

[DISCUSSION DRAFT]

114TH CONGRESS
2D SESSION

H. R. _____

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.

IN THE HOUSE OF REPRESENTATIVES

Mr. SHUSTER introduced the following bill; which was referred to the Committee on _____

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. Marshall Islands, Micronesia, and Palau.
- Sec. 128. State block grant program expansion.
- Sec. 129. Pilot program sunset.
- Sec. 130. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 131. Midway Island Airport.
- Sec. 132. Property conveyance releases.
- Sec. 133. Minority and disadvantaged business participation.
- Sec. 134. Contract tower program.
- Sec. 135. Critical habitat on or near airport property.
- Sec. 136. **【Bracketed Section】** RNAV departure procedures.
- Sec. 137. **【Bracketed Section】** 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 technology 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 eligibility.
- Sec. 536. Small community air service authorization.

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. Sense of Congress on medical kits.
- Sec. 610. Right to privacy when using air traffic control system.
- Sec. 611. Air shows.
- 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. **【Bracketed Section】** 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;

3 and】

4 【“(7) \$3,817,000,000 for fiscal year 2022.”.】

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

10 **SEC. 102. FACILITIES AND EQUIPMENT.**

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

15 【“(1) \$2,855,000,000 for fiscal year 2016.】

16 【“(2) \$2,914,000,000 for fiscal year 2017.】

17 【“(3) \$2,981,000,000 for fiscal year 2018.】

18 【“(4) \$3,048,000,000 for fiscal year 2019.”.】

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

23 (c) AUTHORIZATION OF APPROPRIATIONS FROM
24 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 **SEC. 103. FAA OPERATIONS.**

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

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

22 (2) by striking subparagraphs (A) through (E)
23 and inserting the following:

24 **【“(A) \$1,988,000,000 for fiscal year**
25 **2016;】**

1 【“(B) \$2,055,000,000 for fiscal year
2 2017;】

3 【“(C) \$2,124,000,000 for fiscal year
4 2018;】

5 【“(D) \$2,196,000,000 for fiscal year
6 2019;】

7 【“(E) \$1,637,000,000 for fiscal year
8 2020;】

9 【“(F) \$1,675,000,000 for fiscal year 2021;
10 and】

11 【“(G) \$1,713,000,000 for fiscal year
12 2022.”.】

13 (b) AUTHORIZATION OF APPROPRIATIONS FROM AIR-
14 PORT AND AIRWAY TRUST FUND.—Section 106(k) of title
15 49, United States Code, is amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 paragraphs (3) and (4), respectively; and

18 (2) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) SALARIES, OPERATIONS, AND MAINTEN-
21 NANCE FROM AIRPORT AND AIRWAY TRUST FUND.—

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

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

3 【“(A) \$7,922,000,000 for fiscal year
4 2016;】

5 【“(B) \$8,057,000,000 for fiscal year
6 2017;】

7 【“(C) \$8,215,000,000 for fiscal year 2018;
8 and】

9 【“(D) \$8,374,000,000 for fiscal year
10 2019.”.】

11 (c) AUTHORIZED EXPENDITURES.—Section
12 106(k)(3) of title 49, United States Code (as so redesignig-
13 nated), is amended—

14 (1) in the matter preceding subparagraph (A)
15 by striking “paragraph (1)” and inserting “para-
16 graphs (1) and (2)”;

17 (2) in each of subparagraphs (A) and (B) by
18 striking “fiscal years 2012 through 2015” and in-
19 serting “fiscal years **【2016 through 2019】**”; and

20 (3) by striking subparagraph (C) and inserting
21 the following:

22 “(C) Such sums as may be necessary for
23 fiscal years **【2016 through 2019】** to carry out
24 the development and maintenance of helicopter
25 approach procedures.

1 “(D) Such sums as may be necessary for
2 fiscal years **【2016 through 2022】** to carry out
3 the Aviation Safety Reporting System.”.

4 (d) **AUTHORITY TO TRANSFER FUNDS.**—Section
5 106(k)(4) of title 49, United States Code (as so redesign-
6 nated), is amended—

7 (1) by striking “fiscal years 2012” and all that
8 follows through “2016” and inserting “fiscal years
9 **【2016 through 2019】**”; and

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

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

13 Section 48112 of title 49, United States Code, is
14 amended by striking “On the effective date of a general
15 appropriations Act providing appropriations for a fiscal
16 year beginning after September 30, 2000, for the Federal
17 Aviation Administration, the amount made available for
18 a fiscal year” and inserting “On the effective date of a
19 general appropriations Act providing appropriations for
20 fiscal year **【2016】**, the amount made available for such
21 fiscal year”.

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

23 Section 48114(a)(1)(A)(ii) of title 49, United States
24 Code, is amended by striking “in fiscal year 2014 and

1 each fiscal year thereafter” and inserting “in fiscal years
2 **【2014 through 2016】**”.

3 **SEC. 106. OVERFLIGHT FEES.**

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

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

9 **Subtitle B—Passenger Facility**
10 **Charges**

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

12 Section 40117(b) of title 49, United States Code, is
13 amended—

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

16 (2) by repealing paragraph (4);

17 (3) in paragraph (6)—

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

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

24 (4) in paragraph (7)(A)—

1 (A) by striking “specified in paragraphs
2 (1), (4), and (6)” and inserting “specified in
3 paragraphs (1) and (6)”; and

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

7 **SEC. 112. PILOT PROGRAM FOR PASSENGER FACILITY**
8 **CHARGE AUTHORIZATIONS AT CERTAIN AIR-**
9 **PORTS.**

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

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

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

16 **Subtitle C—Airport Improvement**
17 **Program Modifications**

18 **SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO**
19 **PROVIDE FAA AIRPORT SPACE.**

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

22 “(f) AIRPORT SPACE.—

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the Administrator of the Federal Aviation
25 Administration may not require an airport owner,

1 operator, or sponsor (as defined in section 47102) to
2 provide building construction, maintenance, utilities,
3 administrative support, or space on airport property
4 to the Federal Aviation Administration without ade-
5 quate compensation.

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

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

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

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

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

23 (1) by redesignating paragraphs (10) through
24 (28) as paragraphs (11) through (29), respectively;
25 and

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

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

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

9 “(B) has a door that can be locked;

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

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

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

16 (b) PROJECT GRANT WRITTEN ASSURANCES FOR
17 LARGE AND MEDIUM HUB AIRPORTS.—

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

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

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

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

1 “(22) with respect to a medium or large hub
2 airport, the airport owner or operator will maintain
3 a lactation area in each passenger terminal building
4 of the airport in the sterile area (as defined in sec-
5 tion 1540.5 of title 49, Code of Federal Regulations)
6 of the building.”.

7 (2) APPLICABILITY.—

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

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

1 (c) **TERMINAL DEVELOPMENT COSTS.**—Section
2 47119(a) of title 49, United States Code, is amended by
3 adding at the end the following:

4 “(3) **LACTATION AREAS.**—In addition to the
5 projects described in paragraph (1), the Secretary
6 may approve a project for terminal development for
7 the construction or installation of a lactation area at
8 a commercial service airport.”.

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

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

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

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

23 Section 47107(r)(3) of title 49, United States Code,
24 is amended by striking “April 1, 2016” and inserting “Oc-
25 tober 1, [2022]”.

1 **SEC. 125. GRANT ASSURANCES.**

2 Section 47107 is amended by adding at the end the
3 following:

4 “(t) CONSTRUCTION OF RECREATIONAL AIR-
5 CRAFT.—

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

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

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

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

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

19 “(B) constructed or under construction by
20 a private individual at a general aviation air-
21 port.”.

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

23 Section 47109(a) of title 49, United States Code, is
24 amended—

25 (1) in paragraph (1) by striking “primary air-
26 port having at least .25 percent of the total number

1 of passenger boardings each year at all commercial
2 service airports;” and inserting “medium or large
3 hub airport;”; and

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

6 “(5) 95 percent for a project that—

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

11 “(B) for which the United States Govern-
12 ment’s share of allowable project costs could
13 otherwise be 90 percent under paragraph (2) or
14 (3).”.

15 **SEC. 127. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

16 Section 47115(j) of title 49, United States Code, is
17 amended by striking “2012” and all that follows through
18 “2016” and inserting “**[2016 through 2022]**”.

