “Before the date of transfer (as de-  
14 fined in section 90101(a)), the cost”;

15 (3) in paragraph (3) by striking “The Sec-  
16 retary” and inserting “Before the date of transfer  
17 (as defined in section 90101(a)), the Secretary”;

18 (4) by striking paragraph (4);

19 (5) by redesignating paragraph (5) as para-  
20 graph (4); and

21 (6) in paragraph (4) (as so redesignated) by  
22 striking “The Administrator” and inserting “Before  
23 the date of transfer (as defined in section 90101(a)),  
24 the Secretary of Transportation”.

1 (b) CERTIFICATION OF NECESSITY.—Section  
2 44502(b) of title 49, United States Code, is amended—

3 (1) by striking “Except” and inserting “Before  
4 the date of transfer (as defined in section 90101(a)),  
5 except”; and

6 (2) by striking “the Administrator of the Fed-  
7 eral Aviation Administration” and inserting “the  
8 Secretary of Transportation”.

9 (c) ENSURING CONFORMITY WITH PLANS AND POLI-  
10 CIES.—Section 44502(c) of title 49, United States Code,  
11 is amended—

12 (1) in paragraph (1)—

13 (A) by striking “by the Administrator of  
14 the Federal Aviation Administration under sec-  
15 tion 40103(b)(1) of this title”;

16 (B) by striking “Administrator of the Fed-  
17 eral Aviation Administration” the second, third,  
18 and fourth places it appears and inserting “Sec-  
19 retary of Transportation”; and

20 (C) by striking “Congress” and inserting  
21 “Congress, the ATC Corporation,”; and

22 (2) in paragraph (2)—

23 (A) by striking “Administrator of the Fed-  
24 eral Aviation Administration” and inserting  
25 “Secretary of Transportation”; and

1 (B) by striking “that the Administrator”  
2 and inserting “that the Secretary”.

3 (d) TRANSFERS OF INSTRUMENT LANDING SYS-  
4 TEMS.—Section 44502(e) of title 49, United States Code,  
5 is amended by striking “An airport may transfer” and in-  
6 serting “Before the date of transfer (as defined in section  
7 90101(a)), an airport may transfer”.

8 **SEC. 228. JUDICIAL REVIEW.**

9 Section 46110(a) of title 49, United States Code, is  
10 amended by striking “or subsection (l) or (s) of section  
11 114” and inserting “subsection (l) or (s) of section 114,  
12 or section 90501”.

13 **SEC. 229. CIVIL PENALTIES.**

14 Section 46301(a)(1)(A) of title 49, United States  
15 Code, is amended by striking “or section 47133” and in-  
16 serting “, section 47133, or section 90503(c)”.

17 **Subtitle C—Other Matters**

18 **SEC. 241. USE OF FEDERAL TECHNICAL FACILITIES.**

19 (a) IN GENERAL.—The Administrator of the Federal  
20 Aviation Administration shall make Administration tech-  
21 nical facilities available to the ATC Corporation for air  
22 traffic control research and development projects.

23 (b) COOPERATIVE AGREEMENT.—

24 (1) IN GENERAL.—To ensure the safe transi-  
25 tion of air traffic services, not later than 180 days

1 prior to the date of transfer (as defined in section  
2 90101(a) of title 49, United States Code, as added  
3 by this Act), the Administrator shall enter into an  
4 agreement with the ATC Corporation, for a period  
5 of not less than 5 years, concerning services that  
6 could be provided at the Federal Aviation Adminis-  
7 tration technical center, including the integrated air  
8 traffic control laboratories.

9 (2) SERVICES DEFINED.—In this subsection,  
10 the term “services” includes—

11 (A) activities associated with the approval  
12 of a safety management system under chapter  
13 905 of title 49, United States Code, as added  
14 by this Act; and

15 (B) any other activity the Secretary con-  
16 siders necessary to promote safety in air traffic  
17 services, including verification of the safety  
18 functions of new air traffic control technologies.

19 (c) STATUTORY CONSTRUCTION.—Nothing in this  
20 title, or the amendments made by this title, may be con-  
21 strued to limit the safety regulatory authority of the De-  
22 partment of Transportation, including the research and  
23 development functions of the Department.

24 (d) SAFETY.—Before the date of transfer (as defined  
25 by section 90101(a) of title 49, United States Code, as

1 added by this Act) all operational testing and integration  
2 of air traffic control systems conducted by the Administra-  
3 tion shall continue.

4 **SEC. 242. SEVERABILITY.**

5 If a provision of this title (including any amendment  
6 made by this title) or its application to any person or cir-  
7 cumstance is held invalid, neither the remainder of this  
8 title nor the application of the provision to other persons  
9 or circumstances shall be affected.

10 **TITLE III—FAA SAFETY**  
11 **CERTIFICATION REFORM**  
12 **Subtitle A—General Provisions**

13 **SEC. 301. DEFINITIONS.**

14 In this title, the following definitions apply:

15 (1) FAA.—The term “FAA” means the Fed-  
16 eral Aviation Administration.

17 (2) SAFETY OVERSIGHT AND CERTIFICATION  
18 ADVISORY COMMITTEE.—The term “Safety Over-  
19 sight and Certification Advisory Committee” means  
20 the Safety Oversight and Certification Advisory  
21 Committee established under section 302.

22 (3) SYSTEMS SAFETY APPROACH.—The term  
23 “systems safety approach” means the application of  
24 specialized technical and managerial skills to the  
25 systematic, forward-looking identification and con-

1 trol of hazards throughout the lifecycle of a project,  
2 program, or activity.

3 **SEC. 302. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**  
4 **SORY COMMITTEE.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of enactment of this Act, the Secretary of Transpor-  
7 tation shall establish a Safety Oversight and Certification  
8 Advisory Committee (in this section referred to as the  
9 “Advisory Committee”).

10 (b) DUTIES.—The Advisory Committee shall provide  
11 advice to the Secretary on policy-level issues facing the  
12 aviation community that are related to FAA safety certifi-  
13 cation and oversight programs and activities, including, at  
14 a minimum, the following:

15 (1) Aircraft and flight standards certification  
16 processes, including efforts to streamline those proc-  
17 esses.

18 (2) Implementation and oversight of safety  
19 management systems.

20 (3) Risk-based oversight efforts.

21 (4) Utilization of delegation and designation au-  
22 thorities.

23 (5) Regulatory interpretation standardization  
24 efforts.

25 (6) Training programs.



1           (7) Expediting the rulemaking process and giv-  
2           ing priority to rules related to safety.

3           (c) FUNCTIONS.—The Advisory Committee shall  
4           carry out the following functions (as the functions relate  
5           to FAA safety certification and oversight programs and  
6           activities):

7           (1) Foster industry collaboration in an open  
8           and transparent manner.

9           (2) Consult with, and ensure participation by—

10           (A) the private sector, including represent-  
11           atives of—

12                   (i) general aviation;

13                   (ii) commercial aviation;

14                   (iii) aviation labor;

15                   (iv) aviation, aerospace, and avionics  
16           manufacturing;

17                   (v) unmanned aircraft systems opera-  
18           tors and manufacturers; and

19                   (vi) the commercial space transpor-  
20           tation industry;

21           (B) members of the public; and

22           (C) other interested parties.

23           (3) Establish consensus national goals, strategic  
24           objectives, and priorities for the most efficient,  
25           streamlined, and cost-effective certification and over-

1 sight processes in order to maintain the safety of the  
2 aviation system and, at the same time, allow the  
3 FAA to meet future needs and ensure that aviation  
4 stakeholders remain competitive in the global mar-  
5 ketplace.

6 (4) Provide policy guidance for the FAA's cer-  
7 tification and safety oversight efforts.

8 (5) Provide ongoing policy reviews of the FAA's  
9 certification and safety oversight efforts.

10 (6) Make appropriate legislative, regulatory,  
11 and guidance recommendations for the air transpor-  
12 tation system and the aviation safety regulatory en-  
13 vironment.

14 (7) Establish performance objectives for the  
15 FAA and industry.

16 (8) Establish performance metrics and goals for  
17 the FAA and the regulated aviation industry to be  
18 tracked and reviewed as streamlining and certifi-  
19 cation reform and regulation standardization efforts  
20 progress.

21 (9) Provide a venue for tracking progress to-  
22 ward national goals and sustaining joint commit-  
23 ments.

1           (10) Develop recruiting, hiring, training, and  
2 continuing education objectives for FAA aviation  
3 safety engineers and aviation safety inspectors.

4           (11) Provide advice and recommendations to  
5 the FAA on how to prioritize safety rulemaking  
6 projects.

7           (12) Improve the development of FAA regula-  
8 tions by providing information, advice, and rec-  
9 ommendations related to aviation issues.

10          (13) Facilitate the validation of United States  
11 products abroad.

12          (d) MEMBERSHIP.—

13           (1) IN GENERAL.—The Advisory Committee  
14 shall be composed of the following members:

15           (A) The Administrator of the FAA (or the  
16 Administrator's designee).

17           (B) Individuals appointed by the Secretary  
18 to represent the following interests:

19           (i) Aircraft manufacturers.

20           (ii) Avionics manufacturers.

21           (iii) Labor organizations, including  
22 collective bargaining representatives of  
23 FAA aviation safety inspectors and avia-  
24 tion safety engineers.

25           (iv) General aviation operators.

- 1 (v) Air carriers.
- 2 (vi) Business aviation operators.
- 3 (vii) Unmanned aircraft systems man-  
4 ufacturers and operators.
- 5 (viii) Aviation safety management ex-  
6 pertise.

7 (2) NONVOTING MEMBERS.—

8 (A) IN GENERAL.—In addition to the  
9 members appointed under paragraph (1), the  
10 Advisory Committee shall be composed of non-  
11 voting members appointed by the Secretary  
12 from among individuals representing FAA safe-  
13 ty oversight program offices.

14 (B) DUTIES.—The nonvoting members  
15 shall—

16 (i) take part in deliberations of the  
17 Advisory Committee; and

18 (ii) provide input with respect to any  
19 final reports or recommendations of the  
20 Advisory Committee.

21 (C) LIMITATION.—The nonvoting members  
22 may not represent any stakeholder interest  
23 other than FAA safety oversight program of-  
24 fices.

1           (3) TERMS.—Each member and nonvoting  
2 member of the Advisory Committee appointed by the  
3 Secretary shall be appointed for a term of 2 years.

4           (4) COMMITTEE CHARACTERISTICS.—The Advi-  
5 sory Committee shall have the following characteris-  
6 tics:

7                   (A) An executive-level membership, with  
8 members who can represent and enter into com-  
9 mitments for their organizations.

10                   (B) The ability to obtain necessary infor-  
11 mation from experts in the aviation and aero-  
12 space communities.

13                   (C) A membership size that enables the  
14 Committee to have substantive discussions and  
15 reach consensus on issues in a timely manner.

16                   (D) Appropriate expertise, including exper-  
17 tise in certification and risked-based safety  
18 oversight processes, operations, policy, tech-  
19 nology, labor relations, training, and finance.

20           (5) LIMITATION ON STATUTORY CONSTRUC-  
21 TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)  
22 may not be construed to prohibit or otherwise limit  
23 the appointment of any individual as a member of  
24 the Advisory Committee.

25           (e) CHAIRPERSON.—

1           (1) IN GENERAL.—The Chairperson of the Ad-  
2           visory Committee shall be appointed by the Sec-  
3           retary from among those members of the Advisory  
4           Committee that are executive-level members of the  
5           aviation industry.

6           (2) TERM.—Each member appointed under  
7           paragraph (1) shall serve a term of 1 year as Chair-  
8           person.

9           (f) MEETINGS.—

10           (1) FREQUENCY.—The Advisory Committee  
11           shall meet at least twice each year at the call of the  
12           Chairperson.

13           (2) PUBLIC ATTENDANCE.—The meetings of  
14           the Advisory Committee shall be open to the public.

15           (g) SPECIAL COMMITTEES.—

16           (1) ESTABLISHMENT.—The Advisory Com-  
17           mittee may establish special committees composed of  
18           private sector representatives, members of the pub-  
19           lic, labor representatives, and other interested par-  
20           ties in complying with consultation and participation  
21           requirements under this section.

22           (2) RULEMAKING ADVICE.—A special com-  
23           mittee established by the Advisory Committee may—

1 (A) provide rulemaking advice and rec-  
2 ommendations to the Administrator with re-  
3 spect to aviation-related issues;

4 (B) afford the FAA additional opportuni-  
5 ties to obtain firsthand information and insight  
6 from those parties that are most affected by ex-  
7 isting and proposed regulations; and

8 (C) expedite the development, revision, or  
9 elimination of rules without circumventing pub-  
10 lic rulemaking processes and procedures.

11 (3) APPLICABLE LAW.—Public Law 92–463  
12 shall not apply to a special committee established by  
13 the Advisory Committee.

14 (h) SUNSET.—The Advisory Committee shall termi-  
15 nate on the last day of the 6-year period beginning on  
16 the date of the initial appointment of the members of the  
17 Advisory Committee.

18 (i) TERMINATION OF AIR TRAFFIC PROCEDURES AD-  
19 VISORY COMMITTEE.—The Air Traffic Procedures Advi-  
20 sory Committee established by the FAA shall terminate  
21 on the date of the initial appointment of the members of  
22 the Advisory Committee.

1     **Subtitle B—Aircraft Certification**  
2                     **Reform**

3     **SEC. 311. AIRCRAFT CERTIFICATION PERFORMANCE OB-**  
4                     **JECTIVES 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 aircraft certification in ac-  
11 cordance 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  
16 subsection (a), the Administrator shall establish perform-  
17 ance objectives for the FAA and the aviation industry to  
18 ensure that, with respect to aircraft certification, progress  
19 is made toward, at a minimum—

20                    (1) eliminating certification delays and improv-  
21 ing cycle times;

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) increasing transparency;
- 5 (7) establishing and providing training, includ-
- 6 ing recurrent training, in auditing and a systems
- 7 safety approach to certification oversight;
- 8 (8) improving the process for approving or ac-
- 9 cepting the certification actions of bilateral partners;
- 10 (9) maintaining and improving safety; and
- 11 (10) maintaining the leadership of the United
- 12 States in international aviation and aerospace.

13 (d) PERFORMANCE METRICS.—In carrying out sub-

14 section (a), the Administrator shall apply and track per-

15 formance metrics for the FAA and the regulated aviation

16 industry established by the Safety Oversight and Certifi-

17 cation Advisory Committee.

18 (e) DATA GENERATION.—

19 (1) BASELINES.—Not later than 1 year after

20 the date on which the Safety Oversight and Certifi-

21 cation Advisory Committee establishes initial per-

22 formance metrics for the FAA and the regulated

23 aviation industry under section 302, the Adminis-

24 trator shall generate initial data with respect to each

1 of the metrics applied and tracked under this sec-  
2 tion.

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  
6 ongoing basis and to measure progress toward the  
7 achievement of national goals established by the  
8 Safety Oversight and Certification Advisory Com-  
9 mittee.

10 (f) PUBLICATION.—The Administrator shall make  
11 data generated using the metrics applied and tracked  
12 under this section available to the public in a searchable,  
13 sortable, and downloadable format through the Internet  
14 Web site of the FAA and other appropriate methods and  
15 shall ensure that the data is made available in a manner  
16 that—

17 (1) does not provide identifying information re-  
18 garding an individual or entity; and

19 (2) protects proprietary information.

20 **SEC. 312. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

21 (a) IN GENERAL.—Chapter 447 of title 49, United  
22 States Code, is amended by adding at the end the fol-  
23 lowing:

24 **“§ 44736. Organization designation authorizations**

25 **“(a) DELEGATIONS OF FUNCTIONS.—**

1           “(1) IN GENERAL.—Except as provided in para-  
2           graph (3), when overseeing an ODA holder, the Ad-  
3           ministrator of the FAA shall—

4                   “(A) require, based on an application sub-  
5                   mitted by the ODA holder and approved by the  
6                   Administrator (or the Administrator’s des-  
7                   ignee), a procedures manual that addresses all  
8                   procedures and limitations regarding the func-  
9                   tions to be performed by the ODA holder in ac-  
10                  cordance with regulations issued by the Admin-  
11                  istrator;

12                   “(B) delegate fully to the ODA holder each  
13                   of the functions to be performed as specified in  
14                   the procedures manual, unless the Adminis-  
15                   trator determines, after the date of the delega-  
16                   tion and as a result of an inspection or other  
17                   investigation, that the public interest and safety  
18                   of air commerce requires a limitation with re-  
19                   spect to 1 or more of the functions; and

20                   “(C) conduct regular oversight activities by  
21                   inspecting the ODA holder and taking action  
22                   based on validated inspection findings.

23           “(2) DUTIES OF ODA HOLDERS.—An ODA  
24           holder shall—

1           “(A) perform each function delegated to  
2           the ODA holder in accordance with the ap-  
3           proved procedures manual for the delegation;

4           “(B) make the procedures manual avail-  
5           able to each member of the appropriate ODA  
6           unit; and

7           “(C) cooperate fully with oversight activi-  
8           ties conducted by the Administrator in connec-  
9           tion with the delegation.

10          “(3) EXISTING ODA HOLDERS.—When over-  
11          seeing an ODA holder operating under an approved  
12          procedures manual as of the date of enactment of  
13          this section, the Administrator shall—

14               “(A) at the request of the ODA holder and  
15               in a timely manner, approve revisions to the  
16               ODA holder’s procedures manual;

17               “(B) delegate fully to the ODA holder each  
18               of the functions to be performed as specified in  
19               the procedures manual, unless the Adminis-  
20               trator determines, after the date of the delega-  
21               tion and as a result of an inspection or other  
22               investigation, that the public interest and safety  
23               of air commerce requires a limitation with re-  
24               spect to one or more of the functions; and

1           “(C) conduct regular oversight activities by  
2           inspecting the ODA holder and taking action  
3           based on validated inspection findings.

4           “(b) ODA OFFICE.—

5           “(1) ESTABLISHMENT.—Not later than 90 days  
6           after the date of enactment of this section, the Ad-  
7           ministrators of the FAA shall identify, within the  
8           FAA Office of Aviation Safety, a centralized policy  
9           office to be known as the Organization Designation  
10          Authorization Office or the ODA Office.

11          “(2) PURPOSE.—The purpose of the ODA Of-  
12          fice shall be to oversee and ensure the consistency of  
13          the FAA’s audit functions under the ODA program  
14          across the FAA.

15          “(3) FUNCTIONS.—The ODA Office shall—

16                  “(A) improve performance and ensure full  
17                  utilization of the authorities delegated under  
18                  the ODA program;

19                  “(B) create a more consistent approach to  
20                  audit priorities, procedures, and training under  
21                  the ODA program;

22                  “(C) review, in a timely fashion, a random  
23                  sample of limitations on delegated authorities  
24                  under the ODA program to determine if the  
25                  limitations are appropriate; and

1           “(D) ensure national consistency in the in-  
2           terpretation and application of the requirements  
3           of the ODA program and in the performance of  
4           the ODA program.

5           “(c) DEFINITIONS.—In this section, the following  
6 definitions apply:

7           “(1) FAA.—The term ‘FAA’ means the Fed-  
8           eral Aviation Administration.

9           “(2) ODA HOLDER.—The term ‘ODA holder’  
10          means an organization—

11           “(A) to which the FAA grants an ODA;  
12          and

13           “(B) that is responsible for administering  
14          1 or more ODA units.

15          “(3) ODA UNIT.—The term “ODA unit”  
16          means a group of 2 or more individuals within an  
17          ODA holder that performs authorized functions  
18          under an ODA.

19          “(4) ORGANIZATION.—The term “organization”  
20          means a firm, partnership, corporation, company,  
21          association, joint-stock association, or governmental  
22          entity.

23          “(5) ORGANIZATION DESIGNATION AUTHORIZA-  
24          TION; ODA.—The term ‘Organization Designation  
25          Authorization’ or ‘ODA’ means an authorization by

1 the FAA under section 44702(d) for an organization  
2 comprised of 1 or more ODA units to perform ap-  
3 proved functions on behalf of the FAA.”.