19 **SEC. 128. STATE BLOCK GRANT PROGRAM EXPANSION.**

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

1 **SEC. 129. PILOT PROGRAM SUNSET.**

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

4 (b) CONFORMING AMENDMENT.—Section 47140a of
5 title 49, United States Code, is redesignated as section
6 47140.

7 (c) CLERICAL AMENDMENTS.—The analysis for
8 chapter 471 of title 49, United States Code, is amended—
9 (1) by striking the items relating to sections
10 47140 and 47140a; and
11 (2) by inserting after the item relating to sec-
12 tion 47139 the following:

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

13 **SEC. 130. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
14 **IBLE LAND USE PLANNING AND PROJECTS**
15 **BY STATE AND LOCAL GOVERNMENTS.**

16 Section 47141(f) of title 49, United States Code, is
17 amended by striking “not be in effect after March 31,
18 2016” and inserting “cease to be effective beginning Octo-
19 ber 1, **[2022]**”.

20 **SEC. 131. MIDWAY ISLAND AIRPORT.**

21 Section 186(d) of the Vision 100—Century of Avia-
22 tion Reauthorization Act (117 Stat. 2518) is amended in
23 the first sentence by striking “fiscal years 2012 through
24 2015” and all that follows through “2016,” and inserting
25 “fiscal years **[2016 through 2022]**”.

1 **SEC. 132. PROPERTY CONVEYANCE RELEASES.**

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

4 (1) by striking “or section 23” and inserting “,
5 section 23”; and

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

8 **SEC. 133. MINORITY AND DISADVANTAGED BUSINESS PAR-**
9 **TICIPATION.**

10 Congress finds the following:

11 (1) While significant progress has occurred due
12 to the establishment of the airport disadvantaged
13 business enterprise program (49 U.S.C. 47107(e)
14 and 47113), discrimination and related barriers con-
15 tinue to pose significant obstacles for minority- and
16 women-owned businesses seeking to do business in
17 airport-related markets across the Nation. These
18 continuing barriers merit the continuation of the air-
19 port disadvantaged business enterprise program.

20 (2) Congress has received and reviewed testi-
21 mony and documentation of race and gender dis-
22 crimination from numerous sources, including con-
23 gressional hearings and roundtables, scientific re-
24 ports, reports issued by public and private agencies,
25 news stories, reports of discrimination by organiza-
26 tions and individuals, and discrimination lawsuits.

1 This testimony and documentation shows that race-
2 and gender-neutral efforts alone are insufficient to
3 address the problem.

4 (3) This testimony and documentation dem-
5 onstrates that discrimination across the Nation
6 poses a barrier to full and fair participation in air-
7 port-related businesses of women business owners
8 and minority business owners in the racial groups
9 detailed in parts 23 and 26 of title 49, Code of Fed-
10 eral Regulations, and has impacted firm develop-
11 ment and many aspects of airport-related business
12 in the public and private markets.

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

20 **SEC. 134. CONTRACT TOWER PROGRAM.**

21 (a) AIR TRAFFIC CONTROL CONTRACT PROGRAM.—

22 (1) SPECIAL RULE.—Section 47124(b)(1)(B) of
23 title 49, United States Code, is amended by striking
24 “exceeds the benefit for a period of 18 months after

1 such determination is made” and inserting the fol-
2 lowing: “exceeds the benefit—

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

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

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

11 “(E) FUNDING.—Amounts appropriated
12 pursuant to section 106(k)(1) may be used to
13 carry out this paragraph.”.

14 (3) CONSTRUCTION OF AIR TRAFFIC CONTROL
15 TOWERS.—

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

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

25 “(B) ELIGIBILITY.—

1 “(i) BEFORE DATE OF TRANSFER.—

2 Before the date of transfer (as defined in
3 section 90101(a)), an airport sponsor shall
4 be eligible for a grant under this para-
5 graph only if—

6 “(I)(aa) the sponsor is a partici-
7 pant in the Federal Aviation Adminis-
8 tration contract tower program estab-
9 lished under subsection (a) and con-
10 tinued under paragraph (1) or the
11 pilot program established under para-
12 graph (3); or

13 “(bb) construction of a non-
14 approach control tower would qualify
15 the sponsor to be eligible to partici-
16 pate in such program;

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

22 “(III) the Secretary affirmatively
23 accepts the proposed contract tower
24 into a contract tower program under
25 this section and certifies that the Sec-

1 retary will seek future appropriations
2 to pay the Federal Aviation Adminis-
3 tration’s cost of the contract to oper-
4 ate the tower to be constructed under
5 this paragraph;

6 “(IV) the sponsor certifies that it
7 will pay its share of the cost of the
8 contract to operate the tower to be
9 constructed under this paragraph; and

10 “(V) in the case of a tower to be
11 constructed under this paragraph
12 from amounts made available under
13 section 47114(d)(2) or
14 47114(d)(3)(B), the Secretary cer-
15 tifies that—

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

23 “(bb) the selection of the
24 tower for funding is based on ob-
25 jective criteria.

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

6 “(I) the Secretary determines
7 that the tower to be constructed at
8 the sponsor’s airport using the
9 amounts of the grant will be operated
10 pursuant to an agreement entered
11 into by the ATC Corporation and an
12 entity pursuant to section
13 90302(c)(3);

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

19 “(III) in the case of a tower to
20 be constructed under this paragraph
21 from amounts made available under
22 section 47114(d)(2) or
23 47114(d)(3)(B), the Secretary cer-
24 tifies that—

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

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

11 (C) LIMITATION ON FEDERAL SHARE.—

12 Section 47124(b)(4) of title 49, United States
13 Code, is amended by striking subparagraph (C).

14 (b) SAFETY AUDITS.—Section 47124(e) of title 49,
15 United States Code, is amended—

16 (1) by striking “The Secretary” and inserting
17 the following:

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

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

22 “(2) ON AND AFTER DATE OF TRANSFER.—On
23 and after the date of transfer (as defined in section
24 90101(a)), oversight of air traffic control towers
25 that receive funding under this section shall be car-

1 ried out in accordance with performance-based regu-
2 lations and minimum safety standards prescribed
3 under section 90501.”.

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

7 “(d) CRITERIA TO EVALUATE PARTICIPANTS.—

8 “(1) TIMING OF EVALUATIONS.—

9 “(A) TOWERS PARTICIPATING IN COST-
10 SHARE PROGRAM.—In the case of an air traffic
11 control tower that is operated under the pro-
12 gram established under subsection (b)(3), the
13 Secretary shall annually calculate a benefit-to-
14 cost ratio with respect to the tower.

15 “(B) TOWERS PARTICIPATING IN CON-
16 TRACT TOWER PROGRAM.—In the case of an air
17 traffic control tower that is operated under the
18 program established under subsection (a) and
19 continued under subsection (b)(1), the Sec-
20 retary shall not calculate a benefit-to-cost ratio
21 after the date of enactment of this subsection
22 with respect to the tower unless the Secretary
23 determines that the annual aircraft traffic at
24 the airport where the tower is located has de-
25 creased—

1 “(i) by more than 25 percent from the
2 previous year; or

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

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

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

12 “(B) The Federal Aviation Administra-
13 tion’s actual telecommunications costs directly
14 associated with the tower.

15 “(C) The Federal Aviation Administra-
16 tion’s costs of purchasing and installing any air
17 traffic control equipment that would not have
18 been purchased or installed except for the oper-
19 ation of the tower.

20 “(D) The Federal Aviation Administra-
21 tion’s actual travel costs associated with main-
22 taining air traffic control equipment that is
23 owned by the Administration and would not be
24 maintained except for the operation of the
25 tower.

1 “(3) OTHER CRITERIA TO BE CONSIDERED.—In
2 establishing a benefit-to-cost ratio under this section
3 with respect to an air traffic control tower, the Sec-
4 retary shall add a 10 percentage point margin of
5 error to the benefit-to-cost ratio determination to ac-
6 knowledge and account for the direct and indirect
7 economic and other benefits that are not included in
8 the criteria the Secretary used in calculating that
9 ratio.

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

15 “(A) The Secretary shall provide the air-
16 port (or the State or local government having
17 jurisdiction over the airport) at least 90 days
18 following the date of receipt of the determina-
19 tion to submit to the Secretary a request for an
20 appeal of the determination, together with up-
21 dated or additional data in support of the ap-
22 peal.

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

1 “(i) transmit to the Administrator any
2 updated or additional data submitted in
3 support of the appeal; and

4 “(ii) provide the Administrator not
5 more than 90 days to review the data and
6 provide a response to the Secretary based
7 on the review.

8 “(C) After receiving a response from the
9 Administrator pursuant to subparagraph (B),
10 the Secretary shall—

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

14 “(ii) withhold from taking further ac-
15 tion in connection with the appeal during
16 that 30-day period.

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

1 **SEC. 135. CRITICAL HABITAT ON OR NEAR AIRPORT PROP-**
2 **ERTY.**

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

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

13 (2) interfere with the safe operation of aircraft;
14 or

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

18 (A) have been prepared for future develop-
19 ment;

20 (B) have been designated as noise buffer
21 land; or

22 (C) are held by the airport to prevent en-
23 croachment of uses that are incompatible with
24 airport operations.

25 (b) **STATE REQUIREMENTS.**—In a State where a
26 State agency is authorized to designate land on or near

1 airport property for the conservation of a threatened or
2 endangered species in the State, the Secretary, to the
3 maximum extent practicable, shall work with the State in
4 the same manner as the Secretary works with the heads
5 of Federal agencies under subsection (a).

6 **SEC. 136. [BRACKETED SECTION] RNAV DEPARTURE PRO-**
7 **CEDURES.**

8 When proposing a new area navigation departure pro-
9 cedure, or amending an existing procedure[, insert?], that
10 would direct aircraft between the surface and 6,000 feet
11 above ground level over noise sensitive areas not previously
12 overflown, the Administrator of the Federal Aviation Ad-
13 ministration shall consider the feasibility of dispersal
14 headings or other lateral track variations to address com-
15 munity noise concerns, if—

16 (1) the affected airport operator, in consulta-
17 tion with the affected community, submits a request
18 to the Administrator for such a consideration;

19 (2) the airport operator's proposal would not, in
20 the judgment of the Administrator, conflict with the
21 safe and efficient operation of the national airspace
22 system; and

23 (3) the effect of a modified departure procedure
24 would not significantly increase noise over noise sen-
25 sitive areas, as determined by the Administrator.

1 **SEC. 137. [BRACKETED SECTION] REVIEW AND NOTIFICA-**
2 **TION OF CATEGORICAL EXCLUSIONS GRANT-**
3 **ED FOR NEXT GENERATION FLIGHT PROCE-**
4 **DURES.**

5 Section 213(c) of the FAA Modernization and Re-
6 form Act of 2012 (49 U.S.C. 40101 note) is amended by
7 adding at the end the following:

8 “(3) NOTIFICATIONS AND CONSULTATIONS.—

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

11 “(A) notify and consult with the operator
12 of the airport at which the procedure would be
13 implemented regarding appropriate community
14 involvement practices; and

15 “(B) consider consultations or other en-
16 gagement with the community in which the air-
17 port is located to inform the public of the new
18 procedure.

19 “(4) REVIEW OF CERTAIN CATEGORICAL EX-
20 CLUSIONS.—

21 “(A) IN GENERAL.—The Administrator
22 shall review a decision of the Administrator
23 made between February 14, 2012, and Sep-
24 tember 30, 2014, to grant a categorical exclu-
25 sion under this subsection with respect to a pro-
26 cedure to be implemented at an OEP airport

1 that was a material change from procedures
2 previously in effect at the airport to determine
3 if the implementation of the procedure had a
4 significant effect on the human environment in
5 the community in which the airport is located
6 **【if the operator of that airport requests such a**
7 **review】.**

8 “(B) CONTENT OF REVIEW.—If, in con-
9 ducting a review under subparagraph (A) with
10 respect to a procedure implemented at an OEP
11 airport, the Administrator, in consultation with
12 the operator of the airport, determines that im-
13 plementing the procedure had a significant ef-
14 fect on the human environment in the commu-
15 nity in which the airport is located, the Admin-
16 istrator shall—

17 “(i) consult with the operator of the
18 airport to identify measures to mitigate the
19 effect of the procedure on the human envi-
20 ronment; and

21 “(ii) in conducting such consultations,
22 consider the use of alternative flight paths
23 that do not substantially degrade the effi-
24 ciencies achieved by the implementation of
25 the procedure being reviewed.

1 “(C) HUMAN ENVIRONMENT DEFINED.—
 2 In this paragraph, the term ‘human environ-
 3 ment’ has the meaning given that term in sec-
 4 tion 1508.14 of title 40, Code of Federal Regu-
 5 lations (as in effect on the day before the date
 6 of enactment of this paragraph).”.

7 **TITLE II—ATC CORPORATION**

8 **SEC. 201. PURPOSES.**

9 It is declared to be the purpose of Congress in this
 10 title to transfer operation of air traffic services currently
 11 provided by the Federal Aviation Administration to a sep-
 12 arate not-for-profit corporate entity to provide for the
 13 more efficient operation and improvement of air traffic
 14 services.

15 **Subtitle A—Establishment of ATC**
 16 **Corporation**

17 **SEC. 211. ATC CORPORATION.**

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

20 **“Subtitle XI—ATC Corporation**

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

1 **“CHAPTER 901—GENERAL PROVISIONS**

“Sec.

“90101. Definitions.

2 **“§ 90101. Definitions**

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

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

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

14 “(3) AIR TRAFFIC SERVICES USER.—The term
15 ‘air traffic services user’ means any individual or en-
16 tity using air traffic services provided by the Cor-
17 poration within United States airspace or inter-
18 national airspace delegated to the United States.

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

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

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

4 “(7) CORPORATION.—The term ‘Corporation’
5 means the ATC Corporation established under this
6 subtitle.

7 “(8) DATE OF TRANSFER.—The term ‘date of
8 transfer’ means the date on which the Corporation
9 assumes operational control of air traffic services
10 from the FAA pursuant to this subtitle, which shall
11 be **【October 1, 2019】**.

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

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

16 “(11) INTERIM CEO.—The term ‘Interim CEO’
17 means the Interim Chief Executive Officer of the
18 Corporation.

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

1 “(13) NOMINATING MEMBER.—The term
2 ‘Nominating Member’ means a Nominating Member
3 of the Corporation.

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

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

10 **“CHAPTER 903—ESTABLISHMENT OF COR-**
11 **PORATION; TRANSFER OF AIR TRAF-**
12 **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.

13 **“§ 90301. Establishment of Corporation**

14 “(a) FEDERAL CHARTER.—There is established a
15 federally chartered, not-for-profit corporation to be known

1 as the ‘ATC Corporation’, which shall be incorporated in
2 a State of its choosing.

3 “(b) CORPORATION NAME.—

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

8 “(2) EXCLUSIVE RIGHT.—The Corporation
9 shall have the exclusive right to use the name ‘ATC
10 Corporation’.

11 **“§ 90302. Transfer of air traffic services**

12 “(a) IN GENERAL.—The Secretary shall transfer
13 operational control over air traffic services within United
14 States airspace and international airspace delegated to the
15 United States to the Corporation on the date of transfer
16 in a systematic and orderly manner that ensures con-
17 tinuity of safe air traffic services.

18 “(b) MANAGEMENT AND OPERATION OF AIR TRAF-
19 FIC SERVICES.—Subject to section 90501, the Corpora-
20 tion may establish and carry out plans for the manage-
21 ment and operation of air traffic services within United
22 States airspace and international airspace delegated to the
23 United States.

24 “(c) ENTITIES AUTHORIZED TO PROVIDE AIR TRAF-
25 FIC SERVICES AFTER DATE OF TRANSFER.—After the

1 date of transfer, no entity, other than the Corporation,
2 is authorized or permitted to provide air traffic services
3 within United States airspace or international airspace
4 delegated to the United States, except for—

5 “(1) the Department of Defense, as directed by
6 the President;

7 “(2) entities to which the United States has
8 delegated certain air traffic service responsibilities;
9 and

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

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

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

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

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

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

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

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

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

11 **“§ 90305. Nominating Membership**

12 “(a) NOMINATING MEMBERSHIP.—The Nominating
13 Membership of the Corporation shall be composed of the
14 following Nominating Members:

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

17 “(2) Individuals appointed as follows:

18 “(A) An individual appointed by the prin-
19 cipal organization representing mainline air car-
20 riers.