4 (b) CLERICAL AMENDMENT.—The analysis for such  
5 chapter is amended by adding 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, in-  
25 cluding labor representatives of FAA avia-

1                   tion safety inspectors and aviation safety  
2                   engineers.

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 con-  
10 cerning—

11           (1) the FAA’s processes and procedures under  
12 the ODA program and whether the processes and  
13 procedures function as intended;

14           (2) the best practices of and lessons learned by  
15 ODA holders and individuals who provide oversight  
16 of ODA holders;

17           (3) performance incentive policies related to the  
18 ODA program for FAA personnel;

19           (4) training activities related to the ODA pro-  
20 gram for FAA personnel and ODA holders;

21           (5) the impact, if any, that oversight of the  
22 ODA program has on FAA resources and the FAA’s  
23 ability to process applications for certifications out-  
24 side of the ODA program; and



1           (6) the results of the survey conducted under  
2           subsection (b).

3           (d) REPORT.—Not later than 6 months after the date  
4 the Panel is convened under subsection (a), the Panel shall  
5 submit to the Administrator, the Safety Oversight and  
6 Certification Advisory Committee, the Committee on  
7 Transportation and Infrastructure of the House of Rep-  
8 resentatives, and the Committee on Commerce, Science,  
9 and Transportation of the Senate a report on the findings  
10 and recommendations of the Panel.

11          (e) DEFINITIONS.—The definitions contained in sec-  
12 tion 44736 of title 49, United States Code, as added by  
13 this Act, apply to this section.

14          (f) APPLICABLE LAW.—Public Law 92–463 shall not  
15 apply to the Panel.

16          (g) SUNSET.—The Panel shall terminate on the date  
17 of submission of the report under subsection (d), or on  
18 the date that is 1 year after the Panel is convened under  
19 subsection (a), whichever occurs first.

20 **SEC. 314. TYPE CERTIFICATION RESOLUTION PROCESS.**

21          (a) IN GENERAL.—Section 44704(a) of title 49,  
22 United States Code, is amended by adding at the end the  
23 following:

24                 “(6) TYPE CERTIFICATION RESOLUTION PROC-  
25                 ESS.—

1           “(A) IN GENERAL.—Not later than 15  
2 months after the date of enactment of this  
3 paragraph, the Administrator shall establish an  
4 effective, timely, and milestone-based issue reso-  
5 lution process for type certification activities  
6 under this subsection.

7           “(B) PROCESS REQUIREMENTS.—The res-  
8 olution process shall provide for—

9           “(i) resolution of technical issues at  
10 pre-established stages of the certification  
11 process, as agreed to by the Administrator  
12 and the type certificate applicant;

13           “(ii) automatic elevation to appro-  
14 priate management personnel of the Fed-  
15 eral Aviation Administration and the type  
16 certificate applicant of any major certifi-  
17 cation process milestone that is not com-  
18 pleted or resolved within a specific period  
19 of time agreed to by the Administrator and  
20 the type certificate applicant; and

21           “(iii) resolution of a major certifi-  
22 cation process milestone elevated pursuant  
23 to clause (ii) within a specific period of  
24 time agreed to by the Administrator and  
25 the type certificate applicant.

1           “(C) MAJOR CERTIFICATION PROCESS  
2 MILESTONE DEFINED.—In this paragraph, the  
3 term ‘major certification process milestone’  
4 means a milestone related to a type certification  
5 basis, type certification plan, type inspection  
6 authorization, issue paper, or other major type  
7 certification activity agreed to by the Adminis-  
8 trator and the type certificate applicant.”.

9           (b) TECHNICAL AMENDMENT.—Section 44704 of  
10 title 49, United States Code, is amended in the section  
11 heading by striking “**airworthiness certificates,**”  
12 and inserting “**airworthiness certificates,**”.

13 **SEC. 315. SAFETY ENHANCING EQUIPMENT AND SYSTEMS**  
14 **FOR SMALL GENERAL AVIATION AIRPLANES.**

15           (a) POLICY.—Not later than 180 days after the date  
16 of enactment of this Act, the Administrator of the FAA  
17 shall establish and begin implementation of a risk-based  
18 policy that streamlines the installation of safety enhancing  
19 equipment and systems for small general aviation air-  
20 planes in a manner that reduces regulatory delays and sig-  
21 nificantly improves safety.

22           (b) INCLUSION OF CERTAIN EQUIPMENT AND SYS-  
23 TEMS.—The safety enhancing equipment and systems for  
24 small general aviation airplanes referred to in subsection  
25 (a) shall include, at a minimum, the replacement or ret-

1 rofit of primary flight displays, auto pilots, engine mon-  
2 itors, and navigation equipment.

3 (c) COLLABORATION.—In carrying out this section,  
4 the Administrator shall collaborate with general aviation  
5 operators, general aviation manufacturers, and appro-  
6 priate FAA labor groups, including representatives of  
7 FAA aviation safety inspectors and aviation safety engi-  
8 neers certified under section 7111 of title 5, United States  
9 Code.

10 (d) SMALL GENERAL AVIATION AIRPLANE DE-  
11 FINED.—In this section, the term “small general aviation  
12 airplane” means an airplane—

13 (1) that is certified to the standards of part 23  
14 of title 14, Code of Federal Regulations;

15 (2) has a seating capacity of fewer than 9 pas-  
16 sengers; and

17 (3) is not used in scheduled passenger-carrying  
18 operations under part 121 or 135 of title 14, Code  
19 of Federal Regulations.

20 **SEC. 316. STREAMLINING CERTIFICATION OF SMALL GEN-**  
21 **ERAL AVIATION AIRPLANES.**

22 (a) NOTICE OF PROPOSED RULEMAKING.—Not later  
23 than May 1, 2016, the Administrator of the FAA shall  
24 issue a notice of proposed rulemaking to comply with sec-

1 tion 3 of the Small Airplane Revitalization Act of 2013  
2 (49 U.S.C. 44704 note).

3 (b) GOVERNMENT REVIEW.—The Government’s re-  
4 view process shall be streamlined to meet the deadline in  
5 subsection (a).

6 **SEC. 317. ADDITIONAL CERTIFICATION RESOURCES.**

7 (a) IN GENERAL.—Notwithstanding any other provi-  
8 sion of law, and subject to the requirements of subsection  
9 (b), the Administrator of the FAA may enter into a reim-  
10 bursable agreement with an applicant or certificate-holder  
11 for the reasonable travel and per diem expenses of the  
12 FAA associated with official travel to expedite the accept-  
13 ance or validation by a foreign authority of an FAA certifi-  
14 cate or design approval.

15 (b) CONDITIONS.—The Administrator may enter into  
16 an agreement under subsection (a) only if—

17 (1) the travel covered under the agreement is  
18 deemed necessary, by both the Administrator and  
19 the applicant or certificate-holder, to expedite the  
20 acceptance or validation of the relevant certificate or  
21 approval;

22 (2) the travel is conducted at the request of the  
23 applicant or certificate-holder;

1           (3) travel plans and expenses are approved by  
2           the applicant or certificate-holder prior to travel;  
3           and

4           (4) the agreement requires payment in advance  
5           of FAA services and is consistent with the processes  
6           under section 106(l)(6) of title 49, United States  
7           Code.

8           (c) REPORT.—Not later than 2 years after the date  
9           of enactment of this Act, the Administrator shall submit  
10          to the Committee on Transportation and Infrastructure  
11          of the House of Representatives and the Committee on  
12          Commerce, Science, and Transportation of the Senate a  
13          report on—

14           (1) the number of occasions on which the Ad-  
15          ministrator entered into reimbursable agreements  
16          under this section;

17           (2) the number of occasions on which the Ad-  
18          ministrator declined a request by an applicant or  
19          certificate-holder to enter into a reimbursable agree-  
20          ment under this section;

21           (3) the amount of reimbursements collected in  
22          accordance with agreements under this section; and

23           (4) the extent to which reimbursable agree-  
24          ments under this section assisted in reducing the

1 amount of time necessary for foreign authorities'  
2 validations of FAA certificates and design approvals.

3 (d) DEFINITIONS.—In this section, the following defi-  
4 nitions apply:

5 (1) APPLICANT.—The term “applicant” means  
6 a person that has applied to a foreign authority for  
7 the acceptance or validation of an FAA certificate or  
8 design approval.

9 (2) CERTIFICATE-HOLDER.—The term “certifi-  
10 cate-holder” means a person that holds a certificate  
11 issued by the Administrator under part 21 of title  
12 14, Code of Federal Regulations.

## 13 **Subtitle C—Flight Standards** 14 **Reform**

### 15 **SEC. 331. FLIGHT STANDARDS PERFORMANCE OBJECTIVES** 16 **AND METRICS.**

17 (a) IN GENERAL.—Not later than 120 days after the  
18 date on which the Safety Oversight and Certification Advi-  
19 sory Committee is established under section 302, the Ad-  
20 ministrator of the FAA shall establish performance objec-  
21 tives and apply and track metrics for the FAA and the  
22 aviation industry relating to flight standards activities in  
23 accordance with this section.

1           (b) COLLABORATION.—The Administrator shall carry  
2 out this section in collaboration with the Safety Oversight  
3 and Certification Advisory Committee.

4           (c) PERFORMANCE OBJECTIVES.—In carrying out  
5 subsection (a), the Administrator shall establish perform-  
6 ance objectives for the FAA and the aviation industry to  
7 ensure that, with respect to flight standards activities,  
8 progress is made toward, at a minimum—

9           (1) eliminating delays with respect to such ac-  
10 tivities;

11           (2) increasing accountability for both FAA and  
12 industry entities;

13           (3) achieving full utilization of FAA delegation  
14 and designation authorities;

15           (4) fully implementing risk management prin-  
16 ciples and a systems safety approach;

17           (5) reducing duplication of effort;

18           (6) eliminating inconsistent regulatory interpre-  
19 tations and inconsistent enforcement activities;

20           (7) streamlining the hiring process for—

21           (A) qualified systems safety engineers to  
22 support FAA efforts to implement a systems  
23 safety approach; and



1 (B) qualified systems engineers to guide  
2 the engineering of complex systems within the  
3 FAA;

4 (8) improving and providing greater opportuni-  
5 ties for training, including recurrent training, in au-  
6 diting and a systems safety approach to oversight;

7 (9) developing and allowing utilization of a sin-  
8 gle master source for guidance;

9 (10) providing and utilizing a streamlined ap-  
10 peal process for the resolution of regulatory interpre-  
11 tation questions;

12 (11) maintaining and improving safety; and

13 (12) increasing transparency.

14 (d) METRICS.—In carrying out subsection (a), the  
15 Administrator shall apply and track performance metrics  
16 for the FAA and the regulated aviation industry estab-  
17 lished by the Safety Oversight and Certification Advisory  
18 Committee.

19 (e) DATA GENERATION.—

20 (1) BASELINES.—Not later than 1 year after  
21 the date on which the Safety Oversight and Certifi-  
22 cation Advisory Committee establishes initial per-  
23 formance metrics for the FAA and the regulated  
24 aviation industry under section 302, the Adminis-  
25 trator shall generate initial data with respect to each

1 of the metrics applied and tracked under this sec-  
2 tion.

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  
6 ongoing basis and to measure progress toward the  
7 achievement of national goals established by the  
8 Safety Oversight and Certification Advisory Com-  
9 mittee.

10 (f) PUBLICATION.—The Administrator shall make  
11 data generated using the metrics applied and tracked  
12 under this section available to the public in a searchable,  
13 sortable, and downloadable format through the Internet  
14 Web site of the FAA and other appropriate methods and  
15 shall ensure that the data is made available in a manner  
16 that—

17 (1) does not provide identifying information re-  
18 garding an individual or entity; and

19 (2) protects proprietary information.

20 **SEC. 332. FAA TASK FORCE ON FLIGHT STANDARDS RE-**  
21 **FORM.**

22 (a) ESTABLISHMENT.—Not later than 90 days after  
23 the date of enactment of this Act, the Administrator of  
24 the FAA shall establish the FAA Task Force on Flight

1 Standards Reform (in this section referred to as the “Task  
2 Force”).

3 (b) MEMBERSHIP.—

4 (1) APPOINTMENT.—The membership of the  
5 Task Force shall be appointed by the Administrator.

6 (2) NUMBER.—The Task Force shall be com-  
7 posed of not more than 20 members.

8 (3) REPRESENTATION REQUIREMENTS.—The  
9 membership of the Task Force shall include rep-  
10 resentatives, with knowledge of flight standards reg-  
11 ulatory processes and requirements, of—

12 (A) air carriers;

13 (B) general aviation;

14 (C) business aviation;

15 (D) repair stations;

16 (E) unmanned aircraft systems operators;

17 (F) flight schools;

18 (G) labor unions, including those rep-  
19 resenting FAA aviation safety inspectors; and

20 (H) aviation safety experts.

21 (c) DUTIES.—The duties of the Task Force shall in-  
22 clude, at a minimum, identifying best practices and pro-  
23 viding recommendations, for current and anticipated  
24 budgetary environments, with respect to—

1           (1) simplifying and streamlining flight stand-  
2           ards regulatory processes;

3           (2) reorganizing Flight Standards Services to  
4           establish an entity organized by function rather than  
5           geographic region, if appropriate;

6           (3) FAA aviation safety inspector training op-  
7           portunities;

8           (4) FAA aviation safety inspector standards  
9           and performance; and

10          (5) achieving, across the FAA, consistent—

11                   (A) regulatory interpretations; and

12                   (B) application of oversight activities.

13          (d) REPORT.—Not later than 1 year after the date  
14 of enactment of this Act, the Task Force shall submit to  
15 the Committee on Transportation and Infrastructure of  
16 the House of Representatives and the Committee on Com-  
17 merce, Science, and Transportation of the Senate a report  
18 detailing—

19           (1) the best practices identified and rec-  
20           ommendations provided by the Task Force under  
21           subsection (c); and

22           (2) any recommendations of the Task Force for  
23           additional regulatory action or cost-effective legisla-  
24           tive action.

1 (e) APPLICABLE LAW.—Public Law 92–463 shall not  
2 apply to the Task Force.

3 (f) TERMINATION.—The Task Force shall terminate  
4 on the earlier of—

5 (1) the date on which the Task Force submits  
6 the report required under subsection (d); or

7 (2) the date that is 18 months after the date  
8 on which the Task Force is established under sub-  
9 section (a).

10 **SEC. 333. CENTRALIZED SAFETY GUIDANCE DATABASE.**

11 (a) ESTABLISHMENT.—Not later than 1 year after  
12 the date of enactment of this Act, the Administrator of  
13 the FAA shall establish a centralized safety guidance data-  
14 base that will—

15 (1) encompass all of the regulatory guidance  
16 documents of the FAA Office of Aviation Safety;

17 (2) contain, for each such guidance document,  
18 a link to the Code of Federal Regulations provision  
19 to which the document relates; and

20 (3) be publicly available in a manner that—

21 (A) does not provide identifying informa-  
22 tion regarding an individual or entity; and

23 (B) protects proprietary information.

24 (b) DATA ENTRY TIMING.—

1           (1) EXISTING DOCUMENTS.—Not later than 14  
2 months after the date of enactment of this Act, the  
3 Administrator shall begin entering into the database  
4 established under subsection (a) all of the regulatory  
5 guidance documents of the Office of Aviation Safety  
6 that are in effect and were issued before the date on  
7 which the Administrator begins such entry process.

8           (2) NEW DOCUMENTS AND CHANGES.—On and  
9 after the date on which the Administrator begins the  
10 document entry process under paragraph (1), the  
11 Administrator shall ensure that all new regulatory  
12 guidance documents of the Office of Aviation Safety  
13 and any changes to existing documents are included  
14 in the database established under subsection (a).

15          (c) CONSULTATION REQUIREMENT.—In establishing  
16 the database under subsection (a), the Administrator shall  
17 consult and collaborate with appropriate stakeholders, in-  
18 cluding labor organizations (including those representing  
19 aviation workers and FAA aviation safety inspectors) and  
20 industry stakeholders.

21          (d) REGULATORY GUIDANCE DOCUMENTS DE-  
22 FINED.—In this section, the term “regulatory guidance  
23 documents” means all forms of written information issued  
24 by the FAA that an individual or entity may use to inter-  
25 pret or apply FAA regulations and requirements, includ-

1 ing information an individual or entity may use to deter-  
2 mine acceptable means of compliance with such regula-  
3 tions and requirements.

4 **SEC. 334. REGIONAL CONSISTENCY COMMUNICATIONS**

5 **BOARD.**

6 (a) ESTABLISHMENT.—Not later than 6 months after  
7 the date of enactment of this Act, the Administrator of  
8 the FAA shall establish a Regional Consistency Commu-  
9 nications Board (in this section referred to as the  
10 “Board”).

11 (b) CONSULTATION REQUIREMENT.—In establishing  
12 the Board, the Administrator shall consult and collaborate  
13 with appropriate stakeholders, including FAA labor orga-  
14 nizations (including labor organizations representing FAA  
15 aviation safety inspectors) and industry stakeholders.

16 (c) MEMBERSHIP.—The Board shall be composed of  
17 FAA representatives, appointed by the Administrator,  
18 from—

- 19 (1) the Flight Standards Service;  
20 (2) the Aircraft Certification Service; and  
21 (3) the Office of the Chief Counsel.

22 (d) FUNCTIONS.—The Board shall carry out the fol-  
23 lowing functions:

- 24 (1) Establish, at a minimum, processes by  
25 which—

1 (A) FAA personnel and regulated entities  
2 may submit anonymous regulatory interpreta-  
3 tion questions without fear of retaliation; and

4 (B) FAA personnel may submit written  
5 questions, and receive written responses, as to  
6 whether a previous approval or regulatory inter-  
7 pretation issued by FAA personnel in another  
8 office or region is correct or incorrect.

9 (2) Meet on a regular basis to discuss and re-  
10 solve questions submitted pursuant to paragraph (1)  
11 and the appropriate application of regulations and  
12 policy with respect to each question.

13 (3) Provide to an individual or entity that sub-  
14 mitted a question pursuant to paragraph (1) a time-  
15 ly response to the question.

16 (4) Establish a process to make resolutions of  
17 common regulatory interpretation questions pub-  
18 lically available to FAA personnel and regulated en-  
19 tities without providing any identifying data of the  
20 individuals or entities that submitted the questions  
21 and in a manner that protects any proprietary infor-  
22 mation.

23 (5) Ensure the incorporation of resolutions of  
24 questions submitted pursuant to paragraph (1) into  
25 regulatory guidance documents.



1 (e) PERFORMANCE METRICS, TIMELINES, AND  
2 GOALS.—Not later than 6 months after the date on which  
3 the Safety Oversight and Certification Advisory Com-  
4 mittee establishes performance metrics for the FAA and  
5 the regulated aviation industry under section 302, the Ad-  
6 ministrator, in collaboration with the Advisory Committee,  
7 shall—

8 (1) establish performance metrics, timelines,  
9 and goals to measure the progress of the Board in  
10 resolving regulatory interpretation questions sub-  
11 mitted pursuant to subsection (d)(1); and

12 (2) implement a process for tracking the  
13 progress of the Board in meeting the requirements  
14 established under paragraph (1).

## 15 **Subtitle D—Safety Workforce**

### 16 **SEC. 341. SAFETY WORKFORCE TRAINING STRATEGY.**

17 (a) SAFETY WORKFORCE TRAINING STRATEGY.—  
18 Not later than 60 days after the date of enactment of this  
19 Act, the Administrator of the FAA shall establish a safety  
20 workforce training strategy that—

21 (1) allows employees participating in organiza-  
22 tion management teams or conducting ODA pro-  
23 gram audits to complete, in a timely fashion, appro-  
24 priate training, including recurrent training, in au-  
25 diting and a systems safety approach to oversight;

1           (2) seeks knowledge-sharing opportunities be-  
2           tween the FAA and the aviation industry regarding  
3           new equipment and systems, best practices, and  
4           other areas of interest;

5           (3) functions within the current and anticipated  
6           budgetary environments; and

7           (4) includes milestones and metrics for meeting  
8           the requirements of paragraphs (1), (2), and (3).