21 “(B) An individual appointed by the prin-
22 cipal organization representing noncommercial
23 owners and recreational operators of general
24 aviation aircraft.

1 “(C) An individual appointed by the prin-
2 cipal organization engaged in collective bar-
3 gaining on behalf of air traffic controllers em-
4 ployed by the Corporation.

5 “(D) An individual appointed by the prin-
6 cipal organization representing the largest cer-
7 tified collective bargaining representative of air-
8 line pilots.

9 “(b) DETERMINATION OF PRINCIPAL ORGANIZA-
10 TIONS.—

11 “(1) BEFORE DATE OF TRANSFER.—Before the
12 date of transfer, and not later than 30 days after
13 the date of enactment of this subtitle, the Secretary
14 shall determine the principal organizations referred
15 to in subsection (a)(2).

16 “(2) AFTER DATE OF TRANSFER.—On and
17 after the date of transfer, the Board shall determine
18 the principal organizations referred to in subsection
19 (a)(2) in accordance with the bylaws of the Corpora-
20 tion.

21 “(c) TERMS.—Each Nominating Member appointed
22 under subsection (a)(2) shall serve at the pleasure of the
23 principal organization that appointed the Nominating
24 Member.

25 “(d) QUALIFICATIONS.—

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

4 “(2) PROHIBITIONS.—An individual may not
5 serve as a Nominating Member under subsection
6 (a)(2) if the individual is—

7 “(A) an officer or employee of the Cor-
8 poration;

9 “(B) a Member of Congress or an elected
10 official serving in a State, local, or tribal gov-
11 ernment; or

12 “(C) an officer or employee of the Federal
13 Government or any State, local, or tribal gov-
14 ernment.

15 “(e) PRINCIPAL ORGANIZATION ENGAGED IN COL-
16 LECTIVE BARGAINING ON BEHALF OF AIR TRAFFIC CON-
17 TROLLERS EMPLOYED BY CORPORATION.—For purposes
18 of this section and section 90306, before the date of trans-
19 fer, the term ‘principal organization engaged in collective
20 bargaining on behalf of air traffic controllers employed by
21 the Corporation’ means the principal organization engaged
22 in collective bargaining on behalf of air traffic controllers
23 employed by the FAA.

1 **“§ 90306. Board of Directors**

2 “(a) AUTHORITY.—The powers of the Corporation
3 shall be vested in a Board of Directors that governs the
4 Corporation.

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

7 “(1) The CEO.

8 “(2) 2 Directors appointed by the Secretary.

9 “(3) 4 Directors nominated by the Nominating
10 Member appointed by the principal organization rep-
11 resenting mainline air carriers.

12 “(4) 2 Directors nominated by the Nominating
13 Member appointed by the principal organization rep-
14 resenting noncommercial owners and recreational op-
15 erators of general aviation aircraft.

16 “(5) 1 Director nominated by the Nominating
17 Member appointed by the principal organization en-
18 gaged in collective bargaining on behalf of air traffic
19 controllers employed by the Corporation.

20 “(6) 1 Director nominated by the Nominating
21 Member appointed by the principal organization rep-
22 resenting the largest certified collective bargaining
23 representative of airline pilots.

24 “(c) NOMINATIONS AND APPOINTMENTS.—

25 “(1) APPROVAL OF INITIAL NOMINATIONS.—
26 Before the date on which all of the Directors have

1 been approved for the first time or the date of trans-
2 fer, whichever occurs first, nominations made under
3 subsection (b) shall be subject to the approval of the
4 Directors appointed by the Secretary under sub-
5 section (b)(2).

6 “(2) APPROVAL OF SUBSEQUENT NOMINA-
7 TIONS.—Except as provided by paragraph (3)(B), on
8 and after the date on which all of the Directors have
9 been approved for the first time or the date of trans-
10 fer, whichever occurs first, all nominations made
11 under subsection (b) shall be subject to the approval
12 of the Board.

13 “(3) DIRECTORS APPOINTED BY SECRETARY.—

14 “(A) DEADLINE FOR INITIAL APPOINT-
15 MENTS.—The Secretary shall appoint the initial
16 Directors under subsection (b)(2) not later than
17 30 days after the date of enactment of this sub-
18 title.

19 “(B) APPROVAL NOT REQUIRED.—None of
20 the Directors appointed by the Secretary under
21 subsection (b)(2) shall be subject to approval by
22 the Board.

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

25 “(e) QUALIFICATIONS.—

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

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

6 “(A) an officer or employee of the Cor-
7 poration (other than the CEO);

8 “(B) a Member of Congress or an elected
9 official serving in a State, local, or tribal gov-
10 ernment;

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

14 “(D) a director, officer, trustee, or em-
15 ployee of—

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

18 “(ii) an entity that has a material in-
19 terest as a supplier, client, or user of the
20 Corporation’s services unless the Board
21 unanimously determines, with the concur-
22 rence in writing of a majority of the Nomi-
23 nating Members, that such material inter-
24 est would not be likely to adversely affect
25 in a material way the individual’s ability to

1 discharge the individual's obligations as a
2 Director; or

3 “(E) a director, officer, or employee of one
4 of the principal organizations determined under
5 section 90305(b).

6 “(f) CHAIRPERSON.—The Chairperson of the Board
7 shall—

8 “(1) be selected from among the Directors
9 (other than the CEO) by a majority vote of the Di-
10 rectors; and

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

13 “(g) TERMS.—

14 “(1) INITIAL TERMS.—The term of each Direc-
15 tor appointed or nominated and approved before the
16 date of transfer (other than the CEO) shall expire
17 on the last day before the date of transfer.

18 “(2) SUBSEQUENT TERMS.—The term of each
19 Director appointed or nominated and approved on or
20 after the date of transfer (other than the CEO) shall
21 be 5 years, except as provided by paragraph (3).

22 “(3) STAGGERING.—The Board shall stagger
23 the duration of the terms of the initial Directors ap-
24 pointed or nominated and approved on or after the

1 date of transfer to promote the stability of the
2 Board.

3 “(h) VACANCIES.—

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

8 “(2) SERVICE UNTIL SUCCESSOR TAKES OF-
9 FICE.—A Director may serve after the expiration of
10 the Director’s term until a successor has taken of-
11 fice.

12 “(i) QUORUM.—

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

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

19 “(j) REMOVAL OF DIRECTORS.—

20 “(1) IN GENERAL.—A Director may be removed
21 in accordance with the bylaws of the Corporation.

22 “(2) RESTRICTION.—No Nominating Member
23 or group of 2 or more Nominating Members may be
24 granted any authority to remove a Director.

25 “(k) MEETINGS.—

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

5 “(2) RESPONSIBILITIES.—The Board shall be
6 responsible for actions of the Corporation, including
7 the following matters:

8 “(A) Adoption of an annual budget.

9 “(B) Approval of a strategic plan and up-
10 dates thereto.

11 “(C) Authorization for issuance of indebt-
12 edness.

13 “(D) Assessment, modification, and collec-
14 tion of charges and fees to air traffic services
15 users.

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

17 “(F) Adoption and amendment of the by-
18 laws of the Corporation.

19 “(1) ANNUAL FINANCIAL REPORT.—Not later than 1
20 year after the date of transfer, and annually thereafter,
21 the Corporation shall publish a report on the activities of
22 the Corporation during the prior year. The annual report
23 shall also contain financial and operational performance
24 information regarding the Corporation and shall be made
25 publicly available. The Corporation shall ensure that any

1 propriety information that may be contained in the annual
2 report is not made public.

3 **“§ 90307. Committees of Board; independent auditors**

4 “(a) COMMITTEES OF BOARD.—The Board shall es-
5 tablish and maintain a Safety Committee and such other
6 committees as the Board determines are necessary or ap-
7 propriate to carry out the responsibilities of the Board ef-
8 fectively. Such committees shall be composed solely of Di-
9 rectors.

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

13 **“§ 90308. Advisory Board**

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

16 “(b) DUTIES.—The Advisory Board—

17 “(1) shall conduct such activities as the Board
18 determines appropriate; and

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

23 “(c) MEMBERSHIP.—

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

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

7 “(A) Commercial service airports.

8 “(B) Owners, operators, and users of gen-
9 eral aviation aircraft used exclusively in further-
10 ance of business enterprises.

11 “(C) Aerospace manufacturers.

12 “(D) Operators of commercial unmanned
13 aircraft systems.

14 “(E) Appropriate labor organizations.

15 “(F) The Department of Defense.

16 “(G) Small communities.

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

22 **“§ 90309. Officers and their responsibilities**

23 “(a) CHIEF EXECUTIVE OFFICER.—

24 “(1) HIRING.—

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

4 “(B) QUALIFICATIONS.—The CEO shall be
5 an individual who is a citizen of the United
6 States and who, by reason of professional back-
7 ground and experience, is especially qualified to
8 manage the Corporation.

9 “(2) DUTIES.—The CEO shall—

10 “(A) be responsible for the management
11 and direction of the Corporation, including its
12 officers and employees, and for the exercise of
13 all powers and responsibilities of the Corpora-
14 tion;

15 “(B) establish Corporation offices and de-
16 fine the responsibilities and duties of the of-
17 fices, with full authority to organize the Cor-
18 poration as required; and

19 “(C) designate an officer of the Corpora-
20 tion who is vested with the authority to act in
21 the capacity of the CEO if the CEO is absent
22 or incapacitated.

23 “(3) SCOPE OF AUTHORITY.—

24 “(A) IN GENERAL.—The CEO shall be
25 subject to the policy guidance of the Board, re-

1 port to the Board, and serve at the pleasure of
2 the Board.

3 “(B) AUTHORITY OF BOARD.—The Board
4 may modify or revoke actions of the CEO pur-
5 suant to procedures set forth in the bylaws of
6 the Corporation.

7 “(4) OTHER OFFICERS AND EMPLOYEES.—

8 “(A) IN GENERAL.—The CEO shall ap-
9 point such other officers and employees of the
10 Corporation as the CEO determines appro-
11 priate.

12 “(B) DELEGATION OF FUNCTIONS.—The
13 CEO may delegate to the other officers and em-
14 ployees of the Corporation any of the functions
15 of the Corporation.

16 “(b) INTERIM CEO.—

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

23 “(2) AUTHORITY AND TERM.—

24 “(A) AUTHORITY.—The Interim CEO
25 shall—

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

3 “(ii) carry out the same duties as the
4 CEO; and

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

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

9 “(3) STATUTORY CONSTRUCTION.—Nothing in
10 this subsection may be construed to restrict the abil-
11 ity of the Board to hire the individual serving as the
12 Interim CEO to be the CEO.

13 **“§ 90310. Authority of Corporation**

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

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

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

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

22 “(4) may contract with other parties;

23 “(5) may sue or be sued;

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

1 “(7) may indemnify the Directors, including the
2 Interim CEO or CEO, and other officers, agents,
3 and employees of the Corporation; and

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

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

9 **“§ 90311. Charges and fees for air traffic services**

10 “(a) ASSESSMENT AND COLLECTION OF CHARGES
11 AND FEES.—Beginning on the date of transfer, and sub-
12 ject to section 90502, the Corporation may assess and col-
13 lect charges and fees from any air traffic services user for
14 air traffic services provided by the Corporation in United
15 States airspace or international airspace delegated to the
16 United States.

17 “(b) PUBLICATION AND BOARD APPROVAL OF PRO-
18 POSALS.—

19 “(1) PUBLICATION.—The Corporation shall
20 publish any proposed charge or fee under subsection
21 (a) and any changes thereto.

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

23 “(A) approve any proposed charge or fee
24 under subsection (a) and any changes thereto;
25 and

1 “(B) carry out the approval in a form and
2 manner accessible to the public and aircraft op-
3 erators using United States airspace or inter-
4 national airspace delegated to the United
5 States.

6 “(c) CHARGING PRINCIPLES AND METHODOLOGY.—
7 The Corporation shall comply with the following charging
8 principles when proposing a charge or fee under sub-
9 section (a):

10 “(1) Charges and fees shall be consistent with
11 the International Civil Aviation Organization’s Poli-
12 cies on Charges for Air Navigation Services, Ninth
13 Edition, 2012.

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

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

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

23 “(A) aircraft operations of piston engine
24 aircraft; or

1 “(B) noncommercial aircraft operations of
2 turbine engine aircraft.

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

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

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

10 “(e) PAYMENT OF CHARGES AND FEES.—

11 “(1) IN GENERAL.—An operator using air traf-
12 fic services in United States airspace or inter-
13 national airspace delegated to the United States
14 shall pay a charge or fee assessed by the Corpora-
15 tion under subsection (a) for services rendered and
16 any interest and penalties assessed under paragraph
17 (2).

18 “(2) LATE PAYMENT OR NONPAYMENT.—The
19 Corporation may assess and collect interest and pen-
20 alties for late payment or nonpayment of a charge
21 or fee assessed by the Corporation under subsection
22 (a).

23 “(3) PRIVATE RIGHT OF ACTION.—The Cor-
24 poration may file suit in any district court of the
25 United States having jurisdiction over the parties,

1 without respect to the amount in controversy and
2 without regard to the citizenship of the parties, to
3 enforce this subsection not later than 2 years after
4 the date on which a claim accrues. A claim accrues,
5 under this paragraph, upon the rendering of the rel-
6 evant air traffic services by the Corporation.

7 “(f) PUBLICATION OF FEE SCHEDULE.—The Cor-
8 poration shall publish a schedule of charges and fees to
9 be assessed under subsection (a) and interest and pen-
10 alties to be assessed under subsection (e)(2), including any
11 changes thereto—

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

15 “(2) in a form and manner accessible to air-
16 craft operators using United States airspace or
17 international airspace delegated to the United
18 States.

19 “(g) INITIAL **【FEE/STRIKE?】** SCHEDULE.—

20 “(1) PUBLICATION OF INITIAL **【FEE/STRIKE?】**
21 SCHEDULE.—The Corporation shall publish the ini-
22 tial **【fee/strike?】** schedule under subsection (f)—

23 “(A) at least 180 days before the date of
24 transfer; and

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

 【The schedule includes charges, fees, and penalties.

 This concept is captured by referring to subsection (f).】

5 “(2) DISPUTE RESOLUTION REQUIREMENTS
6 FOR INITIAL 【FEE/STRIKE?】 SCHEDULE.—The re-
7 quirements of section 90502 shall apply if a written
8 complaint is filed with the Secretary for a deter-
9 mination of reasonableness with respect to the initial
10 【fee/strike?】 schedule.

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

13 “(1) AIRCRAFT OPERATION.—The term ‘air-
14 craft operation’ means the movement of an aircraft
15 beginning with the take-off of the aircraft and end-
16 ing with the landing of the aircraft.

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

20 “(3) NONCOMMERCIAL AIRCRAFT OPER-
21 ATION.—The term ‘noncommercial aircraft oper-
22 ation’ means an aircraft operation that does not in-

1 involve the transportation of passengers, cargo, or
2 mail for remuneration or hire.

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

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

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

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

1 **“§ 90312. Preemption of authority over air traffic**
2 **services**

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

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

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

16 **“§ 90313. Actions by and against Corporation**

17 “(a) JURISDICTION FOR LEGAL ACTIONS GEN-
18 ERALLY.—

19 “(1) JURISDICTION OF UNITED STATES DIS-
20 TRICT COURTS.—The United States district courts
21 shall have original jurisdiction over all actions
22 brought by or against the Corporation, except as
23 otherwise provided in this subtitle.

24 “(2) REMOVAL OF ACTIONS IN STATE
25 COURTS.—Any action brought in a State court to
26 which the Corporation is a party shall be removed

1 to the appropriate United States district court under
2 the provisions of chapter 89 of title 28.

3 “(b) TESTIMONY OF CORPORATION EMPLOYEES.—

4 “(1) IN GENERAL.—Except with the consent of
5 the chief legal officer of the Corporation, employees
6 of the Corporation may not provide expert opinion or
7 expert testimony in civil litigation related to the Cor-
8 poration.

9 “(2) EXCEPTIONS.—The Corporation may pre-
10 scribe the circumstances, if any, under which em-
11 ployees of the Corporation may provide expert opin-
12 ion or expert testimony in civil litigation related to
13 the Corporation.