9           (b) REPORT.—Not later than 9 months after the date  
10          of establishment of the strategy required under subsection  
11          (a), the Administrator shall submit to the Committee on  
12          Transportation and Infrastructure of the House of Rep-  
13          resentatives and the Committee on Commerce, Science,  
14          and Transportation of the Senate a report on the imple-  
15          mentation of the strategy and progress in meeting any  
16          milestones and metrics included in the strategy.

17          (c) DEFINITIONS.—In this section, the following defi-  
18          nitions apply:

19                 (1) ODA HOLDER; ODA PROGRAM.—The terms  
20                 “ODA holder” and “ODA program” have the mean-  
21                 ings given those terms in section 44736 of title 49,  
22                 United States Code, as added by this Act.

23                 (2) ORGANIZATION MANAGEMENT TEAM.—The  
24                 term “organization management team” means a  
25                 team consisting of FAA aviation safety engineers,

1 flight test pilots, and aviation safety inspectors over-  
2 seeing an ODA holder and its certification activity.

3 **SEC. 342. WORKFORCE REVIEW.**

4 (a) WORKFORCE REVIEW.—Not later than 3 months  
5 after the date of enactment of this Act, the Comptroller  
6 General of the United States shall conduct a review to as-  
7 sess the workforce and training needs of the FAA Office  
8 of Aviation Safety in the anticipated budgetary environ-  
9 ment.

10 (b) CONTENTS.—The review required under sub-  
11 section (a) shall include—

12 (1) a review of current aviation safety inspector  
13 and aviation safety engineer hiring, training, and re-  
14 current training requirements;

15 (2) an analysis of the skills and qualifications  
16 required of aviation safety inspectors and aviation  
17 safety engineers for successful performance in the  
18 current and future projected aviation safety regu-  
19 latory environment, including the need for a systems  
20 engineering discipline within the FAA to guide the  
21 engineering of complex systems, with an emphasis  
22 on auditing designated authorities;

23 (3) a review of current performance incentive  
24 policies of the FAA, as applied to the Office of Avia-  
25 tion Safety, including awards for performance;

1           (4) an analysis of ways the FAA can work with  
2 industry and labor, including labor groups rep-  
3 resenting FAA aviation safety inspectors and avia-  
4 tion safety engineers, to establish knowledge-sharing  
5 opportunities between the FAA and the aviation in-  
6 dustry regarding new equipment and systems, best  
7 practices, and other areas of interest; and

8           (5) recommendations on the most effective  
9 qualifications, training programs (including e-learn-  
10 ing training), and performance incentive approaches  
11 to address the needs of the future projected aviation  
12 safety regulatory system in the anticipated budg-  
13 etary environment.

14       (c) REPORT.—Not later than 9 months after the date  
15 of enactment of this Act, the Comptroller General shall  
16 submit to the Committee on Transportation and Infra-  
17 structure of the House of Representatives and the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate a report on the results of the review required under  
20 subsection (a).

1 **Subtitle E—International Aviation**

2 **SEC. 351. PROMOTION OF UNITED STATES AEROSPACE**  
3 **STANDARDS, PRODUCTS, AND SERVICES**  
4 **ABROAD.**

5 Section 40104 of title 49, United States Code, is  
6 amended by adding at the end the following:

7 “(d) PROMOTION OF UNITED STATES AEROSPACE  
8 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The  
9 Administrator shall take appropriate actions to—

10 “(1) promote United States aerospace safety  
11 standards abroad;

12 “(2) facilitate and vigorously defend approvals  
13 of United States aerospace products and services  
14 abroad;

15 “(3) with respect to bilateral partners, utilize  
16 bilateral safety agreements and other mechanisms to  
17 improve validation of United States type certificated  
18 aeronautical products and appliances and enhance  
19 mutual acceptance in order to eliminate  
20 redundancies and unnecessary costs; and

21 “(4) with respect to foreign safety authorities,  
22 streamline validation and coordination processes.”.

1 **SEC. 352. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**  
2 **RESPONSIBILITIES.**

3 Section 44701(e) of title 49, United States Code, is  
4 amended by adding at the end the following:

5 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

6 “(A) ACCEPTANCE.—The Administrator  
7 shall accept an airworthiness directive issued by  
8 an aeronautical safety authority of a foreign  
9 country, and leverage that authority’s regu-  
10 latory process, if—

11 “(i) the country is the state of design  
12 for the product that is the subject of the  
13 airworthiness directive;

14 “(ii) the United States has a bilateral  
15 safety agreement relating to aircraft cer-  
16 tification with the country;

17 “(iii) as part of the bilateral safety  
18 agreement with the country, the Adminis-  
19 trator has determined that such aero-  
20 nautical safety authority has a certification  
21 system relating to safety that produces a  
22 level of safety equivalent to the level pro-  
23 duced by the system of the Federal Avia-  
24 tion Administration; and

25 “(iv) the aeronautical safety authority  
26 of the country utilizes an open and trans-

1 parent notice and comment process in the  
2 issuance of airworthiness directives.

3 “(B) ALTERNATIVE APPROVAL PROCESS.—

4 Notwithstanding subparagraph (A), the Admin-  
5 istrator may issue a Federal Aviation Adminis-  
6 tration airworthiness directive instead of accept-  
7 ing an airworthiness directive otherwise eligible  
8 for acceptance under such subparagraph, if the  
9 Administrator determines that such issuance is  
10 necessary for safety or operational reasons due  
11 to the complexity or unique features of the air-  
12 worthiness directive or the United States avia-  
13 tion system.

14 “(C) ALTERNATIVE MEANS OF COMPLI-  
15 ANCE.—The Administrator may—

16 “(i) accept an alternative means of  
17 compliance, with respect to an airworthi-  
18 ness directive accepted under subpara-  
19 graph (A), that was approved by the aero-  
20 nautical safety authority of the foreign  
21 country that issued the airworthiness di-  
22 rective; or

23 “(ii) notwithstanding subparagraph  
24 (A), and at the request of any person af-  
25 fected by an airworthiness directive accept-

1 ed under such subparagraph, approve an  
2 alternative means of compliance with re-  
3 spect to the airworthiness directive.”.

4 **SEC. 353. FAA LEADERSHIP ABROAD.**

5 (a) IN GENERAL.—To promote United States aero-  
6 space safety standards, reduce redundant regulatory activ-  
7 ity, and facilitate acceptance of FAA design and produc-  
8 tion approvals abroad, the Administrator of the FAA  
9 shall—

10 (1) attain greater expertise in issues related to  
11 dispute resolution, intellectual property, and export  
12 control laws to better support FAA certification and  
13 other aerospace regulatory activities abroad;

14 (2) work with United States companies to more  
15 accurately track the amount of time it takes foreign  
16 authorities, including bilateral partners, to validate  
17 United States type certificated aeronautical prod-  
18 ucts;

19 (3) provide assistance to United States compa-  
20 nies who have experienced significantly long foreign  
21 validation wait times;

22 (4) work with foreign authorities, including bi-  
23 lateral partners, to collect and analyze data to deter-  
24 mine the timeliness of the acceptance and validation  
25 of FAA design and production approvals by foreign



1 authorities and the acceptance and validation of for-  
2 eign-certified products by the FAA;

3 (5) establish appropriate benchmarks and  
4 metrics to measure the success of bilateral aviation  
5 safety agreements and to reduce the validation time  
6 for United States type certificated aeronautical  
7 products abroad; and

8 (6) work with foreign authorities, including bi-  
9 lateral partners, to improve the timeliness of the ac-  
10 ceptance and validation of FAA design and produc-  
11 tion approvals by foreign authorities and the accept-  
12 ance and validation of foreign-certified products by  
13 the FAA.

14 (b) REPORT.—Not later than 1 year after the date  
15 of enactment of this Act, the Administrator of the FAA  
16 shall submit to the Committee on Transportation and In-  
17 frastructure of the House of Representatives and the Com-  
18 mittee on Commerce, Science, and Transportation of the  
19 Senate a report that—

20 (1) describes the FAA’s strategic plan for inter-  
21 national engagement;

22 (2) describes the structure and responsibilities  
23 of all FAA offices that have international respon-  
24 sibilities, including the Aircraft Certification Office,

1 and all the activities conducted by those offices re-  
2 lated to certification and production;

3 (3) describes current and forecasted staffing  
4 and travel needs for the FAA's international engage-  
5 ment activities, including the needs of the Aircraft  
6 Certification Office in the current and forecasted  
7 budgetary environment;

8 (4) provides recommendations, if appropriate,  
9 to improve the existing structure and personnel and  
10 travel policies supporting the FAA's international  
11 engagement activities, including the activities of the  
12 Aviation Certification Office, to better support the  
13 growth of United States aerospace exports; and

14 (5) identifies regulatory initiatives or cost-effec-  
15 tive legislative initiatives needed to improve and en-  
16 hance the timely acceptance of United States aero-  
17 space products abroad.

18 (c) INTERNATIONAL TRAVEL.—The Administrator of  
19 the FAA, or the Administrator's designee, may authorize  
20 international travel for any FAA employee, without the  
21 approval of any other person or entity, if the Adminis-  
22 trator determines that the travel is necessary—

23 (1) to promote United States aerospace safety  
24 standards; or



1                   **TITLE IV—SAFETY**  
2           **Subtitle A—General Provisions**  
3 **SEC. 401. DESIGNATED AGENCY SAFETY AND HEALTH OFFI-**  
4                   **CER.**

5           Section 106 of title 49, United States Code, is  
6 amended by adding at the end the following:

7           “(u) DESIGNATED AGENCY SAFETY AND HEALTH  
8 OFFICER.—

9                   “(1) IN GENERAL.—There shall be a Des-  
10 igned Agency Safety and Health Officer appointed  
11 by the Administrator, not later than 180 days after  
12 the date of enactment of this subsection, who shall  
13 exclusively fulfill the duties prescribed in this sub-  
14 section.

15                   “(2) DUTIES.—The Designated Agency Safety  
16 and Health Officer shall have responsibility and ac-  
17 countability for—

18                           “(A) auditing occupational safety and  
19 health issues across the Administration;

20                           “(B) overseeing Administration-wide com-  
21 pliance with relevant Federal occupational safe-  
22 ty and health statutes and regulations, national  
23 industry and consensus standards, and Admin-  
24 istration policies; and

1           “(C) encouraging a culture of occupational  
2           safety and health to complement the Adminis-  
3           tration’s existing safety culture.

4           “(3) REPORTING STRUCTURE.—The Designated  
5           Agency Safety and Health Officer shall occupy a  
6           full-time, senior executive position and shall report  
7           directly to the Assistant Administrator for Human  
8           Resource Management.

9           “(4) QUALIFICATIONS AND REMOVAL.—

10           “(A) QUALIFICATIONS.—The Designated  
11           Agency Safety and Health Officer shall have  
12           demonstrated ability and experience in the es-  
13           tablishment and administration of comprehen-  
14           sive occupational safety and health programs  
15           and knowledge of relevant Federal occupational  
16           safety and health statutes and regulations, na-  
17           tional industry and consensus standards, and  
18           Administration policies.

19           “(B) REMOVAL.—The Designated Agency  
20           Safety and Health Officer shall serve at the  
21           pleasure of the Administrator.”.

22   **SEC. 402. REPAIR STATIONS LOCATED OUTSIDE UNITED**  
23           **STATES.**

24           (a) RISK-BASED OVERSIGHT.—Section 44733 of title  
25   49, United States Code, is amended—

1           (1) by redesignating subsection (f) as sub-  
2           section (g);

3           (2) by inserting after subsection (e) the fol-  
4           lowing:

5           “(f) RISK-BASED OVERSIGHT.—

6           “(1) IN GENERAL.—Not later than 90 days  
7           after the date of enactment of the Aviation Innova-  
8           tion, Reform, and Reauthorization Act of 2016, the  
9           Administrator shall take measures to ensure that the  
10          safety assessment system established under sub-  
11          section (a)—

12                  “(A) places particular consideration on in-  
13                  spections of part 145 repair stations located  
14                  outside the United States that conduct sched-  
15                  uled heavy maintenance work on part 121 air  
16                  carrier aircraft; and

17                  “(B) accounts for the frequency and seri-  
18                  ousness of any corrective actions that part 121  
19                  air carriers must implement to aircraft fol-  
20                  lowing such work at such repair stations.

21          “(2) INTERNATIONAL AGREEMENTS.—The Ad-  
22          ministrators shall take the measures required under  
23          paragraph (1)—

1           “(A) in accordance with the United States  
2 obligations under applicable international agree-  
3 ments; and

4           “(B) in a manner consistent with the ap-  
5 plicable laws of the country in which a repair  
6 station is located.

7           “(3) ACCESS TO DATA.—The Administrator  
8 may access and review such information or data in  
9 the possession of a part 121 air carrier as the Ad-  
10 ministrator may require in carrying out paragraph  
11 (1)(B).”; and

12           (3) in subsection (g) (as so redesignated)—

13           (A) by redesignating paragraphs (1) and  
14 (2) as paragraphs (2) and (3), respectively; and

15           (B) by inserting before paragraph (2) (as  
16 so redesignated) the following:

17           “(1) HEAVY MAINTENANCE WORK.—The term  
18 ‘heavy maintenance work’ means a C-check, a D-  
19 check, or equivalent maintenance operation with re-  
20 spect to the airframe of a transport-category air-  
21 craft.”.

22           (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-  
23 ING.—The Administrator of the Federal Aviation Admin-  
24 istration shall ensure that—

1           (1) not later than 90 days after the date of en-  
2           actment of this Act, a notice of proposed rulemaking  
3           required pursuant to section 44733(d)(2) is pub-  
4           lished in the Federal Register; and

5           (2) not later than 1 year after the date on  
6           which the notice of proposed rulemaking is published  
7           in the Federal Register, the rulemaking is finalized.

8           (c) **BACKGROUND INVESTIGATIONS.**—Not later than  
9           180 days after the date of enactment of this Act, the Ad-  
10          ministrators shall ensure that each employee of a repair  
11          station certificated under part 145 of title 14, Code of  
12          Federal Regulations, who performs a safety-sensitive func-  
13          tion on an air carrier aircraft has undergone a pre-employ-  
14          ment background investigation sufficient to determine  
15          whether the individual presents a threat to aviation safety,  
16          in a manner that is—

17                 (1) determined acceptable by the Administrator;

18                 (2) consistent with the applicable laws of the  
19                 country in which the repair station is located; and

20                 (3) consistent with the United States obliga-  
21                 tions under international agreements.

22          **SEC. 403. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.**

23                 Section 44734(a) of title 49, United States Code, is  
24          amended—



1 (1) in paragraph (2) by striking “and” at the  
2 end;

3 (2) in paragraph (3) by striking the period at  
4 the end and inserting “; and”; and

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

6 “(4) recognizing and responding to potential  
7 human trafficking victims.”.

8 **SEC. 404. FAA TECHNICAL TRAINING.**

9 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not  
10 later than 90 days after the date of enactment of this Act,  
11 the Administrator of the Federal Aviation Administration,  
12 in collaboration with the exclusive bargaining representa-  
13 tives of covered FAA personnel, shall establish an e-learn-  
14 ing training pilot program in accordance with the require-  
15 ments of this section.

16 (b) CURRICULUM.—The pilot program shall—

17 (1) include a recurrent training curriculum for  
18 covered FAA personnel to ensure that the personnel  
19 receive instruction on the latest aviation tech-  
20 nologies, processes, and procedures;

21 (2) focus on providing specialized technical  
22 training for covered FAA personnel, as determined  
23 necessary by the Administrator;

24 (3) include training courses on applicable regu-  
25 lations of the Federal Aviation Administration; and

1           (4) consider the efficacy of instructor-led online  
2           training.

3           (c) PILOT PROGRAM TERMINATION.—The pilot pro-  
4           gram shall terminate 1 year after the date of establish-  
5           ment of the pilot program.

6           (d) E-LEARNING TRAINING PROGRAM.—Upon termi-  
7           nation of the pilot program, the Administrator shall estab-  
8           lish an e-learning training program that incorporates les-  
9           sons learned for covered FAA personnel as a result of the  
10          pilot program.

11          (e) DEFINITIONS.—In this section, the following defi-  
12          nitions apply:

13           (1) COVERED FAA PERSONNEL.—The term  
14           “covered FAA personnel” means airway transpor-  
15           tation systems specialists and aviation safety inspec-  
16           tors of the Federal Aviation Administration.

17           (2) E-LEARNING TRAINING.—The term “e-  
18           learning training” means learning utilizing electronic  
19           technologies to access educational curriculum outside  
20           of a traditional classroom.

21   **SEC. 405. SAFETY CRITICAL STAFFING.**

22          (a) AUDIT BY DOT INSPECTOR GENERAL.—Not  
23          later than 1 year after the date of enactment of this Act,  
24          the Inspector General of the Department of Transpor-  
25          tation shall conduct and complete an audit of the staffing

1 model used by the Federal Aviation Administration to de-  
2 termine the number of aviation safety inspectors that are  
3 needed to fulfill the mission of the Federal Aviation Ad-  
4 ministration and adequately ensure aviation safety.

5 (b) CONTENTS.—The audit shall include, at a min-  
6 imum—

7 (1) a review of the staffing model and an anal-  
8 ysis of how consistently the staffing model is applied  
9 throughout the Federal Aviation Administration’s  
10 aviation safety line of business;

11 (2) a review of the assumptions and methods  
12 used in devising and implementing the staffing  
13 model to assess the adequacy of the staffing model  
14 to predict the number of aviation safety inspectors  
15 needed to properly fulfill the mission of the Federal  
16 Aviation Administration and meet the future growth  
17 of the aviation industry; and

18 (3) a determination on whether the current  
19 staffing model takes into account the Federal Avia-  
20 tion Administration’s authority to fully utilize des-  
21 ignees.

22 (c) REPORT.—Not later than 30 days after the date  
23 of completion of the audit, the Inspector General shall  
24 submit to the Committee on Transportation and Infra-  
25 structure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the  
2 Senate a report on the results of the audit.

3 **SEC. 406. DEADLINE FOR AIRLINE PILOT RECORDS DATA-**  
4 **BASE.**

5 Not later than 180 days after the date of enactment  
6 of this Act, the Administrator of the Federal Aviation Ad-  
7 ministration shall make available to air carriers the  
8 records maintained in the pilot records database required  
9 under section 44703(i) of title 49, United States Code.

10 **SEC. 407. INTERNATIONAL EFFORTS REGARDING TRACK-**  
11 **ING OF CIVIL AIRCRAFT.**

12 The Administrator of the Federal Aviation Adminis-  
13 tration shall exercise leadership on creating a global ap-  
14 proach to improving aircraft tracking by working with—

15 (1) foreign counterparts of the Administrator in  
16 the International Civil Aviation Organization and its  
17 subsidiary organizations;

18 (2) other international organizations and fora;

19 and

20 (3) the private sector.

21 **SEC. 408. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**  
22 **TEMS.**

23 (a) ASSESSMENT.—Not later than 90 days after the  
24 date of enactment of this Act, the Administrator of the  
25 Federal Aviation Administration shall initiate an assess-

1 ment of aircraft data access and retrieval systems for part  
2 121 air carrier aircraft that are used in extended  
3 overwater operations to—

4 (1) determine if the systems provide improved  
5 access and retrieval of aircraft data and cockpit  
6 voice recordings in the event of an aircraft accident;  
7 and

8 (2) assess the cost effectiveness of each system  
9 assessed.

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  
16 of initiation of the assessment, the Administrator shall  
17 submit to the Committee on Transportation and Infra-  
18 structure of the House of Representatives and the Com-  
19 mittee on Commerce, Science, and Transportation of the  
20 Senate a report 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. 409. PANEL OF AUTOMATION EXPERTS.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of enactment of this Act, the Administrator of the  
4 Federal Aviation Administration shall convene a panel of  
5 experts to evaluate methods for training flight crews to  
6 understand the functionality of automated systems in an  
7 aircraft cockpit for flightpath management.

8 (b) MEMBERSHIP.—The members of the panel  
9 shall—

10 (1) include representatives from labor, industry  
11 stakeholders, and subject matter experts; and

12 (2) have expertise in human factors, training,  
13 or flight operations.

14 (c) DUTIES.—The panel shall—

15 (1) identify which of the training methods eval-  
16 uated by the panel are the most effective;

17 (2) make recommendations for the implementa-  
18 tion of those methods, taking into consideration the  
19 current and anticipated budgetary environment;

20 (3) evaluate appropriate requirements and  
21 make recommendations for low-speed alerts for air-  
22 craft operating under parts 121 and 129 of title 14,  
23 Code of Federal Regulations; and

24 (4) evaluate the feasibility of context-dependent,  
25 low-energy alerting systems for aircraft operating

1 under parts 121 and 129 of title 14, Code of Fed-  
2 eral Regulations.

3 (d) REPORT.—The panel shall submit to the Admin-  
4 istrator, the Committee on Transportation and Infrastruc-  
5 ture of the House of Representatives, and the Committee  
6 on Commerce, Science, and Transportation of the Senate  
7 a report on the results of the evaluation conducted under  
8 this section.

9 (e) SUNSET.—The panel shall terminate on the date  
10 of submission of the report under subsection (d).

11 **SEC. 410. RISK-BASED COCKPIT SAFETY.**

12 (a) ASSESSMENT.—Not later than 90 days after the  
13 date of enactment of this Act, the Administrator of the  
14 Federal Aviation Administration shall complete an assess-  
15 ment that—

16 (1) identifies risks posed to cockpits on com-  
17 mercial passenger aircraft and evaluates current  
18 standards and requirements in place regarding cock-  
19 pit safety;

20 (2) determines the level of risk, if any, posed to  
21 commercial aviation if a flight deck door is opened  
22 while a commercial passenger aircraft is in flight;

23 (3) identifies methods, including (if appro-  
24 priate) secondary cockpit barriers, to mitigate risks  
25 to cockpits on commercial passenger aircraft, if any

1 risks are identified under paragraphs (1) and (2);  
2 and

3 (4) recommends safety and airworthiness stand-  
4 ards, as appropriate, for any mitigation method  
5 identified under paragraph (3).

6 (b) REPORT.—Not later than 60 days after the date  
7 of completing the assessment, the Administrator of the  
8 Federal Aviation Administration shall submit to the Com-  
9 mittee on Transportation and Infrastructure of the House  
10 of Representatives and the Committee on Commerce,  
11 Science, and Transportation of the Senate a report on the  
12 assessment, including any findings and recommendations.

13 **SEC. 411. COCKPIT AUTOMATION MANAGEMENT.**

14 Not later than 180 days after the date of enactment  
15 of this Act, the Administrator of the Federal Aviation Ad-  
16 ministration shall—

17 (1) develop a process to verify that air carrier  
18 training programs incorporate measures to train pi-  
19 lots on—

20 (A) monitoring automation systems; and

21 (B) controlling the flightpath of aircraft  
22 without autopilot or autoflight systems engaged;

23 (2) develop metrics or measurable tasks that air  
24 carriers can use to evaluate pilot monitoring pro-  
25 ficiency;



1           (3) issue guidance to aviation safety inspectors  
2 responsible for oversight of the operations of air car-  
3 riers on tracking and assessing pilots' proficiency in  
4 manual flight; and

5           (4) issue guidance to air carriers and inspectors  
6 regarding standards for compliance with the require-  
7 ments for enhanced pilot training contained in the  
8 final rule published in the Federal Register on No-  
9 vember 12, 2013 (78 Fed. Reg. 67800).

10 **SEC. 412. HEADS-UP DISPLAYS.**

11       (a) IN GENERAL.—Not later than 6 months after the  
12 date of enactment of this Act, the Administrator of the  
13 Federal Aviation Administration shall initiate a review of  
14 heads-up display systems (in this section referred to as  
15 “HUD systems”).

16       (b) CONTENTS.—The review shall—

17           (1) evaluate the impacts of single- and dual-in-  
18 stalled HUD systems on the safety and efficiency of  
19 aircraft operations within the national airspace sys-  
20 tem; and

21           (2) review a sufficient quantity of commercial  
22 aviation accidents or incidents in order to evaluate  
23 if HUD systems would have produced a better out-  
24 come in that accident or incident.

1 (c) CONSULTATION.—In conducting the review, the  
2 Administrator shall consult with aviation manufacturers,  
3 representatives of pilot groups, aviation safety organiza-  
4 tions, and any government agencies the Administrator  
5 considers appropriate.

6 (d) REPORT.—Not later than 1 year after the date  
7 of enactment of this Act, the Administrator shall submit  
8 to the Committee on Transportation and Infrastructure  
9 of the House of Representatives and the Committee on  
10 Commerce, Science, and Transportation of the Senate a  
11 report containing the results of the review, the actions the  
12 Administrator plans to take with respect to the systems  
13 reviewed, and the associated timeline for such actions.

14 **SEC. 413. HIMS PROGRAM.**

15 Not later than 180 days after the date of enactment  
16 of this Act, the Administrator of the Federal Aviation Ad-  
17 ministration shall conduct a human intervention motiva-  
18 tion study (HIMS) program for flight crewmembers em-  
19 ployed by commercial air carriers operating in United  
20 States airspace.

21 **SEC. 414. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFE-**  
22 **TY INFORMATION.**

23 (a) IN GENERAL.—There shall be a presumption that  
24 an individual's voluntary disclosure of an operational or  
25 maintenance issue related to aviation safety under an avia-

1 tion safety action program meets the criteria for accept-  
2 ance as a valid disclosure under such program.

3 (b) **DISCLAIMER REQUIRED.**—Any dissemination of  
4 a disclosure that was submitted and accepted under an  
5 aviation safety action program pursuant to the presump-  
6 tion under subsection (a), but that has not undergone re-  
7 view by an event review committee, shall be accompanied  
8 by a disclaimer stating that the disclosure—

9 (1) has not been reviewed by an event review  
10 committee tasked with reviewing such disclosures;  
11 and

12 (2) may subsequently be determined to be ineli-  
13 gible for inclusion in the aviation safety action pro-  
14 gram.

15 (c) **REJECTION OF DISCLOSURE.**—A disclosure de-  
16 scribed under subsection (a) shall be rejected from an  
17 aviation safety action program if, after a review of the dis-  
18 closure, an event review committee tasked with reviewing  
19 such disclosures determines that the disclosure fails to  
20 meet the criteria for acceptance under such program.

21 (d) **AVIATION SAFETY ACTION PROGRAM DE-**  
22 **FINED.**—In this section, the term “aviation safety action  
23 program” means a program established in accordance with  
24 Federal Aviation Administration Advisory Circular 120-  
25 66B, issued November 15, 2002 (including any similar

1 successor advisory circular), to allow an individual to vol-  
2 untarily disclose operational or maintenance issues related  
3 to aviation safety.

4 **SEC. 415. MARKING OF TOWERS.**

5 (a) IN GENERAL.—Not later than 1 year after the  
6 date of enactment of this Act, the Administrator of the  
7 Federal Aviation Administration shall issue regulations for  
8 the marking of covered towers.

9 (b) MARKINGS REQUIRED.—The regulations issued  
10 under subsection (a) shall ensure that covered towers are  
11 marked in a manner that is uniform, makes the covered  
12 towers easily visible, and is consistent with applicable  
13 guidance of the Administration.

14 (c) APPLICATION.—The regulations issued under  
15 subsection (a) shall ensure that—

16 (1) all covered towers constructed on or after  
17 the date on which such regulations take effect are  
18 marked in accordance with subsection (b); and

19 (2) a covered tower constructed before the date  
20 on which such regulations take effect is marked in  
21 accordance with subsection (b) not later than 1 year  
22 after such effective date.

23 (d) COVERED TOWER DEFINED.—

24 (1) IN GENERAL.—In this section, the term  
25 “covered tower” means a structure that—

1 (A) is self-standing or supported by guy  
2 wires and ground anchors;

3 (B) is 6 feet or less in diameter at the  
4 base;

5 (C) at the highest point of the structure,  
6 is at least 50 feet above ground level;

7 (D) at the highest point of the structure,  
8 is not more than 200 feet above ground level;

9 (E) has accessory facilities on which an an-  
10 tenna, sensor, camera, meteorological instru-  
11 ment, or other equipment is mounted; and

12 (F) is located—

13 (i) outside the boundaries of an incor-  
14 porated city or town; or

15 (ii) on land that is—

16 (I) underdeveloped; or

17 (II) used for agriculture pur-  
18 poses.

19 (2) EXCLUSIONS.—The term “covered tower”  
20 does not include any structure that—

21 (A) is adjacent to a house, barn, electric  
22 utility substation, or any other building;

23 (B) is in the curtilage of a farmstead;

24 (C) supports electric utility transmission or  
25 distribution lines;

1 (D) is a wind-powered electrical generator  
2 with a rotor blade radius that exceeds 6 feet; or

3 (E) is a street light erected or maintained  
4 by a Federal, State, or local transportation en-  
5 tity.

6 (e) COVERED TOWER DATABASE.—The Adminis-  
7 trator shall—

8 (1) develop a publicly available database that  
9 contains the location and height of covered towers;

10 (2) keep the database current to the extent  
11 practicable; and

12 (3) ensure that proprietary information in the  
13 database is protected.

14 **SEC. 416. CABIN EVACUATION.**

15 (a) REVIEW.—The Administrator of the Federal  
16 Aviation Administration shall review—

17 (1) evacuation certification of transport-cat-  
18 egory aircraft used in air transportation, with regard  
19 to—

20 (A) emergency conditions, including im-  
21 pacts into water;

22 (B) crew procedures used for evacuations  
23 under actual emergency conditions; and

24 (C) any relevant changes to passenger de-  
25 mographics and legal requirements (including

1 the Americans with Disabilities Act of 1990)  
2 that affect emergency evacuations; and

3 (2) recent accidents and incidents where pas-  
4 sengers evacuated such aircraft.

5 (b) CONSULTATION; REVIEW OF DATA.—In con-  
6 ducting the review, the Administrator shall—

7 (1) consult with the National Transportation  
8 Safety Board, transport-category aircraft manufac-  
9 turers, air carriers, and other relevant experts and  
10 Federal agencies, including groups representing pas-  
11 sengers, airline crewmembers, maintenance employ-  
12 ees, and emergency responders; and

13 (2) review relevant data with respect to evacu-  
14 ation certification of transport-category aircraft.

15 (c) REPORT TO CONGRESS.—Not later than 1 year  
16 after the date of enactment of this Act, the Administrator  
17 shall submit to the Committee on Transportation and In-  
18 frastructure of the House of Representatives and the Com-  
19 mittee on Commerce, Science, and Transportation of the  
20 Senate a report on the results of the review and related  
21 recommendations, if any, including any recommendations  
22 for revisions to the assumptions and methods used for as-  
23 sassing evacuation certification of transport-category air-  
24 craft.

1 **SEC. 417. MEDICAL CERTIFICATION OF CERTAIN SMALL**  
2 **AIRCRAFT PILOTS.**

3 (a) IN GENERAL.—Not later than 180 days after the  
4 date of enactment of this Act, the Administrator of the  
5 Federal Aviation Administration shall issue or revise med-  
6 ical certificate regulations to ensure that an individual  
7 may operate as pilot in command of a covered aircraft  
8 without regard to any medical certificate or proof of health  
9 requirement otherwise applicable under Federal law if—

10 (1) the individual possesses a valid driver's li-  
11 cense issued by a State, the District of Columbia, or  
12 a territory or possession of the United States and  
13 complies with any medical requirement associated  
14 with that license;

15 (2) the individual is transporting not more than  
16 5 passengers;

17 (3) the individual is operating under visual  
18 flight rules or instrument flight rules;

19 (4) the relevant flight, including each portion  
20 thereof, is not carried out—

21 (A) for compensation or hire, including  
22 that no passenger or property on the flight is  
23 being carried for compensation;

24 (B) at an altitude that is more than  
25 14,000 feet above mean sea level;



1 (C) outside the United States, unless au-  
2 thorized by the country in which the flight is  
3 conducted; or

4 (D) at an indicated air speed exceeding  
5 250 knots; and

6 (5) the individual has completed a medical edu-  
7 cation course in accordance with subsection (b).

8 (b) MEDICAL EDUCATION COURSE.—

9 (1) IN GENERAL.—To meet the requirement of  
10 subsection (a)(5), an individual shall complete (and  
11 demonstrate proof of completion of) a medical edu-  
12 cation course during the 2-year period ending on the  
13 date on which the individual operates as pilot in  
14 command of a covered aircraft.

15 (2) REQUIREMENTS.—The medical education  
16 course shall—

17 (A) be established and periodically updated  
18 by the Administrator in coordination with rep-  
19 resentatives of relevant not-for-profit general  
20 aviation stakeholder groups;

21 (B) be available on the Internet free of  
22 charge;

23 (C) educate pilots on conducting medical  
24 self-assessments;

1 (D) advise pilots on identifying warning  
2 signs of potential serious medical conditions;

3 (E) identify risk mitigation strategies for  
4 medical conditions;

5 (F) increase awareness of the impacts of  
6 potentially impairing over-the-counter and pre-  
7 scription drug medications;

8 (G) encourage regular medical exams and  
9 consultations with primary care physicians;

10 (H) inform pilots of the regulations per-  
11 taining to the prohibition on operations during  
12 medical deficiency; and

13 (I) include a signature page, that shall be  
14 transmitted to the Administrator, for the indi-  
15 vidual to certify that the individual has com-  
16 pleted all necessary educational medical  
17 coursework.

18 (3) EXCEPTIONS.—The requirement of sub-  
19 section (a)(5) shall not apply to an individual who  
20 exercises sport pilot privileges or acts as the pilot in  
21 command of a glider or balloon.

22 (c) COVERED AIRCRAFT DEFINED.—In this section,  
23 the term “covered aircraft” means an aircraft that—

24 (1) is not authorized under Federal law to carry  
25 more than 6 occupants; and

1           (2) has a maximum certificated takeoff weight  
2           of not more than 6,000 pounds.

3           (d) REPORT.—Not later than 5 years after the date  
4 of enactment of this Act, the Administrator shall submit  
5 to Congress a report that describes the effect of the regu-  
6 lations issued or revised under subsection (a) and includes  
7 statistics with respect to changes in small aircraft activity  
8 and safety incidents.

9           (e) PROHIBITION ON ENFORCEMENT ACTIONS.—On  
10 and after the date that is 180 days after the date of enact-  
11 ment of this Act, the Administrator may not take an en-  
12 forcement action for not holding a valid third-class med-  
13 ical certificate against a pilot of a covered aircraft for a  
14 flight if the pilot and the flight meet the requirements  
15 under paragraphs (1) through (4) of subsection (a) unless  
16 the Administrator has published final regulations in the  
17 Federal Register under subsection (a).

18 **SEC. 418. ODA STAFFING AND OVERSIGHT.**

19           (a) REPORT TO CONGRESS.—Not later than May 31,  
20 2017, the Administrator of the Federal Aviation Adminis-  
21 tration shall report to the Committee on Transportation  
22 and Infrastructure of the House of Representatives and  
23 the Committee on Commerce, Science, and Transportation  
24 of the Senate on the Administration's progress with re-  
25 spect to—

1 (1) determining what additional model inputs  
2 and labor distribution codes are needed to identify  
3 ODA oversight staffing needs;

4 (2) developing and implementing system-based  
5 evaluation criteria and risk-based tools to aid ODA  
6 team members in targeting their oversight activities;  
7 and

8 (3) developing agreements and processes for  
9 sharing resources to ensure adequate oversight of  
10 ODA personnel performing certification and inspec-  
11 tion work at supplier and company facilities.

12 (b) ODA DEFINED.—In this section, the term  
13 “ODA” has the meaning given that term in section 44736  
14 of title 49, United States Code, as added by this Act.

## 15 **Subtitle B—Unmanned Aircraft** 16 **Systems**

### 17 **SEC. 431. DEFINITIONS.**

18 Except as otherwise provided, the definitions con-  
19 tained in section 45501 of title 49, United States Code  
20 (as added by this Act), shall apply to this subtitle.

### 21 **SEC. 432. CODIFICATION OF EXISTING LAW; ADDITIONAL** 22 **PROVISIONS.**

23 (a) IN GENERAL.—Subtitle VII of title 49, United  
24 States Code, is amended by inserting after chapter 453  
25 the following:



1           “(A) capable of sustained flight in the at-  
2           mosphere;

3           “(B) flown within visual line of sight of the  
4           person operating the aircraft; and

5           “(C) flown for hobby or recreational pur-  
6           poses.

7           “(5) PERMANENT AREAS.—The term ‘perma-  
8           nent areas’ means areas on land or water that pro-  
9           vide for launch, recovery, and operation of small un-  
10          manned aircraft.

11          “(6) PUBLIC UNMANNED AIRCRAFT SYSTEM.—  
12          The term ‘public unmanned aircraft system’ means  
13          an unmanned aircraft system that meets the quali-  
14          fications and conditions required for operation of a  
15          public aircraft (as defined in section 40102(a)).

16          “(7) SENSE-AND-AVOID CAPABILITY.—The term  
17          ‘sense-and-avoid capability’ means the capability of  
18          an unmanned aircraft to remain a safe distance  
19          from and to avoid collisions with other airborne air-  
20          craft.

21          “(8) SMALL UNMANNED AIRCRAFT.—The term  
22          ‘small unmanned aircraft’ means an unmanned air-  
23          craft weighing less than 55 pounds, including every-  
24          thing that is on board the aircraft.

1           “(9) UNMANNED AIRCRAFT.—The term ‘un-  
2           manned aircraft’ means an aircraft that is operated  
3           without the possibility of direct human intervention  
4           from within or on the aircraft.

5           “(10) UNMANNED AIRCRAFT SYSTEM.—The  
6           term ‘unmanned aircraft system’ means an un-  
7           manned aircraft and associated elements (including  
8           communication links and the components that con-  
9           trol the unmanned aircraft) that are required for the  
10          pilot in command to operate safely and efficiently in  
11          the national airspace system.

12   **“§ 45502. Integration of civil unmanned aircraft sys-**  
13                   **tems into national airspace system**

14          “(a) REQUIRED PLANNING FOR INTEGRATION.—

15           “(1) COMPREHENSIVE PLAN.—Not later than  
16          November 10, 2012, the Secretary of Transpor-  
17          tation, in consultation with representatives of the  
18          aviation industry, Federal agencies that employ un-  
19          manned aircraft systems technology in the national  
20          airspace system, and the unmanned aircraft systems  
21          industry, shall develop a comprehensive plan to safe-  
22          ly accelerate the integration of civil unmanned air-  
23          craft systems into the national airspace system.

1           “(2) CONTENTS OF PLAN.—The plan required  
2           under paragraph (1) shall contain, at a minimum,  
3           recommendations or projections on—

4                   “(A) the rulemaking to be conducted under  
5                   subsection (b), with specific recommendations  
6                   on how the rulemaking will—

7                           “(i) define the acceptable standards  
8                           for operation and certification of civil un-  
9                           manned aircraft systems;

10                           “(ii) ensure that any civil unmanned  
11                           aircraft system includes a sense-and-avoid  
12                           capability; and

13                           “(iii) establish standards and require-  
14                           ments for the operator and pilot of a civil  
15                           unmanned aircraft system, including  
16                           standards and requirements for registra-  
17                           tion and licensing;

18                           “(B) the best methods to enhance the tech-  
19                           nologies and subsystems necessary to achieve  
20                           the safe and routine operation of civil un-  
21                           manned aircraft systems in the national air-  
22                           space system;

23                           “(C) a phased-in approach to the integra-  
24                           tion of civil unmanned aircraft systems into the  
25                           national airspace system;



1           “(D) a timeline for the phased-in approach  
2           described under subparagraph (C);

3           “(E) creation of a safe airspace designa-  
4           tion for cooperative manned and unmanned  
5           flight operations in the national airspace sys-  
6           tem;

7           “(F) establishment of a process to develop  
8           certification, flight standards, and air traffic re-  
9           quirements for civil unmanned aircraft systems  
10          at test ranges where such systems are subject  
11          to testing;

12          “(G) the best methods to ensure the safe  
13          operation of civil unmanned aircraft systems  
14          and public unmanned aircraft systems simulta-  
15          neously in the national airspace system; and

16          “(H) incorporation of the plan into the an-  
17          nual NextGen Implementation Plan document  
18          (or any successor document) of the Federal  
19          Aviation Administration.