14 **“§ 90314. Air traffic services for Federal agencies**

15 “Before the date of transfer, the Secretary shall es-
16 tablish processes, requirements, procedures, and regula-
17 tions and take any other measure necessary, consistent
18 with the purposes of this subtitle, to ensure that all United
19 States Government activities supported by the FAA’s op-
20 eration of air traffic services as of the date of transfer
21 receive support from the Corporation after the date of
22 transfer and on an ongoing basis.

1 **“§ 90315. Transfer of Federal personnel to Corpora-**
2 **tion**

3 “(a) TRANSFER OF FAA EMPLOYEES TO CORPORA-
4 TION.—

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

15 “(2) DETERMINATION; TRANSFER.—The Sec-
16 retary shall—

17 “(A) not later than 180 days prior to the
18 date of transfer, complete the determination of
19 which activities and employees shall be trans-
20 ferred to the Corporation under paragraph (1);

21 “(B) upon completing the determination,
22 notify the CEO, the labor organizations recog-
23 nized under section 7111 of title 5 as exclusive
24 representatives of FAA employees, and all af-
25 fected employees of such determination; and

1 “(C) on or before the date of transfer,
2 transfer such activities and employees.

3 “(b) SUBSEQUENT TRANSFER OF EMPLOYEES.—

4 “(1) IN GENERAL.—

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

19 “(B) TRANSFERS FROM CORPORATION TO
20 FAA.—During the 180-day period beginning on
21 the date of transfer, the Secretary, after meet-
22 ing and conferring with the CEO and represent-
23 atives of the certified labor organizations recog-
24 nized under section 90705 and labor organiza-
25 tions recognized under section 7111 of title 5 as

1 exclusive representatives of FAA employees,
2 may transfer an employee from the Corporation
3 to the FAA if the Secretary, after [the con-
4 sultation/meeting and conferring] with the
5 CEO and the representatives, finds that the de-
6 termination with respect to the employee under
7 subsection (a) was inconsistent with the pur-
8 poses of this subtitle.

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

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

23 “(c) CORPORATION EMPLOYEE BENEFITS.—At least
24 180 days before the date of transfer, the Corporation shall

1 establish, **【subject to chapter 907】**, a compensation and
2 benefits program for—

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

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

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

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

1 of transfer shall remain valid and effective after the date
2 of transfer—

3 “(1) unless revoked for cause; or

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

10 “(f) TRANSITION AGREEMENTS.—

11 “(1) BIPARTITE AGREEMENT.—

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

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

22 The Corporation and the labor organizations
23 described in subparagraph (A) (in this sub-
24 section referred to as the ‘parties’) shall be sub-
25 ject to the duty to bargain in good faith under

1 chapter 907 in any meetings pursuant to this
2 paragraph.

3 “(C) DISPUTE RESOLUTION PROCE-
4 DURES.—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.

11 “(2) TRIPARTITE AGREEMENT.—

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

22 “(B) DUTY TO BARGAIN IN GOOD FAITH.—
23 To the extent applicable, the Corporation and
24 the labor organizations described in subpara-
25 graph (A) shall be subject to the duty to bar-

1 gain in good faith under chapter 907 in any
2 meetings pursuant to this paragraph.

3 “(C) DISPUTE RESOLUTION PROCE-
4 DURES.—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 **“§ 90316. Transfer of facilities to Corporation**

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

23 “(b) TRANSFER OF FEDERAL PROPERTY.—

24 “(1) CONVEYANCE OF PROPERTY TO CORPORA-
25 TION.—On the date of transfer, the Secretary shall

1 convey, without charge, all right, title, and interest
2 of the United States in, and the use, possession, and
3 control of, properties identified under subsection (a).

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

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

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

22 “(B) the Secretary determines the rever-
23 sion is necessary to protect the interests of the
24 United States.

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

3 “(1) IN GENERAL.—At least 180 days before
4 the date of transfer, and subject to section 90707,
5 the Corporation, in consultation with representatives
6 of labor organizations representing operations and
7 maintenance employees of the air traffic control sys-
8 tem, shall establish a process for the realignment
9 and consolidation of services and facilities trans-
10 ferred to the Corporation from the FAA.

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

16 **“§ 90317. Approval of transferred air navigation fa-
17 cilities and other equipment**

18 “On the date of transfer, the Corporation is author-
19 ized to operate all air navigation facilities and other equip-
20 ment conveyed pursuant to section 90316 without addi-
21 tional approval or certification by the Secretary.

22 **【“§ 90318. Use of spectrum systems and data**

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

1 to provide air traffic services, and any successor spectrum
2 systems, and to the data from such systems, as is nec-
3 essary to enable the Corporation to provide air traffic serv-
4 ices under this subtitle.】

5 **“CHAPTER 905—OVERSIGHT OF**
6 **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.

7 **“§ 90501. Safety oversight and regulation of Corpora-**
8 **tion**

9 “(a) PERFORMANCE-BASED REGULATIONS AND MIN-
10 IMUM SAFETY STANDARDS.—Before the date of transfer,
11 the Secretary shall—

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

15 “(2) adopt, after consultation with the Corpora-
16 tion and its certified bargaining representatives,
17 policies and other administrative materials of the
18 FAA in effect before the date of transfer for pro-
19 viding air traffic services.

20 “(b) SAFETY MANAGEMENT SYSTEM.—

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

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

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

14 “(c) PROPOSALS TO MODIFY AIR TRAFFIC MANAGE-
15 MENT PROCEDURES, ASSIGNMENTS, AND CLASSIFICA-
16 TIONS OF AIRSPACE.—

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

21 “(A) air traffic management procedures,
22 assignments, classifications of airspace, or other
23 actions affecting airspace access that are devel-
24 oped pursuant to the safety management sys-
25 tem; and

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

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

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

14 “(4) APPROVALS, DISAPPROVALS, AND MODI-
15 FICATIONS.—

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

20 “(B) WRITTEN EXPLANATION.—If the
21 Secretary disapproves or modifies the proposal,
22 the Secretary shall provide a written expla-
23 nation of the Secretary’s decision, including—

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

4 “(ii) any other information that
5 formed the basis for the Secretary’s deci-
6 sion.

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

13 “(d) JUDICIAL REVIEW.—

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

19 “(2) STANDARD OF REVIEW.—

20 “(A) DISAPPROVALS; MODIFICATIONS.—In
21 the case of a petition filed under section
22 46110(a) to review a decision of the Secretary
23 that disapproves or modifies a proposal received
24 from the Corporation under subsection (c)(1),
25 the court shall, without deference to the Sec-

1 retary’s determination, review de novo the
2 record to determine if the Secretary’s deter-
3 mination is consistent with the regulations and
4 standards prescribed under subsection (a)(1).

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

12 “(e) COMPILATION.—

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

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

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

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

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

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

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

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

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

12 “(1) IN GENERAL.—The regulations and stand-
13 ards prescribed under subsection (a)(1) shall include
14 procedures for the Secretary to evaluate under sub-
15 section (c) a proposal for an airspace change that
16 results from the proposed closure of a tower oper-
17 ating under contract with the Corporation pursuant
18 to section 47124.

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

21 “(A) the advance submission of necessary
22 supporting data, analysis, and documentation
23 related to—

1 “(i) the safety risk management as-
2 sessment of the proposed contract tower
3 closure;

4 “(ii) an assessment of the impact of
5 the proposed closure on the operation of
6 the national airspace system;

7 “(iii) an assessment of the impact of
8 the proposed closure on air service to af-
9 fected communities; and

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

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

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

21 “(1) temporary airspace actions directed by the
22 Administrator or Secretary;

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

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 a written complaint 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 may withhold air traffic services **【from**
12 the user/insert?**】** only if the Corporation requests
13 and receives approval **【for the withholding/insert?**】**
14 from the Secretary.**】****

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.—Except as otherwise pro-
14 vided by law, the CEO shall classify and fix the compensa-
15 tion and benefits of all officers and employees in the Cor-
16 poration. In developing, making changes to, and imple-
17 menting wages, hours, and other terms and conditions of
18 employment, the Corporation shall negotiate with exclusive
19 representatives recognized under section 90705.