20          “(3) DEADLINE.—The plan required under  
21          paragraph (1) shall provide for the safe integration  
22          of civil unmanned aircraft systems into the national  
23          airspace system as soon as practicable, but not later  
24          than September 30, 2015.

1           “(4) REPORT TO CONGRESS.—Not later than  
2           February 14, 2013, the Secretary shall submit to  
3           Congress a copy of the plan required under para-  
4           graph (1).

5           “(5) ROADMAP.—Not later than February 14,  
6           2013, the Secretary shall approve and make avail-  
7           able in print and on the Administration’s Internet  
8           Web site a 5-year roadmap for the introduction of  
9           civil unmanned aircraft systems into the national  
10          airspace system, as coordinated by the Unmanned  
11          Aircraft Program Office of the Administration. The  
12          Secretary shall update the roadmap annually.

13          “(b) RULEMAKING.—Not later than 18 months after  
14          the date on which the plan required under subsection  
15          (a)(1) is submitted to Congress under subsection (a)(4),  
16          the Secretary shall publish in the Federal Register—

17                 “(1) a final rule on small unmanned aircraft  
18                 systems that will allow for civil operation of such  
19                 systems in the national airspace system, to the ex-  
20                 tent the systems do not meet the requirements for  
21                 expedited operational authorization under section  
22                 45506;

23                 “(2) a notice of proposed rulemaking to imple-  
24                 ment the recommendations of the plan required  
25                 under subsection (a)(1), with the final rule to be

1 published not later than 16 months after the date of  
2 publication of the notice; and

3 “(3) an update to the Administration’s most re-  
4 cent policy statement on unmanned aircraft systems,  
5 contained in Docket No. FAA–2006–25714.

6 “(c) EXPANDING USE OF UNMANNED AIRCRAFT  
7 SYSTEMS IN ARCTIC.—

8 “(1) IN GENERAL.—Not later than August 12,  
9 2012, the Secretary shall develop a plan and initiate  
10 a process to work with relevant Federal agencies and  
11 national and international communities to designate  
12 permanent areas in the Arctic where small un-  
13 manned aircraft may operate 24 hours per day for  
14 research and commercial purposes. The plan for op-  
15 erations in these permanent areas shall include the  
16 development of processes to facilitate the safe oper-  
17 ation of unmanned aircraft beyond line of sight.  
18 Such areas shall enable over-water flights from the  
19 surface to at least 2,000 feet in altitude, with in-  
20 gress and egress routes from selected coastal launch  
21 sites.

22 “(2) AGREEMENTS.—To implement the plan  
23 under paragraph (1), the Secretary may enter into  
24 an agreement with relevant national and inter-  
25 national communities.

1           “(3) AIRCRAFT APPROVAL.—Not later than 1  
2           year after the entry into force of an agreement nec-  
3           essary to effectuate the purposes of this subsection,  
4           the Secretary shall work with relevant national and  
5           international communities to establish and imple-  
6           ment a process, or may apply an applicable process  
7           already established, for approving the use of un-  
8           manned aircraft in the designated permanent areas  
9           in the Arctic without regard to whether an un-  
10          manned aircraft is used as a public aircraft, a civil  
11          aircraft, or a model aircraft.

12       **“§ 45503. Risk-based permitting of unmanned aircraft**  
13                               **systems**

14          “(a) IN GENERAL.—Not later than 120 days after  
15          the date of enactment of this section, the Administrator  
16          of the Federal Aviation Administration shall establish pro-  
17          cedures for issuing permits under this section with respect  
18          to certain unmanned aircraft systems and operations  
19          thereof.

20          “(b) PERMITTING STANDARDS.—Upon the submis-  
21          sion of an application in accordance with subsection (d),  
22          the Administrator shall issue a permit with respect to the  
23          proposed operation of an unmanned aircraft system if the  
24          Administrator determines that—

1           “(1) the unmanned aircraft system and the pro-  
2           posed operation achieve a level of safety that is  
3           equivalent to—

4                   “(A) other unmanned aircraft systems and  
5           operations permitted under regulation, exemp-  
6           tion, or other authority granted by the Adminis-  
7           trator; or

8                   “(B) any other aircraft operation approved  
9           by the Administrator with similar risk charac-  
10          teristics or profiles; and

11          “(2) the applicant for the permit has adequate  
12          liability insurance based on the criteria specified in  
13          subsection (c).

14          “(c) SAFETY CRITERIA FOR CONSIDERATION.—In  
15          determining whether a proposed operation meets the  
16          standards described in subsection (b), the Administrator  
17          shall consider the following safety criteria:

18                   “(1) The kinetic energy of the unmanned air-  
19          craft system.

20                   “(2) The location of the proposed operation, in-  
21          cluding the proximity to—

22                           “(A) structures;

23                           “(B) congested areas;

24                           “(C) special-use airspace; and

25                           “(D) persons on the ground.

1           “(3) The nature of the operation, including any  
2 proposed risk mitigation.

3           “(4) Any known hazard of the proposed oper-  
4 ation and the severity and likelihood of such hazard.

5           “(5) Any known failure modes of the unmanned  
6 aircraft system, failure mode effects and criticality,  
7 and any mitigating features or capabilities.

8           “(6) The operational history of relevant tech-  
9 nologies, if available.

10          “(7) Any history of civil penalties or certificate  
11 actions by the Administrator against the applicant  
12 seeking the permit.

13          “(8) Any other safety criteria the Administrator  
14 considers appropriate.

15          “(d) APPLICATION.—An application under this sec-  
16 tion shall include evidence that the unmanned aircraft sys-  
17 tem and the proposed operation thereof meet the stand-  
18 ards described in subsection (b) based on the criteria de-  
19 scribed in subsection (c).

20          “(e) SCOPE OF PERMIT.—A permit issued under this  
21 section shall—

22           “(1) be valid for 5 years;

23           “(2) constitute approval of both the airworthi-  
24 ness of the unmanned aircraft system and the pro-  
25 posed operation of such system;

1           “(3) be renewable for additional 5-year periods;

2           and

3           “(4) contain any terms necessary to ensure  
4           aviation safety.

5           “(f) NOTICE.—Not later than 120 days after the Ad-  
6           ministrator receives a complete application under sub-  
7           section (d), the Administrator shall provide the applicant  
8           written notice of a decision to approve, disapprove, or re-  
9           quest a modification of the application.

10          “(g) PERMITTING PROCESS.—The Administrator  
11          shall issue a permit under this section without regard to  
12          subsections (b) through (d) of section 553 of title 5 and  
13          chapter 35 of title 44 if the Administrator determines that  
14          the operation permitted will not occur near a congested  
15          area.

16          “(h) EXEMPTION FROM CERTAIN REQUIREMENTS.—  
17          To the extent consistent with aviation safety, the Adminis-  
18          trator may exempt applicants under this section from  
19          paragraphs (1) through (3) of section 44711(a).

20          “(i) WITHDRAWAL.—The Administrator may, at any  
21          time, modify or withdraw a permit issued under this sec-  
22          tion.

23          “(j) APPLICABILITY.—This section shall not apply to  
24          small unmanned aircraft systems and operations ad-  
25          dressed by the proposed rule on small unmanned aircraft

1 systems issued pursuant to section 45502(b)(1) or any  
2 final rule based on such proposed rule.

3 “(k) EXPEDITED REVIEW.—The Administrator shall  
4 review and act upon applications under this section on an  
5 expedited basis for unmanned aircraft systems and oper-  
6 ations thereof to be used primarily in, or primarily in di-  
7 rect support of, emergency preparedness, response, or dis-  
8 aster recovery.

9 **“§ 45504. Public unmanned aircraft systems**

10 “(a) GUIDANCE.—Not later than November 10,  
11 2012, the Secretary of Transportation shall issue guidance  
12 regarding the operation of public unmanned aircraft sys-  
13 tems to—

14 “(1) expedite the issuance of a certificate of au-  
15 thorization process;

16 “(2) provide for a collaborative process with  
17 public agencies to allow for an incremental expan-  
18 sion of access to the national airspace system as  
19 technology matures and the necessary safety anal-  
20 ysis and data become available, and until standards  
21 are completed and technology issues are resolved;

22 “(3) facilitate the capability of public agencies  
23 to develop and use test ranges, subject to operating  
24 restrictions required by the Federal Aviation Admin-



1       istration, to test and operate unmanned aircraft sys-  
2       tems; and

3           “(4) provide guidance on a public entity’s re-  
4       sponsibility when operating an unmanned aircraft  
5       without a civil airworthiness certificate issued by the  
6       Administration.

7       “(b) STANDARDS FOR OPERATION AND CERTIFI-  
8       CATION.—Not later than December 31, 2015, the Admin-  
9       istrator shall develop and implement operational and cer-  
10      tification requirements for the operation of public un-  
11      manned aircraft systems in the national airspace system.

12      “(c) AGREEMENTS WITH GOVERNMENT AGEN-  
13      CIES.—

14           “(1) IN GENERAL.—Not later than May 14,  
15      2012, the Secretary shall enter into agreements with  
16      appropriate government agencies to simplify the  
17      process for issuing certificates of waiver or author-  
18      ization with respect to applications seeking author-  
19      ization to operate public unmanned aircraft systems  
20      in the national airspace system.

21           “(2) CONTENTS.—The agreements shall—

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

24                           “(i) provide for an expedited review of  
25                           the application;

1                   “(ii) require a decision by the Admin-  
2                   istrator on approval or disapproval within  
3                   60 business days of the date of submission  
4                   of the application; and

5                   “(iii) allow for an expedited appeal if  
6                   the application is disapproved;

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

10                  “(C) allow a government public safety  
11                  agency to operate unmanned aircraft weighing  
12                  4.4 pounds or less, if operated—

13                   “(i) within the line of sight of the op-  
14                   erator;

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

17                   “(iii) during daylight conditions;

18                   “(iv) within Class G airspace; and

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

1 **“§ 45505. Special rules for certain unmanned aircraft**  
2 **systems**

3 “(a) IN GENERAL.—Notwithstanding any other re-  
4 quirement of this subtitle, and not later than August 12,  
5 2012, the Secretary of Transportation shall determine if  
6 certain unmanned aircraft systems may operate safely in  
7 the national airspace system before completion of the plan  
8 and rulemaking required by section 45502 or the guidance  
9 required under section 45504.

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

13 “(1) which types of unmanned aircraft systems,  
14 if any, as a result of their size, weight, speed, oper-  
15 ational capability, proximity to airports and popu-  
16 lated areas, and operation within visual line of sight  
17 do not create a hazard to users of the national air-  
18 space system or the public or pose a threat to na-  
19 tional security; and

20 “(2) whether a certificate of waiver, certificate  
21 of authorization, or airworthiness certification under  
22 section 44704 is required for the operation of un-  
23 manned aircraft systems identified under paragraph  
24 (1).

25 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the  
26 Secretary determines under this section that certain un-

1 manned aircraft systems may operate safely in the na-  
2 tional airspace system, the Secretary shall establish re-  
3 quirements for the safe operation of such aircraft systems  
4 in the national airspace system.

5 **“§ 45506. Operation of small unmanned aircraft**

6       “(a) EXEMPTION AND CERTIFICATE OF WAIVER OR  
7 AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later  
8 than 270 days after the date of enactment of this section,  
9 the Administrator of the Federal Aviation Administration  
10 shall establish a procedure for granting an exemption and  
11 issuing a certificate of waiver or authorization for the op-  
12 eration of a small unmanned aircraft system in United  
13 States airspace for the purposes described in section  
14 45501(1).

15       “(b) OPERATION OF EXEMPTION AND CERTIFICATE  
16 OF WAIVER OR AUTHORIZATION.—

17               “(1) EXEMPTION.—An exemption granted  
18 under this section shall—

19                       “(A) exempt the operator of a small un-  
20 manned aircraft from the provisions of title 14,  
21 Code of Federal Regulations, that are exempted  
22 in Exemption No. 11687, issued on May 26,  
23 2015, Regulatory Docket Number FAA–2015–  
24 0117, or in a subsequent exemption; and

1           “(B) contain conditions and limitations de-  
2           scribed in paragraphs 3 through 31 of such Ex-  
3           emption No. 11687, or conditions and limita-  
4           tions of a subsequent exemption.

5           “(2) CERTIFICATE OF WAIVER OR AUTHORIZA-  
6           TION.—A certificate of waiver or authorization  
7           issued under this section shall allow the operation of  
8           small unmanned aircraft according to—

9           “(A) the standard provisions and air traf-  
10          fic control special provisions of the certificate of  
11          waiver or authorization FAA Form 7711–1 (7–  
12          74); or

13          “(B) the standard and special provisions of  
14          a subsequent certificate of waiver or authoriza-  
15          tion.

16          “(c) NOTICE TO ADMINISTRATOR.—Before operating  
17          a small unmanned aircraft pursuant to a certificate of  
18          waiver or authorization granted under this section, the op-  
19          erator shall provide written notice to the Administrator,  
20          in a form and manner specified by the Administrator, that  
21          contains such information and assurances as the Adminis-  
22          trator determines necessary in the interest of aviation  
23          safety and the efficiency of the national airspace system,  
24          including a certification that the operator has read, under-

1 stands, and will comply with all terms, conditions, and lim-  
2 itations of the certificate of waiver or authorization.

3 “(d) WAIVER OF AIRWORTHINESS CERTIFICATE.—  
4 Notwithstanding section 44711(a)(1), the holder of a cer-  
5 tificate of waiver or authorization granted under this sec-  
6 tion may operate a small unmanned aircraft under the  
7 terms, conditions, and limitations of such certificate with-  
8 out an airworthiness certificate.

9 “(e) PROCEDURE.—The granting of an exemption or  
10 the issuance of a certificate of waiver or authorization, or  
11 any other action authorized by this section, shall be made  
12 without regard to—

13 “(1) section 553 of title 5; or

14 “(2) chapter 35 of title 44.

15 “(f) STATUTORY CONSTRUCTION.—Nothing in this  
16 section may be construed to—

17 “(1) affect the issuance of a rule by or any  
18 other activity of the Secretary of Transportation or  
19 the Administrator under any other provision of law;  
20 or

21 “(2) invalidate an exemption or certificate of  
22 waiver or authorization issued by the Administrator  
23 before the date of enactment of this section.

24 “(g) EFFECTIVE PERIODS.—An exemption or certifi-  
25 cate of waiver or authorization issued under this section,

1 or an amendment of such exemption or certificate, shall  
2 cease to be valid on the effective date of a final rule on  
3 small unmanned aircraft systems issued under section  
4 45502(b)(1).

5 “(h) APPLICABILITY.—

6 “(1) DEFAULT.—The requirements of this sec-  
7 tion shall apply beginning on the date that is 270  
8 days after the date of enactment of this Act unless  
9 the Administrator issues, before such date, a final  
10 rule based on the notice of proposed rulemaking  
11 issued on February 23, 2015, entitled ‘Operation  
12 and Certification of Small Unmanned Aircraft Sys-  
13 tems’ (80 Fed. Reg. 9543).

14 “(2) EXPIRATION.—The requirements of this  
15 section shall not be effective beginning on the date  
16 on which the Administrator issues a final rule based  
17 on the notice of proposed rulemaking issued on Feb-  
18 ruary 23, 2015, entitled ‘Operation and Certification  
19 of Small Unmanned Aircraft Systems’ (80 Fed. Reg.  
20 9543).

21 **“§ 45507. Special rules for model aircraft**

22 “(a) IN GENERAL.—Notwithstanding any other pro-  
23 vision of law relating to the incorporation of unmanned  
24 aircraft systems into Federal Aviation Administration  
25 plans and policies, including this subtitle, the Adminis-

1 trator of the Federal Aviation Administration may not  
2 promulgate any rule or regulation regarding a model air-  
3 craft, or an aircraft being developed as a model aircraft,  
4 if—

5           “(1) the aircraft is flown strictly for hobby or  
6 recreational use;

7           “(2) the aircraft is operated in accordance with  
8 a community-based set of safety guidelines and with-  
9 in the programming of a community-based organiza-  
10 tion;

11           “(3) the aircraft is limited to not more than 55  
12 pounds unless otherwise certified through a design,  
13 construction, inspection, flight test, and operational  
14 safety program administered by a community-based  
15 organization;

16           “(4) the aircraft is operated in a manner that  
17 does not interfere with and gives way to any manned  
18 aircraft; and

19           “(5) when flown within 5 miles of an airport,  
20 the operator of the aircraft provides the airport op-  
21 erator and the airport air traffic control tower (when  
22 an air traffic facility is located at the airport) with  
23 prior notice of the operation (model aircraft opera-  
24 tors flying from a permanent location within 5 miles  
25 of an airport should establish a mutually agreed



1       upon operating procedure with the airport operator  
2       and the airport air traffic control tower (when an air  
3       traffic facility is located at the airport)).

4       “(b) COMMERCIAL OPERATION FOR INSTRUCTIONAL  
5 OR EDUCATIONAL PURPOSES.—A flight of an unmanned  
6 aircraft shall be treated as a flight of a model aircraft  
7 for purposes of subsection (a) (regardless of any com-  
8 pensation, reimbursement, or other consideration ex-  
9 changed or incidental economic benefit gained in the  
10 course of planning, operating, or supervising the flight),  
11 if the flight is—

12           “(1) conducted for instructional or educational  
13 purposes; and

14           “(2) operated or supervised by an eligible not-  
15 for-profit organization.

16       “(c) STATUTORY CONSTRUCTION.—Nothing in this  
17 section may be construed to limit the authority of the Ad-  
18 ministrator to pursue enforcement action against persons  
19 operating model aircraft who endanger the safety of the  
20 national airspace system.

21       “(d) ELIGIBLE NOT-FOR-PROFIT ORGANIZATION  
22 DEFINED.—In this section, the term ‘eligible not-for-prof-  
23 it organization’ means an entity that—

24           “(1) is described in section 501(c)(3) of the In-  
25 ternal Revenue Code of 1986;

1           “(2) is exempt from tax under section 501(a) of  
2           the Internal Revenue Code of 1986;

3           “(3) the mission of which is demonstrably the  
4           furtherance of model aviation;

5           “(4) provides a comprehensive set of safety  
6           guidelines for all aspects of model aviation address-  
7           ing the assembly and operation of model aircraft and  
8           that emphasize safe aeromodeling operations within  
9           the national airspace system and the protection and  
10          safety of individuals and property on the ground;

11          “(5) provides programming and support for any  
12          local charter organizations, affiliates, or clubs; and

13          “(6) provides assistance and support in the de-  
14          velopment and operation of locally designated model  
15          aircraft flying sites.

16       **“§ 45508. Safety information for operation of covered**  
17                               **unmanned aircraft**

18          “Beginning not later than 120 days after the date  
19          of enactment of this section, the Administrator of the Fed-  
20          eral Aviation Administration shall make available to the  
21          public, through electronic or other suitable means, infor-  
22          mation developed jointly by the Federal Aviation Adminis-  
23          tration and appropriate non-governmental organizations  
24          relating to the safe operation of unmanned aircraft in  
25          United States airspace that includes—

1           “(1) notice of the existence of airspace bound-  
2           aries, designated navigational routes, and navigable  
3           airspace;

4           “(2) the requirements for entry into and oper-  
5           ation within class A, B, C, D, and E airspace, as de-  
6           fined in subparts A through E of part 71 of title 14,  
7           Code of Federal Regulations (or any successor provi-  
8           sions);

9           “(3) notice of the existence and a description of  
10          Federal aviation regulations applicable to the flight  
11          of unmanned aircraft, including regulations prohib-  
12          iting careless and reckless operation and operation  
13          of unairworthy aircraft in part 91 of such title (or  
14          any successor provisions);

15          “(4) notice of sources of aeronautical informa-  
16          tion and applicable regulations, including publicly  
17          available resources for determining the locations of  
18          airports, designated navigational routes, and con-  
19          trolled airspace;

20          “(5) notice of criminal and civil penalties that  
21          may result from unlawful operation of unmanned  
22          aircraft; and

23          “(6) examples of the hazards associated with  
24          the operation of an unmanned aircraft—

25                 “(A) in a careless or reckless manner;

1                   “(B) in an unairworthy condition; and  
2                   “(C) in proximity to other aircraft.”.