20 “(b) FORMER FEDERAL EMPLOYEES.—

21 “(1) FEDERAL RETIREMENT BENEFITS.—

22 “(A) ELECTION OF RETIREMENT BENE-
23 FITS.—At least 90 days before the date of
24 transfer, an employee transferring to the Cor-
25 poration who will be subject to either the Civil

1 Service Retirement System under chapter 83 of
2 title 5 (in this section referred to as ‘CSRS’) or
3 the Federal Employees’ Retirement System
4 under chapter 84 of title 5 (in this section re-
5 ferred to as ‘FERS’) on the day immediately
6 preceding the date of transfer shall elect either
7 to—

8 “(i) retain the employee’s coverage
9 under either CSRS or FERS, as applica-
10 ble, in lieu of coverage by the Corpora-
11 tion’s employee benefits system established
12 under section 90315(c); or

13 “(ii) receive a deferred annuity, lump-
14 sum benefit, or any other benefit available
15 to the employee under CSRS or FERS, in
16 the same manner that would have been
17 available to the employee if the employee
18 had voluntarily separated from Federal
19 employment on the day before the date of
20 transfer.

21 “(B) THRIFT SAVINGS PLAN ACCOUNTS.—
22 An employee who makes the election under sub-
23 paragraph (A)(ii) shall have the option to trans-
24 fer the balance in the employee’s Thrift Savings
25 Plan account to the plan under the Corpora-

1 tion’s retirement system, consistent with appli-
2 cable law and the terms of the Corporation’s
3 plan.

4 “(C) PERIODIC ELECTION.—The Corpora-
5 tion shall provide for periodic election seasons
6 during which an employee who transferred to
7 the Corporation on the date of transfer may be-
8 come eligible for retirement benefits under the
9 Corporation’s employee benefits system estab-
10 lished under section 90315(c) by making an
11 election under subparagraph (A)(ii).

12 “(D) CONTINUITY OF ANNUITANT BENE-
13 FITS.—Notwithstanding any other provision of
14 law, any individual who is receiving an annuity
15 under chapter 83 or chapter 84 of title 5 may
16 continue to receive such annuity while employed
17 by the Corporation.

18 “(E) HIGH-3 DETERMINATION.—With re-
19 spect to any employee who retains CSRS or
20 FERS coverage pursuant to subparagraph (A),
21 such employee’s total annual salary or wages
22 while with the Corporation shall be included in
23 any determination of such employee’s average
24 pay under section 8331(4) or 8401(3), as the

1 case may be, of title 5 when calculating the an-
2 nuity (if any) of such employee.

3 “(2) PAYMENTS TO CIVIL SERVICE RETIRE-
4 MENT AND DISABILITY FUND.—For employees of the
5 Corporation who elect to retain their coverage under
6 either CSRS or FERS pursuant to paragraph (1),
7 the Corporation shall only be required to pay to the
8 Civil Service Retirement and Disability Fund—

9 “(A) such employee deductions and agency
10 contributions as are required by sections 8334,
11 8422, and 8423 of title 5; and

12 “(B) such additional amounts, not to ex-
13 ceed 2 percent of the amounts under subpara-
14 graph (A), as are determined necessary by the
15 Office of Personnel Management to pay the cost
16 of administering retirement benefits for employ-
17 ees who retire from the Corporation after the
18 date of transfer under either CSRS or FERS,
19 for their survivors, and for survivors of employ-
20 ees of the Corporation who die after the date of
21 transfer (which amounts shall be available to
22 the Office of Personnel Management as pro-
23 vided in section 8348(a)(1)(B) of title 5).

24 “(3) THRIFT SAVINGS FUND.—The Corporation
25 shall pay to the Thrift Savings Fund such employee

1 and agency contributions as are required by section
2 8432 of title 5 for employees who elect to retain
3 their coverage under FERS pursuant to paragraph
4 (1).

5 “(4) HEALTH BENEFITS PLAN ELECTION.—Any
6 employee of the Corporation who was subject to the
7 Federal Employee Health Benefits Program under
8 chapter 89 of title 5 (in this section referred to as
9 ‘FEHBP’) on the day immediately preceding the
10 date of transfer shall have the option to receive
11 health benefits from a health benefit plan estab-
12 lished by the Corporation under section 90315(c) or
13 to continue coverage under FEHBP without inter-
14 ruption.

15 “(5) PAYMENTS TO EMPLOYEES HEALTH BENE-
16 FITS FUND.—For employees of the Corporation who
17 elect to retain their coverage under FEHBP pursu-
18 ant to paragraph (4), the Corporation shall pay to
19 the Employees Health Benefits Fund—

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

23 “(B) such amounts as are determined nec-
24 essary by the Office of Personnel Management
25 under paragraph (6) to reimburse the Office of

1 Personnel Management for contributions under
2 section 8906(g)(1) of title 5.

3 “(6) REIMBURSEMENT AMOUNTS.—The
4 amounts required to be paid by the Corporation
5 under paragraph (5)(B) shall be equal to the
6 amount of Government contributions for retired em-
7 ployees who retire from the Corporation after the
8 date of transfer under either CSRS or FERS, for
9 survivors of such retired employees, and for sur-
10 vivors of employees of the Corporation who die after
11 the date of transfer, with said amounts prorated to
12 reflect only that portion of the total service of such
13 employees and retired persons that was performed
14 for the Corporation after the date of transfer.

15 “(7) ADDITIONAL BENEFITS.—Subject to the
16 provisions of this chapter, any employee of the Cor-
17 poration who was subject to the provisions of sub-
18 chapter I of chapter 85 (concerning unemployment
19 compensation) and chapters 87 (concerning life in-
20 surance), 89A (concerning enhanced dental bene-
21 fits), and 89B (concerning enhanced vision benefits)
22 of title 5 shall have the option to continue coverage
23 under such provisions without interruption in lieu of
24 applicable coverage by the Corporation’s employee
25 benefits system established under section 90315(c).

1 The Corporation shall withhold from pay, and shall
2 make contributions, under the provisions of title 5
3 referred to in this subsection at the same rates ap-
4 plicable to agencies of the Federal Government for
5 such employees.

6 “(8) WORKERS COMPENSATION.—Officers and
7 employees of the Corporation shall be covered by,
8 and shall be considered employees for purposes of,
9 subchapter I of chapter 81 of title 5 (concerning
10 compensation for work injuries). The Corporation
11 shall make contributions to the Employees’ Com-
12 pensation Fund under the provisions of section 8147
13 of title 5 at the same rates applicable to agencies of
14 the Federal Government.

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

20 “(10) TRANSFER OF LEAVE.—Sick and annual
21 leave, credit hours, and compensatory time of offi-
22 cers and employees of the Corporation, whether ac-
23 crued before or after the date of transfer, shall be
24 obligations of the Corporation under the provisions
25 of this chapter.

1 “(11) WHISTLEBLOWER PROTECTION.—Neither
2 the Corporation, nor any officer or employee of the
3 Corporation, may take any action described in sub-
4 section (b)(8), (b)(9), or (b)(13), or the final para-
5 graph of subsection (b), of section 2302 of title 5
6 (relating to whistleblower protection).

7 **“§ 90703. Labor and employment policy**

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

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

24 “(c) APPLICATION OF FAIR LABOR STANDARDS
25 ACT.—The provisions of the Fair Labor Standards Act

1 of 1938 (29 U.S.C. 201 et seq.) shall apply to the Cor-
2 poration and to its officers and employees.

3 “(d) REPORTING AND DISCLOSURE.—The provisions
4 of the Labor-Management Reporting and Disclosure Act
5 of 1959 (29 U.S.C. 401 et seq.) shall be applicable to labor
6 organizations that have or are seeking to attain recogni-
7 tion under section 90705, and to such organizations’ offi-
8 cers, agents, shop stewards, other representatives, and
9 members.

10 “(e) RIGHT TO COLLECTIVELY BARGAIN.—Each em-
11 ployee of the Corporation shall have the right, freely and
12 without fear of penalty or reprisal, to form, join, and assist
13 a labor organization or to refrain from any such activity,
14 and each employee shall be protected in the exercise of
15 this right. Such right shall include the right to engage in
16 collective bargaining with respect to the same wages,
17 hours, and other terms and conditions of employment as
18 are negotiable under section 8(d) of the Act of July 5,
19 1935 (29 U.S.C. 158(d)).