3           (b) CONFORMING AMENDMENTS.—

4                   (1) REPEALS.—

5                           (A) IN GENERAL.—Sections 332(a),  
6                   332(b), 332(d), 333, 334, and 336 of the FAA  
7                   Modernization and Reform Act of 2012 (49  
8                   U.S.C. 40101 note) are repealed.

9                           (B) CLERICAL AMENDMENT.—The items  
10                   relating to sections 333, 334, and 336 of the  
11                   FAA Modernization and Reform Act of 2012  
12                   (49 U.S.C. 40101 note) in the table of contents  
13                   contained in section 1(b) of that Act are re-  
14                   pealed.

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  
24                   “chapter 455,” after “chapter 451,”; and

1 (C) in subsection (f)(1)(A)(i) by striking  
2 “or chapter 451” and inserting “chapter 451,  
3 or chapter 455”.

4 (3) CLERICAL AMENDMENT.—The analysis for  
5 subtitle VII of title 49, United States Code, is  
6 amended by inserting after the item relating to  
7 chapter 453 the following:

**“455. Unmanned aircraft systems .....45501”.**

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  
11 U.S.C. 40101 note) is amended by striking “5 years after  
12 the date of enactment of this Act” and inserting “5 years  
13 after the date of enactment of the Aviation Innovation,  
14 Reform, and Reauthorization Act of 2016”.

15 (b) SENSE-AND-AVOID TECHNOLOGIES AT TEST  
16 RANGES.—

17 (1) IN GENERAL.—To the extent consistent  
18 with aviation safety, the Administrator of the Fed-  
19 eral Aviation Administration shall permit and en-  
20 courage flights of unmanned aircraft systems  
21 equipped with sense-and-avoid technologies at the 6  
22 test ranges designated under section 332(c) of the  
23 FAA Modernization and Reform Act of 2012.

24 (2) WAIVERS.—In carrying out paragraph (1),  
25 the Administrator may waive the requirements of

1 section 44711 of title 49, United States Code, in-  
2 cluding related regulations, to the extent consistent  
3 with aviation safety.

4 (c) PROVISIONAL CIVIL OPERATION OF SMALL UN-  
5 MANNED AIRCRAFT SYSTEMS AT TEST RANGES.—

6 (1) IN GENERAL.—In carrying out the program  
7 established under section 332(c) of the FAA Mod-  
8 ernization and Reform Act of 2012, and subject to  
9 the requirements of paragraph (2), the Secretary  
10 shall allow civil operation of small unmanned air-  
11 craft systems at the 6 test ranges designated pursu-  
12 ant to that section.

13 (2) REQUIREMENTS.—The Secretary shall pro-  
14 vide that—

15 (A) operations of small unmanned aircraft  
16 systems occur exclusively within airspace des-  
17 igned in an applicable certificate of authoriza-  
18 tion or waiver; and

19 (B) notwithstanding section 44711 of title  
20 49, United States Code, operations are con-  
21 ducted, to the extent practicable, pursuant to  
22 the proposed rule on small unmanned aircraft  
23 systems issued pursuant to section 45502(b)(1)  
24 of such title, or any final rule issued based on  
25 that proposed rule, except that a passing grade

1 on the aeronautical knowledge test required for  
2 a sport pilot certificate described in part 61 of  
3 title 14, Code of Federal Regulations, or more  
4 advanced aeronautical knowledge test under  
5 such part, shall be treated as satisfying the  
6 aeronautical knowledge testing requirement  
7 contained in such proposed rule.

8 (3) SUNSET.—This subsection shall cease to be  
9 effective on the date that is the earlier of—

10 (A) 5 years after the date of enactment of  
11 this Act; and

12 (B) the date of publication of a final rule  
13 based on the proposed rule described under  
14 paragraph (2)(B).

15 (d) DEFINITION OF TEST RANGE.—In this section,  
16 the term “test range” means a defined geographic area  
17 where research and development are conducted.

18 **SEC. 434. UNMANNED AIRCRAFT SYSTEMS SENIOR LEADER-**  
19 **SHIP AND STAFFING.**

20 (a) INTRA-AGENCY LEADERSHIP.—

21 (1) UNMANNED AIRCRAFT SYSTEMS INTEGRA-  
22 TION OFFICE.—There is in the Federal Aviation Ad-  
23 ministration an Unmanned Aircraft Systems Inte-  
24 gration Office (in this section referred to as the “Of-  
25 fice”).

1           (2) CHIEF UNMANNED AIRCRAFT SYSTEMS IN-  
2           TEGRATION OFFICER.—

3           (A) DESIGNATION.—Not later than 30  
4           days after the date of enactment of this Act,  
5           the Administrator of the Federal Aviation Ad-  
6           ministration shall designate an individual to  
7           serve as the head of the Office, to be known as  
8           the Chief Unmanned Aircraft Systems Integra-  
9           tion Officer.

10          (B) DUTIES; REPORTING.—The Chief Un-  
11          manned Aircraft Systems Integration Officer  
12          shall—

13                 (i) report directly to the Associate Ad-  
14                 ministrator for Aviation Safety (or a suc-  
15                 cessor position);

16                 (ii) have the duties and functions of  
17                 the position of the Director of the UAS In-  
18                 tegration Office, as of the date of enact-  
19                 ment of this section; and

20                 (iii) optimize intra-agency efforts to  
21                 establish a sound technical and safety  
22                 methodology for the integration of un-  
23                 manned aircraft systems into the national  
24                 airspace system.

25          (b) INTERAGENCY LEADERSHIP.—



1           (1) DIRECTOR OF UAS EXTERNAL AFFAIRS.—  
2           Not later than 30 days after the date of enactment  
3           of this Act, the Administrator shall designate an in-  
4           dividual to serve as the head of interagency efforts  
5           on unmanned aircraft systems integration for the  
6           Administration, to be known as the Director of UAS  
7           External Affairs.

8           (2) DUTIES; REPORTING.—The individual des-  
9           ignated under paragraph (1) shall—

10                   (A) report directly to the Deputy Adminis-  
11                   trator;

12                   (B) have the duties and functions of the  
13                   position of Senior Advisor on UAS Integration,  
14                   as of the date of enactment of this section; and

15                   (C) focus on external outreach, education,  
16                   and interagency initiatives consistent with the  
17                   Administration’s management of unmanned air-  
18                   craft systems integration efforts.

19           (c) STAFFING.—The Administrator shall designate a  
20           sufficient number of safety inspectors to focus on the safe-  
21           ty oversight of unmanned aircraft systems into the na-  
22           tional airspace system, taking into consideration the cur-  
23           rent and anticipated—

24                   (1) budgetary environment; and

1           (2) volume of unmanned aircraft system oper-  
2           ations.

3 **SEC. 435. SENSE OF CONGRESS REGARDING UNMANNED**  
4 **AIRCRAFT SAFETY.**

5           It is the sense of Congress that—

6           (1) the unauthorized operation of unmanned  
7           aircraft near airports presents a serious hazard to  
8           aviation safety;

9           (2) with increasing regularity, pilots are report-  
10          ing near misses with unmanned aircraft at low alti-  
11          tudes during critical phases of flight, either on final  
12          approach or shortly after takeoff;

13          (3) a collision between an unmanned aircraft  
14          and a conventional aircraft in flight could jeopardize  
15          the safety of persons aboard aircraft and on the  
16          ground;

17          (4) Federal aviation regulations, including sec-  
18          tions 91.126 through 91.131 of title 14, Code of  
19          Federal Regulations, prohibit unauthorized operation  
20          of an aircraft in controlled airspace near an airport;

21          (5) Federal aviation regulations, including sec-  
22          tion 91.13 of title 14, Code of Federal Regulations,  
23          prohibit the operation of an aircraft in a careless or  
24          reckless manner so as to endanger the life or prop-  
25          erty of another;

1           (6) 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           (7) the Administrator should place particular  
9 priority on continuing measures, including partner-  
10 ships with nongovernmental organizations, to edu-  
11 cate the public about the dangers to the public safe-  
12 ty of operating unmanned aircraft near airports  
13 without the appropriate approvals or authorizations;  
14 and

15           (8) manufacturers and retail sellers of small  
16 unmanned aircraft systems should take steps to edu-  
17 cate consumers about the safe and lawful operation  
18 of such systems.

19 **SEC. 436. UAS PRIVACY REVIEW.**

20           (a) REVIEW.—The Secretary of Transportation, in  
21 consultation with the heads of appropriate Federal agen-  
22 cies, appropriate State and local officials, and subject-mat-  
23 ter experts and in consideration of relevant efforts led by  
24 the National Telecommunications and Information Ad-  
25 ministration, shall carry out a review to identify any po-

1 tential reduction of privacy specifically caused by integra-  
2 tion of unmanned aircraft systems into the national air-  
3 space system.

4 (b) CONSULTATION.—In carrying out the review, the  
5 Secretary shall consult with the National Telecommuni-  
6 cations and Information Administration of the Depart-  
7 ment of Commerce on its ongoing efforts responsive to the  
8 presidential memorandum titled “Promoting Economic  
9 Competitiveness While Safeguarding Privacy, Civil Rights,  
10 and Civil Liberties in Domestic Use of Unmanned Aircraft  
11 Systems” and dated February 15, 2015.

12 (c) REPORT.—Not later than 180 days after the date  
13 of enactment of this Act, the Secretary shall submit to  
14 the Committee on Transportation and Infrastructure of  
15 the House of Representatives and the Committee on Com-  
16 merce, Science, and Transportation of the Senate a report  
17 on the results of the review required under subsection (a).

18 **SEC. 437. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**  
19 **MENTS.**

20 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-  
21 MENTS.—Section 40102(a)(41) of title 49, United States  
22 Code, is amended by adding at the end the following:

23 “(F) An unmanned aircraft that is owned  
24 and operated by, or exclusively leased for at  
25 least 90 continuous days by, an Indian tribal

1 government, as defined in section 102 of the  
2 Robert T. Stafford Disaster Relief and Emer-  
3 gency Assistance Act (42 U.S.C. 5122), except  
4 as provided in section 40125(b).”.

5 (b) CONFORMING AMENDMENT.—Section 40125(b)  
6 of title 49, United States Code, is amended by striking  
7 “or (D)” and inserting “(D), or (F)”.

8 **SEC. 438. FACILITATING UNMANNED AIRCRAFT AUTHOR-**  
9 **IZATION IN SUPPORT OF FIREFIGHTING OP-**  
10 **ERATIONS.**

11 The Administrator of the Federal Aviation Adminis-  
12 tration shall enter into agreements with the Secretary of  
13 the Interior and the Secretary of Agriculture as necessary  
14 to continue the expeditious authorization of safe un-  
15 manned aircraft system operations in support of fire-  
16 fighting operations consistent with the requirements of  
17 section 45504(c) of title 49, United States Code.

18 **SEC. 439. LOW ALTITUDE UNMANNED AIRCRAFT SYSTEM**  
19 **TRAFFIC MANAGEMENT.**

20 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—  
21 Not later than 90 days after the date of enactment of this  
22 Act, the Administrator of the Federal Aviation Adminis-  
23 tration shall establish an advisory committee comprised of  
24 government representatives and appropriate industry rep-  
25 resentatives to—

1           (1) assess the necessity, feasibility, and benefits  
2           of establishing unmanned aircraft traffic manage-  
3           ment systems for airspace between the surface and  
4           400 feet above ground level;

5           (2) develop recommendations for government  
6           oversight of such systems; and

7           (3) address any other issues the advisory panel  
8           considers necessary and appropriate.

9           (b) REPORT.—Not later than 1 year after the estab-  
10          lishment of the advisory committee under subsection (a),  
11          the Administrator shall submit to the Committee on  
12          Transportation and Infrastructure of the House of Rep-  
13          resentatives and the Committee on Commerce, Science,  
14          and Transportation of the Senate a report on the findings  
15          of the advisory committee.

16          (c) SUNSET.—The advisory committee shall termi-  
17          nate upon transmission of the report pursuant to sub-  
18          section (b).

19          **SEC. 440. UAS DETECTION SYSTEMS PILOT PROGRAM.**

20          (a) ESTABLISHMENT.—Not later than 180 days after  
21          the date of enactment of this Act, the Secretary of Trans-  
22          portation shall establish a pilot program to deploy and  
23          evaluate the effectiveness of unmanned aircraft detection  
24          systems in maintaining the safety of air commerce and  
25          navigable airspace in light of aviation safety hazards posed

1 by unauthorized operations of unmanned aircraft in prox-  
2 imity to airports.

3 (b) PARTICIPATING AIRPORTS.—The Secretary shall  
4 select not fewer than 3 airports in the United States with  
5 scheduled commercial air service that the Secretary deter-  
6 mines to be suitable locations for participation in the pilot  
7 program.

8 (c) DETECTION CAPABILITIES.—In carrying out the  
9 pilot program under subsection (a), the Secretary may uti-  
10 lize unmanned aircraft detection systems to—

11 (1) detect, locate, and track unmanned aircraft;

12 (2) detect, locate, and track operators of un-  
13 manned aircraft; and

14 (3) mitigate unauthorized operations of un-  
15 manned aircraft in any airspace in which they may  
16 pose an aviation safety risk.

17 (d) LIMITATION.—The Secretary shall ensure that  
18 the unmanned aircraft detection systems used in carrying  
19 out the pilot program do not interfere with or harm air-  
20 port operations, essential navigation systems, wireless  
21 communications, or the general public.

22 (e) REPORT.—

23 (1) IN GENERAL.—Not later than 18 months  
24 after the date of enactment of this Act, the Sec-  
25 retary shall submit to the Committee on Transpor-

1       tation and Infrastructure of the House of Represent-  
2       atives and the Committee on Commerce, Science,  
3       and Transportation of the Senate a report on the re-  
4       sults of the pilot program established under sub-  
5       section (a).

6               (2) CONTENTS.—The report submitted under  
7       paragraph (1) shall include the following:

8               (A) The number of unauthorized un-  
9       manned aircraft operations detected at each  
10      participating airport, together with a descrip-  
11      tion of such operations.

12              (B) The number of instances in which un-  
13      authorized unmanned aircraft were mitigated  
14      pursuant to subsection (c)(3), together with a  
15      description of such instances.

16              (C) The number of enforcement cases  
17      brought by the Federal Aviation Administration  
18      for unauthorized operation of unmanned air-  
19      craft detected through the pilot program, to-  
20      gether with a description of such cases.

21              (D) The number of any technical failures  
22      in the pilot program, together with a descrip-  
23      tion of such failures.



1                   (E) Recommendations for safety and oper-  
2                   ational standards for unmanned aircraft detec-  
3                   tion systems.

4                   (F) The feasibility of deployment of the  
5                   systems at other airports.

6                   (3) **FORMAT.**—To the extent practicable, the re-  
7                   port prepared under paragraph (1) shall be sub-  
8                   mitted in an unclassified format. If necessary, the  
9                   report may include a classified annex.

10                  (f) **UNMANNED AIRCRAFT DETECTION SYSTEM DE-**  
11 **FINED.**—In this section, the term “unmanned aircraft de-  
12 **tection system”** means a system that can carry out the  
13 activities described in subsection (c).

14                  (g) **SUNSET.**—The pilot program established under  
15 subsection (a) shall cease to be effective on the earlier of—

16                   (1) the date that is 18 months after the date  
17                   of enactment of this Act; and

18                   (2) the date of the submission of the report  
19                   under subsection (e).

20                  (h) **AUTHORITY.**—After the pilot program ceases to  
21 be effective, the Secretary may use unmanned aircraft de-  
22 **tection systems** to detect and mitigate the unauthorized  
23 **operation of unmanned aircraft** that pose a risk to aviation  
24 **safety.**

1 **SEC. 441. EVALUATION OF AIRCRAFT REGISTRATION FOR**  
2 **SMALL UNMANNED AIRCRAFT.**

3 (a) METRICS.—Beginning not later than 180 days  
4 after the date of enactment of this Act, the Administrator  
5 of the Federal Aviation Administration shall develop and  
6 track metrics to assess compliance with and effectiveness  
7 of the registration of small unmanned aircraft systems by  
8 the Federal Aviation Administration pursuant to the in-  
9 terim final rule issued on December 16, 2015, entitled  
10 “Registration and Marking Requirements for Small Un-  
11 manned Aircraft” (80 Fed. Reg. 78593) and any subse-  
12 quent final rule, including metrics with respect to—

13 (1) the levels of compliance with the interim  
14 final rule and any subsequent final rule;

15 (2) the number of enforcement actions taken by  
16 the Administration for violations of or noncompli-  
17 ance with the interim final rule and any subsequent  
18 final rule, together with a description of the actions;  
19 and

20 (3) the effect of the interim final rule and any  
21 subsequent final rule on compliance with any fees  
22 associated with the use of small unmanned aircraft  
23 systems.

24 (b) EVALUATION.—The Inspector General of the De-  
25 partment of Transportation shall evaluate—

1 (1) the Administration's progress in developing  
2 and tracking the metrics set forth in subsection (a);  
3 and

4 (2) the reliability, effectiveness, and efficiency  
5 of the Administration's registration program for  
6 small unmanned aircraft.

7 (c) REPORT.—Not later than 1 year after the date  
8 of enactment of this Act, the Inspector General of the De-  
9 partment of Transportation shall submit to the Committee  
10 on Transportation and Infrastructure of the House of  
11 Representatives and the Committee on Commerce,  
12 Science, and Transportation of the Senate a report con-  
13 taining—

14 (1) the results of the evaluation required under  
15 subsection (b); and

16 (2) recommendations to the Administrator and  
17 Congress for improvements to the registration proc-  
18 ess for small unmanned aircraft.

## 19 **TITLE V—AIR SERVICE** 20 **IMPROVEMENTS**

### 21 **Subtitle A—Passenger Air Service** 22 **Improvements**

#### 23 **SEC. 501. FAMILIES TRAVELING TOGETHER.**

24 Section 41712 of title 49, United States Code, is  
25 amended by adding at the end the following:

1 “(d) FAMILIES TRAVELING TOGETHER.—

2 “(1) IN GENERAL.—It shall be an unfair or de-  
3 ceptive practice under subsection (a) for any ticket  
4 agent, air carrier, foreign air carrier, or other person  
5 offering to sell tickets for air transportation to fail  
6 to disclose, whether verbally in oral communication  
7 or in writing in written or electronic communication,  
8 prior to an individual’s purchase of more than 1  
9 ticket for a covered flight, the notification in para-  
10 graph (2), if such purchase includes a ticket for a  
11 child.

12 “(2) NOTIFICATION.—The notification required  
13 under paragraph (1) shall include the following  
14 statement: ‘It is not possible to assign 2 or more  
15 seats together on at least 1 of the flights you have  
16 selected. Please be advised that you may not be able  
17 to sit next to other members of your travel party,  
18 even if you are traveling with a child.’.

19 “(3) DEFINITIONS.—In this subsection, the fol-  
20 lowing definitions apply:

21 “(A) CHILD.—The term ‘child’ means an  
22 individual who is less than 13 years of age on  
23 the date a covered flight is scheduled to occur.

24 “(B) COVERED FLIGHT.—The term ‘cov-  
25 ered flight’ means a flight of an air carrier or

1 foreign air carrier in air transportation as to  
2 which—

3 “(i) a purchaser of a ticket may speci-  
4 fy an advance seat assignment, with or  
5 without the assessment of a charge or fee;  
6 and

7 “(ii) 2 or more laterally adjacent seats  
8 are not available on the flight for advance  
9 assignment.”.

10 **SEC. 502. CELL PHONE VOICE COMMUNICATION BAN.**

11 (a) IN GENERAL.—Subchapter I of chapter 417 of  
12 title 49, United States Code, is amended by adding at the  
13 end the following:

14 **“§ 41725. Prohibition on certain cell phone voice com-  
15 munications**

16 “(a) PROHIBITION.—The Secretary of Transpor-  
17 tation shall issue regulations—

18 “(1) to prohibit an individual on an aircraft  
19 from engaging in voice communications using a mo-  
20 bile communications device during a flight of that  
21 aircraft in scheduled passenger interstate or intra-  
22 state air transportation; and

23 “(2) that exempt from the prohibition described  
24 in paragraph (1) any—

1           “(A) member of the flight crew on duty on  
2           an aircraft;

3           “(B) flight attendant on duty on an air-  
4           craft; and

5           “(C) Federal law enforcement officer act-  
6           ing in an official capacity.

7           “(b) DEFINITIONS.—In this section, the following  
8           definitions apply:

9           “(1) FLIGHT.—The term ‘flight’ means, with  
10          respect to an aircraft, the period beginning when the  
11          aircraft takes off and ending when the aircraft  
12          lands.

13          “(2) MOBILE COMMUNICATIONS DEVICE.—

14                 “(A) IN GENERAL.—The term ‘mobile  
15                 communications device’ means any portable  
16                 wireless telecommunications equipment utilized  
17                 for the transmission or reception of voice data.

18                 “(B) LIMITATION.—The term ‘mobile com-  
19                 munications device’ does not include a phone in-  
20                 stalled on an aircraft.”.

21          (b) CLERICAL AMENDMENT.—The analysis for chap-  
22          ter 417 of title 49, United States Code, is amended by  
23          inserting after the item relating to section 41724 the fol-  
24          lowing:

          “41725. Prohibition on certain cell phone voice communications.”.



1 to a country listed on the Internet Web site established  
2 under subsection (a) shall—

3 “(1) disclose, on its own Internet Web site or  
4 through other means, that the destination country  
5 may require the air carrier or foreign air carrier to  
6 treat an aircraft passenger cabin with insecticides  
7 prior to the flight or to apply an aerosol insecticide  
8 in an aircraft cabin used for such a flight when the  
9 cabin is occupied with passengers; and

10 “(2) refer the purchaser of the ticket to the  
11 Internet Web site established under subsection (a)  
12 for additional information.”.

13 **SEC. 506. ADVISORY COMMITTEE FOR AVIATION CON-**  
14 **SUMER PROTECTION.**

15 Section 411 of the FAA Modernization and Reform  
16 Act of 2012 (49 U.S.C. 42301 prec. note) is amended—

17 (1) in subsection (g) by striking “first 2 cal-  
18 endar years” and inserting “first 6 calendar years”;  
19 and

20 (2) in subsection (h) by striking “March 31,  
21 2016” and inserting “September 30, 2022”.

22 **SEC. 507. DELAYED CHECKED BAGGAGE.**

23 (a) IN GENERAL.—Not later than 180 days after the  
24 date of enactment of this Act, the Secretary shall initiate  
25 a rulemaking proceeding to require that air carriers re-



1 fund any baggage fees charged to a passenger for checked  
2 baggage on a flight in scheduled passenger interstate or  
3 intrastate air transportation if the checked baggage of  
4 that passenger is not delivered within the 24-hour period  
5 beginning at the time of the arrival of the flight of the  
6 passenger at the destination at which the passenger was  
7 to retrieve the checked baggage.

8 (b) DEFINITIONS.—In this section, the following defi-  
9 nitions apply:

10 (1) CHECKED BAGGAGE.—

11 (A) IN GENERAL.—The term “checked  
12 baggage” means property tendered by or on be-  
13 half of a person and accepted for transport by  
14 an air carrier providing passenger service,  
15 which is inaccessible to passengers during  
16 flight.

17 (B) EXCLUSION.—The term “checked bag-  
18 gage” does not include accompanied commercial  
19 courier consignments.

20 (2) BAGGAGE FEE.—The term “baggage fee”  
21 means fees charged to a passenger by an air carrier  
22 solely for the conveyance of checked baggage.

23 **SEC. 508. AIR TRAVEL ACCESSIBILITY.**

24 Not later than 1 year after the date of enactment  
25 of this Act, the Secretary of Transportation shall issue the

1 supplemental notice of proposed rulemaking referenced in  
2 the Secretary’s Report on Significant Rulemakings, dated  
3 June 15, 2015, and assigned Regulation Identification  
4 Number 2105–AE12.

## 5 **Subtitle B—Small Community Air** 6 **Service**

### 7 **SEC. 531. ESSENTIAL AIR SERVICE REFORM.**

8 Section 41732 of title 49, United States Code, is  
9 amended by adding at the end the following:

10 “(c) WAIVER.—Notwithstanding section 41733(e), at  
11 the request of an eligible place, the Secretary may waive,  
12 in whole or in part, subsections (a) and (b) of this section  
13 and subsections (a) through (c) of section 41734 for the  
14 eligible place if the Secretary determines that the waiver  
15 is—

16 “(1) in the public interest; or

17 “(2) a cost-effective improvement to the quality  
18 of air service for the eligible place.”.

### 19 **SEC. 532. ESSENTIAL AIR SERVICE AUTHORIZATION.**

20 Section 41742(a) of title 49, United States Code, is  
21 amended—

22 (1) in paragraph (1) by striking “Out of the  
23 amounts” and inserting “For each of fiscal years  
24 2016 through 2019, out of the amounts”;

1           (2) in paragraph (2) by striking “\$150,000,000  
2           for fiscal year 2011” and all that follows before “to  
3           carry out” and inserting “\$175,000,000 for fiscal  
4           year 2016, \$178,000,000 for fiscal year 2017,  
5           \$181,000,000 for fiscal year 2018, and  
6           \$185,000,000 for fiscal year 2019”; and

7           (3) by inserting after paragraph (3) the fol-  
8           lowing:

9           “(4) AUTHORIZATIONS FOR FISCAL YEARS 2020  
10          THROUGH 2022.—There is authorized to be appro-  
11          priated to carry out the essential air service program  
12          under this subchapter—

13                   “(A) \$300,000,000 for fiscal year 2020;

14                   “(B) \$308,000,000 for fiscal year 2021;

15                   and

16                   “(C) \$315,000,000 for fiscal year 2022.”.

17 **SEC. 533. EXTENSION OF FINAL ORDER ESTABLISHING**  
18 **MILEAGE ADJUSTMENT ELIGIBILITY.**

19          Section 409(d) of the Vision 100—Century of Avia-  
20          tion Reauthorization Act (49 U.S.C. 41731 note) is  
21          amended by striking “March 31, 2016” and inserting  
22          “September 30, 2022”.

23 **SEC. 534. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

24          (a) STUDY.—

1           (1) IN GENERAL.—The Comptroller General of  
2           the United States shall conduct a study on the ef-  
3           fects of section 6 of the Airport and Airway Exten-  
4           sion Act of 2011, Part IV (Public Law 112–27), sec-  
5           tion 421 of the FAA Modernization and Reform Act  
6           of 2012 (Public Law 112–95), and other relevant  
7           Federal laws enacted after 2010, including the  
8           amendments made by those laws, on the Essential  
9           Air Service program.

10          (2) SCOPE.—In conducting the study under  
11          paragraph (1), the Comptroller General shall ana-  
12          lyze, at a minimum—

13                 (A) the impact of each relevant Federal  
14                 law, including the amendments made by each  
15                 law, on the Essential Air Service program;

16                 (B) what actions communities and air car-  
17                 riers have taken to reduce ticket prices or in-  
18                 crease enplanements as a result of each law;

19                 (C) the issuance of waivers by the Sec-  
20                 retary under section 41731(e) of title 49,  
21                 United States Code;

22                 (D) whether budgetary savings resulted  
23                 from each law; and

24                 (E) options for further reform of the Es-  
25                 sential Air Service program.

1 (b) REPORT.—Not later than 180 days after the date  
2 of enactment of this Act, the Comptroller General shall  
3 submit to the Committee on Transportation and Infra-  
4 structure 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 study conducted  
7 under subsection (a).

8 **SEC. 535. SMALL COMMUNITY AIR SERVICE.**

9 (a) ELIGIBILITY.—Section 41743(c) of title 49,  
10 United States Code, is amended—

11 (1) by striking paragraph (1) and inserting the  
12 following:

13 “(1) SIZE.—On the date of submission of the  
14 relevant application under subsection (b), the airport  
15 serving the community or consortium—

16 “(A) is not larger than a small hub air-  
17 port, as determined using the Department of  
18 Transportation’s most recently published classi-  
19 fication; and

20 “(B) has—

21 “(i) insufficient air carrier service; or

22 “(ii) unreasonably high air fares.”;

23 and

24 (2) 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)  
5 the 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  
11 to read as follows:

12 “(2) AUTHORIZATION OF APPROPRIATIONS.—  
13 There is authorized to be appropriated to the Sec-  
14 retary \$5,000,000 for each of fiscal years 2016  
15 through 2022 to carry out this section. Such sums  
16 shall remain available until expended.”.

## 17 **TITLE VI—MISCELLANEOUS**

### 18 **SEC. 601. FEDERAL AVIATION ADMINISTRATION STRA-** 19 **TEGIC CYBERSECURITY PLAN.**

20 (a) IN GENERAL.—Not later than 180 days after the  
21 date of enactment of this Act, the Administrator of the  
22 Federal Aviation Administration shall prepare and submit  
23 to the Committee on Transportation and Infrastructure  
24 of the House of Representatives and the Committee on  
25 Commerce, Science, and Transportation of the Senate a

1 report containing a strategic cybersecurity plan for the  
2 Federal Aviation Administration.

3 (b) CONTENTS OF PLAN.—The strategic cybersecu-  
4 rity plan shall—

5 (1) use a total systems approach that takes into  
6 account the interactions of different components of  
7 the national airspace system;

8 (2) identify short- and long-term objectives and  
9 actions that can be taken to reduce the vulnerability  
10 of the national airspace system to cyberattacks;

11 (3) address the cybersecurity risks associated  
12 with the modernization of the national airspace sys-  
13 tem and the automation of aircraft, equipment, and  
14 technology; and

15 (4) support the Federal Aviation Administra-  
16 tion in establishing cybersecurity standards to assist  
17 the ATC Corporation in its responsibilities associ-  
18 ated with managing air traffic services in a secure  
19 manner after the date of transfer, as defined in sec-  
20 tion 90101(a) of title 49, as added by this Act.

21 **SEC. 602. CONSOLIDATION AND REALIGNMENT OF FAA**  
22 **SERVICES AND FACILITIES.**

23 (a) IN GENERAL.—Section 804(a) of the FAA Mod-  
24 ernization and Reform Act of 2012 (49 U.S.C. 44501  
25 note) is amended—

1           (1) in paragraph (2) by striking “The purpose  
2 of the report shall be—” and all that follows  
3 through “(B) to reduce” and inserting “The purpose  
4 of the report shall be to reduce”; and

5           (2) by striking paragraph (4) and inserting the  
6 following:

7           “(4) INPUT.—The report shall be prepared by  
8 the Administrator (or the Administrator’s designee)  
9 with the participation of—

10                   “(A) representatives of labor organizations  
11 representing air traffic control system employ-  
12 ees of the FAA; and

13                   “(B) industry stakeholders.”.

14           (b) FAA AIR TRAFFIC CONTROL FACILITY CONSOLI-  
15 DATION AND REALIGNMENT PROJECTS.—Notwith-  
16 standing section 90316(c) of title 49, United States Code,  
17 as added by this Act, the Secretary of Transportation shall  
18 continue to carry out any consolidation or realignment  
19 project commenced under section 804 of the FAA Mod-  
20 ernization and Reform Act of 2012.

21 **SEC. 603. METROPOLITAN WASHINGTON AIRPORTS AU-**  
22 **THORITY.**

23           (a) FINDINGS.—Congress finds that—

24                   (1) the Metropolitan Washington Airports Au-  
25 thority (in this section referred to as “MWAA”),



1       which operates Ronald Reagan Washington National  
2       Airport and Dulles International Airport by lease  
3       with the Department of Transportation, has rou-  
4       tinely performed poorly on audits conducted by the  
5       Inspector General of the Department of Transpor-  
6       tation;

7               (2) the responsible stewardship of taxpayer-  
8       owned assets by MWAA is of great concern to Con-  
9       gress;

10              (3) a March 20, 2015, audit conducted by the  
11       Inspector General titled “MWAA’s Office of Audit  
12       Does Not Have an Adequate Quality Assurance and  
13       Improvement Program” (Report No. ZA–2015–035)  
14       found that MWAA’s quality assurance and improve-  
15       ment program did not conform with the standards  
16       of the Institute of Internal Auditors; and

17              (4) the Inspector General’s audit made 7 rec-  
18       ommendations to strengthen MWAA governance, its  
19       Office of Audit, and its quality assurance and im-  
20       provement program.

21       (b) IMPLEMENTING AUDIT RECOMMENDATIONS.—

22              (1) STUDY.—The Inspector General of the De-  
23       partment of Transportation shall conduct a study on  
24       MWAA’s progress in implementing the recommenda-  
25       tions of the audit referred to in subsection (a).

1           (2) REPORT.—The Inspector General shall sub-  
2           mit to the Committee on Transportation and Infra-  
3           structure of the House of Representatives and the  
4           Committee on Commerce, Science, and Transpor-  
5           tation of the Senate a report on the study, including  
6           the Inspector General’s findings, conclusions, and  
7           recommendations for strengthening and improving  
8           MWAA’s Office of Audit.

9   **SEC. 604. AIRCRAFT NOISE EXPOSURE.**

10          (a) REVIEW.—The Administrator of the Federal  
11          Aviation Administration shall conduct a review of the rela-  
12          tionship between aircraft noise exposure and its effects on  
13          communities around airports.

14          (b) REPORT.—

15                (1) IN GENERAL.—Not later than 3 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  
20                report shall contain such preliminary recommenda-  
21                tions as the Administrator determines appropriate  
22                for revising the land use compatibility guidelines in  
23                part 150 of title 14, Code of Federal Regulations,  
24                based on the results of the review and in coordina-  
25                tion with other agencies.

1 **SEC. 605. FAA REVIEW AND REFORM.**

2 (a) AGENCY REPORT.—Not later than 60 days after  
3 the date of enactment of this Act, the Administrator of  
4 the Federal Aviation Administration shall submit to the  
5 Committee on Transportation and Infrastructure of the  
6 House of Representatives and the Committee on Com-  
7 merce, Science, and Transportation of the Senate a de-  
8 tailed analysis of any actions taken to address the findings  
9 and recommendations included in the report required  
10 under section 812(d) of the FAA Modernization and Re-  
11 form Act of 2012 (49 U.S.C. 106 note), including—

12 (1) consolidating, phasing-out, or eliminating  
13 duplicative positions, programs, roles, or offices;

14 (2) eliminating or streamlining wasteful prac-  
15 tices;

16 (3) eliminating or phasing-out redundant, obso-  
17 lete, or unnecessary functions;

18 (4) reforming and streamlining inefficient proc-  
19 esses so that the activities of the Administration are  
20 completed in an expedited and efficient manner; and

21 (5) reforming or eliminating ineffectual or out-  
22 dated policies.

23 (b) ADDITIONAL REVIEW.—Not later than 1 year  
24 after the date of transfer, as defined in section 90101(a)  
25 of title 49, United States Code, as added by this Act, the  
26 Administrator shall undertake and complete a thorough

1 review of each program, office, and organization within the  
2 Administration to identify—

3 (1) duplicative positions, programs, roles, or of-  
4 fices;

5 (2) wasteful practices;

6 (3) redundant, obsolete, or unnecessary func-  
7 tions;

8 (4) inefficient processes; and

9 (5) ineffectual or outdated policies.

10 (c) ACTIONS TO STREAMLINE AND REFORM FAA.—

11 Not later than 60 days after the date of completion of  
12 the review under subsection (b), the Administrator shall  
13 undertake such actions as may be necessary to address  
14 the findings of the Administrator under such subsection.

15 (d) REPORT TO CONGRESS.—Not later than 120 days  
16 after the date of completion of the review under subsection  
17 (b), the Administrator shall submit to the Committee on  
18 Transportation and Infrastructure of the House of Rep-  
19 resentatives and the Committee on Commerce, Science,  
20 and Transportation of the Senate a report on the actions  
21 taken by the Administrator pursuant to subsection (c), in-  
22 cluding any recommendations for legislative or administra-  
23 tive actions.

1 **SEC. 606. SENSE OF CONGRESS ON ONE ENGINE INOPER-**  
2 **ATIVE PROCEDURES.**

3 It is the sense of Congress that the Administrator  
4 of the Federal Aviation Administration should—

5 (1) carefully consider all comments that are  
6 submitted on the proposed policy regarding the im-  
7 pact of one engine inoperative procedures in obstruc-  
8 tion evaluation aeronautical studies; and

9 (2) work with relevant stakeholders to preserve  
10 safety and efficiency while balancing the important  
11 needs of communities, airports, and airport users.

12 **SEC. 607. AVIATION FUEL.**

13 (a) **USE OF UNLEADED AVIATION GASOLINE.**—The  
14 Administrator of the Federal Aviation Administration  
15 shall allow the use of an unleaded aviation gasoline in an  
16 aircraft as a replacement for a leaded gasoline if the Ad-  
17 ministrator—

18 (1) determines that an unleaded aviation gaso-  
19 line qualifies as a replacement for an approved lead-  
20 ed gasoline;

21 (2) identifies the aircraft and engines that are  
22 eligible to use the qualified replacement unleaded  
23 gasoline; and

24 (3) adopts a process (other than the traditional  
25 means of certification) to allow eligible aircraft and

1 engines to operate using qualified replacement un-  
2 leaded gasoline in a manner that ensures safety.

3 (b) TIMING.—The Administrator shall adopt the  
4 process described in subsection (a)(3) not later than 180  
5 days after the later of—

6 (1) the date of completion of the Piston Avia-  
7 tion Fuels Initiative of the Administration; or

8 (2) the date of publication of an American Soci-  
9 ety for Testing and Materials Production Specifica-  
10 tion for an unleaded aviation gasoline.

11 **SEC. 608. TECHNICAL CORRECTIONS.**

12 (a) PASSENGER FACILITY CHARGES.—Section  
13 40117(a)(5) of title 49, United States Code, is amended  
14 by striking “charge or charge” and inserting “charge”.

15 (b) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
16 CANTLY INCREASED COSTS.—Section 426 of the FAA  
17 Modernization and Reform Act of 2012 is amended—

18 (1) in subsection (a) (49 U.S.C. 41737 note) by  
19 striking “Secretary” and inserting “Secretary of  
20 Transportation”; and

21 (2) in subsection (c) (49 U.S.C. 41731 note) by  
22 striking “the Secretary may waive” and inserting  
23 “the Secretary of Transportation may waive”.

24 (c) AIRCRAFT DEPARTURE QUEUE MANAGEMENT  
25 PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-

1 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is  
2 amended by striking “section 48101(a)” and inserting  
3 “section 48101(a) of title 49, United States Code,”.

4 **SEC. 609. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**  
5 **CONTROL SYSTEM.**

6 Notwithstanding any other provision of law, the Fed-  
7 eral Aviation Administration or the ATC Corporation, as  
8 appropriate, shall, upon request of a private aircraft owner  
9 or operator, block the registration number of the aircraft  
10 of the owner or operator from any public dissemination  
11 or display, except in data made available to a Government  
12 agency, for the noncommercial flights of the owner or op-  
13 erator.

14 **SEC. 610. AIR SHOWS.**

15 On an annual basis, the Administrator of the Federal  
16 Aviation Administration shall work with representatives of  
17 Administration-approved air shows, the general aviation  
18 community, and stadiums and other large outdoor events  
19 and venues to identify and resolve, to the maximum extent  
20 practicable, scheduling conflicts between Administration-  
21 approved air shows and large outdoor events and venues  
22 where—

23 (1) flight restrictions will be imposed pursuant  
24 to section 521 of title V of division F of Public Law  
25 108–199 (118 Stat. 343); or

1           (2) any other restriction will be imposed pursu-  
2           ant to Federal Aviation Administration Flight Data  
3           Center Notice to Airmen 4/3621 (or any successor  
4           notice to airmen).

5 **SEC. 611. FEDERAL AUTHORITY.**

6           (a) IN GENERAL.—Section 14501(c) of title 49,  
7           United States Code, is amended—

8           (1) in paragraph (1) by striking “paragraphs  
9           (2) and (3)” and inserting “paragraphs (3) and  
10          (4)”;

11          (2) by redesignating paragraphs (2) through  
12          (5) as paragraphs (3) through (6) respectively;

13          (3) by inserting after paragraph (1) the fol-  
14          lowing:

15               “(2) ADDITIONAL LIMITATIONS.—

16                       “(A) A State, political subdivision of a  
17                       State, or political authority of 2 or more States  
18                       may not enact or enforce a law, regulation, or  
19                       other provision having the force and effect of  
20                       law prohibiting employees whose hours of serv-  
21                       ice are subject to regulation by the Secretary  
22                       under section 31502 from working to the full  
23                       extent permitted or at such times as permitted  
24                       under such section, or imposing any additional  
25                       obligations on motor carriers if such employees



1 work to the full extent or at such times as per-  
2 mitted under such section, including any related  
3 activities regulated under part 395 of title 49,  
4 Code of Federal Regulations.

5 “(B) A State, political subdivision of a  
6 State, or political authority of 2 or more States  
7 may not enact or enforce a law, regulation, or  
8 other provision having the force and effect of  
9 law that requires a motor carrier that com-  
10 pensates employees on a piece-rate basis to pay  
11 those employees separate or additional com-  
12 pensation, provided that the motor carrier pays  
13 the employee a total sum that when divided by  
14 the total number of hours worked during the  
15 corresponding work period is equal to or greater  
16 than the applicable hourly minimum wage of  
17 the State, political subdivision of the State, or  
18 political authority of 2 or more States.

19 “(C) Nothing in this paragraph shall be  
20 construed to limit the provisions of paragraph  
21 (1).”.

22 (4) in paragraph (3) (as redesignated) by strik-  
23 ing “Paragraph (1)—” and inserting “Paragraphs  
24 (1) and (2)—”; and

1           (5) in paragraph (4)(A) (as redesignated) by  
2           striking “Paragraph (1)” and inserting “Paragraphs  
3           (1) and (2)”.

4           (b) **EFFECTIVE DATE.**—The amendments made by  
5 this section shall have the force and effect as if enacted  
6 on the date of enactment of the Federal Aviation Adminis-  
7 tration Authorization Act of 1994 (Public Law 103–305).

8 **SEC. 612. PART 91 REVIEW, REFORM, AND STREAMLINING.**

9           (a) **ESTABLISHMENT OF TASK FORCE.**—Not later  
10 than 90 days after the date of enactment of this Act, the  
11 Administrator of the Federal Aviation Administration  
12 shall establish a task force comprised of representatives  
13 of the general aviation industry who regularly perform  
14 part 91 operations, labor unions (including those rep-  
15 resenting FAA aviation safety inspectors and FAA avia-  
16 tion safety engineers), manufacturers, and the Govern-  
17 ment to—

18           (1) conduct an assessment of the FAA over-  
19 sight and authorization processes and requirements  
20 for aircraft under part 91; and

21           (2) make recommendations to streamline the  
22 applicable authorization and approval processes, im-  
23 prove safety, and reduce regulatory cost burdens and  
24 delays for the FAA and aircraft owners and opera-  
25 tors who operate pursuant to part 91.

1 (b) CONTENTS.—In conducting the assessment and  
2 making recommendations under subsection (a), the task  
3 force shall consider—

4 (1) process reforms and improvements to allow  
5 the FAA to review and approve applications in a fair  
6 and timely fashion;

7 (2) the appropriateness of requiring an author-  
8 ization for each experimental aircraft rather than  
9 using a broader all makes and models approach;

10 (3) ways to improve the timely response to let-  
11 ters of authorization applications for aircraft owners  
12 and operators who operate pursuant to part 91, in-  
13 cluding setting deadlines and granting temporary or  
14 automatic authorizations if deadlines are missed by  
15 the FAA;

16 (4) methods for enhancing the effective use of  
17 delegation systems;

18 (5) methods for training the FAA's field office  
19 employees in risk-based and safety management sys-  
20 tem oversight; and

21 (6) such other matters related to streamlining  
22 part 91 authorization and approval processes as the  
23 task force considers appropriate.

24 (c) REPORT TO CONGRESS.—

1           (1) IN GENERAL.—Not later than 1 year after  
2           the date of enactment of this Act, the Administrator  
3           shall submit to the Committee on Transportation  
4           and Infrastructure of the House of Representatives  
5           and the Committee on Commerce, Science, and  
6           Transportation of the Senate a report on the results  
7           of the task force’s assessment.

8           (2) CONTENTS.—The report shall include an  
9           explanation of how the Administrator will—

10                   (A) implement the recommendations of the  
11                   task force;

12                   (B) measure progress in implementing the  
13                   recommendations; and

14                   (C) measure the effectiveness of the imple-  
15                   mented recommendations.

16           (d) IMPLEMENTATION OF RECOMMENDATIONS.—Not  
17           later than 18 months after the date of enactment of this  
18           Act, the Administrator shall implement the recommenda-  
19           tions made under this section.

20           (e) DEFINITIONS.—In this section, the following defi-  
21           nitions apply:

22                   (1) FAA.—The term “FAA” means the Fed-  
23                   eral Aviation Administration.

24                   (2) PART 91.—The term “part 91” means part  
25                   91 of title 14, Code of Federal Regulations.

1 (f) APPLICABLE LAW.—Public Law 92–463 shall not  
2 apply to the task force.

3 (g) SUNSET.—The task force shall terminate on the  
4 day the Administrator submits the report required under  
5 subsection (e).

6 **SEC. 613. AIRCRAFT REGISTRATION.**

7 Not later than 180 days after the date of enactment  
8 of this Act, the Administrator of the Federal Aviation Ad-  
9 ministration shall initiate a rulemaking to increase the du-  
10 ration of aircraft registrations for noncommercial general  
11 aviation aircraft to 10 years.

12 **SEC. 614. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**  
13 **PROJECTS LOCATED IN METROPLEXES.**

14 (a) COMMUNITY INVOLVEMENT POLICY.—Not later  
15 than 180 days after the date of enactment of this Act,  
16 the Administrator of the Federal Aviation Administration  
17 shall complete a review of the Federal Aviation Adminis-  
18 tration’s community involvement practices for Next Gen-  
19 eration Air Transportation System (NextGen) projects lo-  
20 cated in metroplexes identified by the Administration. The  
21 review shall include, at a minimum, a determination of  
22 how and when to engage airports and communities in per-  
23 formance based navigation proposals.

24 (b) REPORT.—Not later than 60 days after comple-  
25 tion of the review, the Administrator shall submit to the

1 Committee on Transportation and Infrastructure of the  
2 House of Representatives and the Committee on Com-  
3 merce, Science, and Transportation of the Senate a report  
4 on—

5           (1) how the Administration will improve com-  
6           community involvement practices for NextGen projects  
7           located in metroplexes;

8           (2) how and when the Administration will en-  
9           gage airports and communities in performance based  
10          navigation proposals; and

11          (3) lessons learned from NextGen projects and  
12          pilot programs and how those lessons learned are  
13          being integrated into community involvement prac-  
14          tices for future NextGen projects located in  
15          metroplexes.

16 **SEC. 615. AIR TRANSPORTATION OF LITHIUM CELLS AND**  
17 **BATTERIES.**

18          (a) COOPERATIVE EFFORTS TO ENSURE COMPLI-  
19          ANCE WITH SAFETY REGULATIONS.—

20               (1) IN GENERAL.—The Secretary of Transpor-  
21          tation, in coordination with appropriate Federal  
22          agencies, shall carry out cooperative efforts to en-  
23          sure that shippers who offer lithium ion and lithium  
24          metal batteries for air transport to or from the

1 United States comply with U.S. Hazardous Mate-  
2 rials Regulations and ICAO Technical Instructions.

3 (2) COOPERATIVE EFFORTS.—The cooperative  
4 efforts the Secretary shall carry out pursuant to  
5 paragraph (1) include the following:

6 (A) Encouraging training programs at lo-  
7 cations outside the United States from which  
8 substantial cargo shipments of lithium ion or  
9 lithium metal batteries originate for manufac-  
10 turers, freight forwarders, and other shippers  
11 and potential shippers of lithium ion and lith-  
12 ium metal batteries.

13 (B) Working with Federal and inter-  
14 national transportation agencies to ensure en-  
15 forcement of U.S. Hazardous Materials Regula-  
16 tions and ICAO Technical Instructions with re-  
17 spect to shippers who offer noncompliant ship-  
18 ments of lithium ion and lithium metal bat-  
19 teries.

20 (C) Providing information in brochures  
21 and on the Internet in appropriate foreign lan-  
22 guages and dialects that describes the actions  
23 required to comply with U.S. Hazardous Mate-  
24 rials Regulations and ICAO Technical Instruc-  
25 tions.

1           (D) Developing joint efforts with the inter-  
2           national aviation community to promote a bet-  
3           ter understanding of the requirements of and  
4           methods of compliance with U.S. Hazardous  
5           Materials Regulations and ICAO Technical In-  
6           structions.

7           (3) REPORTING.—Not later than 120 days after  
8           the date of enactment of this Act, and annually  
9           thereafter for 2 years, the Secretary shall submit to  
10          the Committee on Transportation and Infrastructure  
11          of the House of Representatives and the Committee  
12          on Commerce, Science, and Transportation of the  
13          Senate a report on the cooperative efforts carried  
14          out, or planned to be carried out, under paragraph  
15          (1).

16          (4) DEFINITIONS.—In this subsection, the fol-  
17          lowing definitions apply:

18               (A) ICAO TECHNICAL INSTRUCTIONS.—  
19               The term “ICAO Technical Instructions” has  
20               the meaning given that term in section 828(c)  
21               of the FAA Modernization and Reform Act of  
22               2012 (49 U.S.C. 44701 note).

23               (B) U.S. HAZARDOUS MATERIALS REGULA-  
24               TIONS.—The term “U.S. Hazardous Materials  
25               Regulations” means the regulations in parts



1           100 through 177 of title 49, Code of Federal  
2           Regulations (including amendments adopted  
3           after the date of enactment of this Act).

4           (b) LITHIUM ION BATTERY AIR SAFETY ADVISORY  
5    COMMITTEE.—

6           (1) ESTABLISHMENT.—Not later than 60 days  
7           after the date of enactment of this Act, the Sec-  
8           retary shall establish, in accordance with the re-  
9           quirements of the Federal Advisory Committee Act  
10          (5 U.S.C. App.), a lithium ion battery air safety ad-  
11          visory committee (in this subsection referred to as  
12          the “Committee”).

13          (2) DUTIES.—The Committee shall—

14                (A) facilitate communication between man-  
15                ufacturers of lithium ion cells and batteries,  
16                manufacturers of products incorporating both  
17                large and small lithium ion batteries, air car-  
18                riers, and the Federal Government regarding  
19                the safe air transportation of lithium ion cells  
20                and batteries and the effectiveness and eco-  
21                nomic and social impacts of the regulation of  
22                such transportation;

23                (B) provide the Secretary, the Federal  
24                Aviation Administration, and the Pipeline and  
25                Hazardous Materials Safety Administration

1 with timely information about the development  
2 of lithium ion battery technology and transpor-  
3 tation safety practices and methodologies;

4 (C) provide a forum for the Secretary to  
5 provide information on and to discuss the ac-  
6 tivities of the Department of Transportation re-  
7 lating to lithium ion battery transportation  
8 safety, the policies underlying the activities, and  
9 positions to be advocated in international fo-  
10 rums;

11 (D) provide a forum for the Secretary to  
12 provide information and receive advice on—

13 (i) activities carried out throughout  
14 the world to communicate and enforce rel-  
15 evant United States regulations and the  
16 ICAO Technical Instructions (as defined in  
17 subsection (a)(4)); and

18 (ii) the effectiveness of the activities;  
19 and

20 (E) provide advice and recommendations to  
21 the Secretary with respect to lithium ion bat-  
22 tery transportation safety.

23 (3) MEMBERSHIP.—The Committee shall be  
24 composed of the following members:

1 (A) Individuals appointed by the Secretary  
2 to represent—

3 (i) large volume manufacturers of lith-  
4 ium ion cells and batteries;

5 (ii) domestic manufacturers of lithium  
6 ion batteries or battery packs;

7 (iii) manufacturers of consumer prod-  
8 ucts powered by lithium ion batteries;

9 (iv) manufacturers of vehicles powered  
10 by lithium ion batteries;

11 (v) marketers of products powered by  
12 lithium ion batteries;

13 (vi) cargo air service providers based  
14 in the United States;

15 (vii) passenger air service providers  
16 based in the United States;

17 (viii) employees of air service pro-  
18 viders described in clauses (vi) and (vii);

19 and

20 (ix) employees of the Department of  
21 Transportation.

22 (B) Representatives of such other Govern-  
23 ment departments and agencies as the Sec-  
24 retary determines appropriate.

1           (C) Any other individuals the Secretary de-  
2           termines are appropriate to comply with Fed-  
3           eral law.

4           (4) REPORT.—

5           (A) IN GENERAL.—Not later than 180  
6           days after the establishment of the Committee,  
7           the Committee shall submit to the Secretary,  
8           the Committee on Transportation and Infra-  
9           structure of the House of Representatives, and  
10          the Committee on Commerce, Science, and  
11          Transportation 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 of bulk ship-  
17                 ments of lithium ion cells and batteries;  
18                 and

19                 (ii) identifies any areas of enforce-  
20                 ment or regulatory requirements for which  
21                 there is consensus that greater attention is  
22                 needed.

23           (B) INDEPENDENT STATEMENTS.—Each  
24           member of the Committee shall be provided an  
25           opportunity to submit an independent state-

1           ment of views with the report submitted pursu-  
2           ant to subparagraph (A).

3           (5) TERMINATION.—The Committee shall ter-  
4           minate on the date that is 6 years after the date on  
5           which the Committee is established.

6           (6) TERMINATION OF FUTURE OF AVIATION AD-  
7           VISORY COMMITTEE.—The Future of Aviation Advi-  
8           sory Committee shall terminate on the date on which  
9           the lithium ion battery air safety advisory committee  
10          is established.

11          (c) CARRIAGE OF LITHIUM ION BATTERIES AS  
12          CARGO ON PASSENGER AIRCRAFT.—

13           (1) RULEMAKING PROCEEDING.—The Secretary  
14           of Transportation shall conduct a rulemaking pro-  
15           ceeding to implement the amendments to the ICAO  
16           Technical Instructions related to the carriage of lith-  
17           ium ion batteries as cargo on passenger aircraft.

18           (2) HARMONIZATION WITH ICAO TECHNICAL IN-  
19           STRUCTIONS.—The Secretary (including any des-  
20           ignee of the Secretary) may not issue or enforce any  
21           regulation or other requirement regarding the trans-  
22           portation by aircraft of lithium ion cells or batteries,  
23           whether transported separately or packed with or  
24           contained in equipment, if the requirement is more

1       stringent than the requirements of the ICAO Tech-  
2       nical Instructions (as defined in subsection (a)(4)).

3       (d) **PACKAGING IMPROVEMENTS.**—Not later than  
4 180 days after the date of enactment of this Act, the Sec-  
5 retary, in consultation with interested stakeholders, shall  
6 submit to the Committee on Transportation and Infra-  
7 structure of the House of Representatives and the Com-  
8 mittee on Commerce, Science, and Transportation of the  
9 Senate an evaluation of current practices for the pack-  
10 aging of lithium ion batteries and cells, including rec-  
11 ommendations, if any, to improve the packaging of such  
12 batteries and cells in a safe, efficient, and cost-effective  
13 manner.

14 **SEC. 616. REMOTE TOWER PILOT PROGRAM FOR RURAL OR**  
15 **SMALL COMMUNITIES.**

16       (a) **IN GENERAL.**—Not later than 180 days after the  
17 date of enactment of this Act, the Secretary of Transpor-  
18 tation shall establish a pilot program under which, upon  
19 approval of an application submitted by an operator of a  
20 public-use airport, the Secretary shall install and operate  
21 at the airport a remote air traffic control tower in order  
22 to assess the operational benefits of remote air traffic con-  
23 trol towers.

24       (b) **APPLICATIONS.**—The operator of an airport seek-  
25 ing to participate in the pilot program shall submit to the

1 Secretary for approval an application that is in such form  
2 and contains such information as the Secretary may re-  
3 quire.

4 (c) SELECTION CRITERIA.—

5 (1) SELECTION OF AIRPORTS.—From among  
6 the applications submitted under subsection (b), the  
7 Secretary, after consultation with representatives of  
8 labor organizations representing operators and em-  
9 ployees of the air traffic control system, shall select  
10 for participation in the pilot program 7 airports as  
11 follows:

12 (A) 1 nonhub, primary airport.

13 (B) 3 nonprimary airports without existing  
14 air traffic control towers.

15 (C) 2 airports with air traffic control tow-  
16 ers participating in a program established  
17 under section 47124 of title 49, United States  
18 Code.

19 (D) 1 airport selected at the discretion of  
20 the Secretary.

21 (2) PRIORITY SELECTION.—In selecting from  
22 among the applications submitted under subsection  
23 (b), the Secretary shall give priority to applicants  
24 that can best demonstrate the capabilities and po-  
25 tential of remote air traffic control towers.

1           (3) AUTHORITY TO REALLOCATE AIRPORT SE-  
2           LECTION.—If the Secretary receives an insufficient  
3           number of applications, the Secretary may reallocate  
4           the distribution of airport sites described in para-  
5           graph (1).

6           (4) MULTIPLE REMOTE FACILITIES.—If prac-  
7           ticable and necessary, the 2 remote air traffic con-  
8           trol towers installed at reliever airports pursuant to  
9           paragraph (1)(B) may co-locate remote facilities to  
10          assess the benefits and efficiencies of consolidating  
11          such facilities.

12          (d) ASSET CLASSIFICATION.—A remote air traffic  
13          control tower, including ancillary equipment, installed with  
14          Government funds pursuant to this section shall be consid-  
15          ered to be an air navigation facility.

16          (e) SAFETY RISK MANAGEMENT PANEL.—

17                 (1) SAFETY RISK MANAGEMENT PANEL MEET-  
18                 ING.—Prior to the operational use of a remote air  
19                 traffic control tower, the Secretary shall convene a  
20                 safety risk management panel for the tower to ad-  
21                 dress any safety issues with respect to the tower.

22                 (2) SAFETY RISK MANAGEMENT PANEL BEST  
23                 PRACTICES.—The safety risk management panels  
24                 shall be created and utilized in a manner similar to  
25                 that of safety risk management panels previously es-



1        established for remote air traffic control towers, taking  
2        into account best practices that have been developed.

3        (f) DEFINITIONS.—

4            (1) IN GENERAL.—In this section, the following  
5        definitions apply:

6            (A) AIR NAVIGATION FACILITY.—The term  
7        “air navigation facility” has the meaning given  
8        that term in section 40102(a) of title 49,  
9        United States Code.

10          (B) REMOTE AIR TRAFFIC CONTROL  
11        TOWER.—The term “remote air traffic control  
12        tower” means a remotely-operated air naviga-  
13        tion facility, including all necessary system com-  
14        ponents, that provides the functions and capa-  
15        bilities of an air traffic control tower.

16          (2) APPLICABILITY OF OTHER DEFINITIONS.—  
17        The terms “nonhub airport”, “primary airport”,  
18        “public-use airport”, and “reliever airport” have the  
19        meanings given such terms in section 47102 of title  
20        49, United States Code.

21        (g) SUNSET.—The pilot program shall terminate on  
22        the day before the date of transfer, as defined in section  
23        90101(a) of title 49, United States Code, as added by this  
24        Act.