20 **“§ 90704. Bargaining units**

21 “(a) IN GENERAL.—Pursuant to section 7112 of title
22 5 and subject to the requirements of this chapter, the Au-
23 thority shall decide in each case the unit appropriate for
24 collective bargaining with the Corporation.

1 “(b) PREVIOUSLY CERTIFIED UNITS.—Notwith-
2 standing subsection (a), the Authority may not adopt, cer-
3 tify, or decide upon bargaining units that include employ-
4 ees in bargaining units previously certified by the Author-
5 ity that are smaller in geographic scope than such pre-
6 viously certified bargaining units, unless the Authority
7 finds by compelling evidence that such previously certified
8 units would not, absent modification, remain units appro-
9 priate for collective bargaining with the Corporation.

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

15 **“§ 90705. Recognition of labor organizations**

16 “(a) APPLICATION OF CHAPTER 71 OF TITLE 5.—
17 To the extent not inconsistent with this chapter, section
18 7111 of title 5 shall apply to the recognition and certifi-
19 cation of labor organizations for the employees of the Cor-
20 poration and the Corporation shall accord exclusive rec-
21 ognition to and bargain collectively with a labor organiza-
22 tion when the organization has been selected by a majority
23 of the employees in an appropriate unit as their represent-
24 ative.

1 “(b) RECOGNITION OF EXCLUSIVE REPRESENTA-
2 TIVE.—Notwithstanding subsection (a), each labor organi-
3 zation that, immediately before the date of transfer, was
4 recognized as the exclusive representative for a bargaining
5 unit of employees of the Agency shall be deemed to be
6 recognized on the date of transfer or thereafter as the ex-
7 clusive representative for those employees of the Corpora-
8 tion in the same or similar bargaining unit unless another
9 representative for a bargaining unit of employees is cer-
10 tified pursuant to section 7111 of title 5 and this section.

11 “(c) EXPIRATION OF TERM.—Every collective-bar-
12 gaining agreement or arbitration award that applies to an
13 employee of the Agency and that is in force immediately
14 before the date of transfer continues in force until its term
15 expires. To the extent that the Corporation assumes the
16 functions and responsibilities that, prior to the date of
17 transfer, were conducted by the Agency, agreements and
18 supplements (including any arbitration award, as applica-
19 ble) covering employees of the Agency that are in effect
20 on the date of transfer shall continue to be recognized by
21 and binding on the Corporation, the bargaining represent-
22 ative, and all covered employees until altered or amended
23 pursuant to law. Any agreement, supplement, or arbitra-
24 tion award continued by this section is deemed to be an
25 agreement, supplement, or arbitration award binding on

1 the Corporation, the bargaining representative, and all
2 covered employees for purposes of this chapter and title
3 5.

4 “(d) LIMITATION ON APPLICATION.—Notwith-
5 standing section 90703, sections 7106 and 7113 of title
6 5 shall not apply **【to?】** under this chapter.

7 “(e) CONTINUATION OF BARGAINING.—If an exclu-
8 sive representative and the Agency are engaged in bar-
9 gaining (whether concerning a collective-bargaining agree-
10 ment, issues related to the transfer of functions and re-
11 sponsibilities from the Agency to the Corporation, or oth-
12 erwise) prior to the date of transfer, such bargaining shall
13 continue between the exclusive representative and the Cor-
14 poration, and the Corporation shall be bound by any com-
15 mitments made during bargaining by the Agency.

16 “(f) STATUTORY CONSTRUCTION.—Nothing in this
17 section may be construed to prohibit the waiving of hear-
18 ings by stipulation for the purpose of a consent election
19 in conformity with regulations and rules of decision of the
20 Authority.

21 “(g) LIMITATION.—Notwithstanding any other provi-
22 sion of this chapter or any provision of title 5, no bar-
23 gaining unit or part of a bargaining unit consisting of em-
24 ployees of the Corporation represented by a labor organi-

1 zation pursuant to subsection (b) may be reviewed, re-
2 scinded, amended, altered, or varied, other than—

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

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

7 before the first day of the last 3 months of the first collec-
8 tive agreement entered into after the date of transfer that
9 applies to those employees and that has resulted from col-
10 lective bargaining between such labor organization and the
11 Corporation.

12 “(h) DEDUCTION.—

13 “(1) IN GENERAL.—Notwithstanding section
14 90703, section 7115 of title 5 shall not apply **【to?】**
15 under this chapter.

16 “(2) DUES.—When a labor organization holds
17 exclusive recognition, the Corporation shall deduct
18 the regular and periodic dues, initiation fees, and as-
19 sements (not including fines and penalties) of the
20 organization from the pay of all members of the or-
21 ganization in the unit of recognition if the Corpora-
22 tion (or, before the date of transfer, the Agency) has
23 received from each employee, on whose account such
24 deductions are made, a written assignment which

1 shall be irrevocable for a period of not more than 1
2 year.

3 “(3) CONTINUATION.—Any agreement de-
4 scribed in subsection (c) that provides for deduction
5 by the Agency of the regular and periodic dues, initi-
6 ation fees, and assessments (not including fines and
7 penalties) of the labor organization from the pay of
8 its members shall continue in full force and effect
9 and the obligation for such deductions shall be as-
10 sumed by the Corporation. No such deduction may
11 be made from the pay of any employee except on the
12 employee’s written assignment, which shall be irrev-
13 ocable for a period of not more than 1 year.

14 **“§ 90706. Collective-bargaining agreements**

15 “(a) IN GENERAL.—Except as provided under section
16 90705(c), collective-bargaining agreements between the
17 Corporation and bargaining representatives shall be effec-
18 tive for not less than 2 years.

19 “(b) PROCEDURES.—Collective-bargaining agree-
20 ments between the Corporation and bargaining represent-
21 atives recognized under section 90705 may include any
22 procedures for resolution by the parties of grievances and
23 adverse actions arising under the agreement, including
24 procedures culminating in binding third-party arbitration,

1 or the parties may adopt any such procedures by mutual
2 agreement in the event of a dispute.

3 “(c) LIMITATION ON APPLICATION.—Notwith-
4 standing section 90703, section 7121(c) of title 5 shall not
5 apply **【to?】** under this chapter.

6 “(d) DISPUTE RESOLUTION PROCEDURES.—The
7 Corporation and bargaining representatives recognized
8 under section 90705 may by mutual agreement adopt pro-
9 cedures for the resolution of disputes or impasses arising
10 in the negotiation of a collective-bargaining agreement.

11 **“§ 90707. Collective-bargaining dispute resolution**

12 “(a) RESOLUTION OF DISPUTES.—

13 “(1) IN GENERAL.—If, prior to 90 days after
14 the expiration of the term collective-bargaining
15 agreement or 90 days after the parties begin mid-
16 term negotiations, the Corporation and the exclusive
17 bargaining representative of the employees of the
18 Corporation (in this section referred to collectively
19 as the ‘parties’) do not reach an agreement under
20 sections 7114(a)(1), 7114(a)(4), and 7114(b) of title
21 5 (as such sections apply to the Corporation under
22 this chapter), or 90706(d) of this chapter, the Cor-
23 poration and the bargaining representative shall use
24 the mediation services of the Service to attempt to
25 reach such agreement in accordance with part 1425

1 of title 29, Code of Federal Regulations (as in effect
2 on the date of enactment of this subtitle).

3 “(2) MEDIATION PERIOD.—The mediation pe-
4 riod under paragraph (1) may not exceed 60 days
5 unless extended by written agreement of the parties.

6 “(b) BINDING ARBITRATION FOR TERM BAR-
7 GAINING.—

8 “(1) THREE MEMBER PRIVATE ARBITRATION
9 BOARD.—If the mediation services of the Service
10 under subsection (a)(1) do not lead to the resolution
11 of issues in controversy arising from the negotiation
12 of a term collective-bargaining agreement, the par-
13 ties shall submit their issues in controversy to a pri-
14 vate arbitration board consisting of 3 members.

15 “(2) APPOINTMENT OF ARBITRATION BOARD.—

16 “(A) PREPARATION OF LIST OF ARBITRA-
17 TORS.—The Director of the Service shall pro-
18 vide for the appointment of the 3 members of
19 an arbitration board by—

20 “(i) preparing a list of not fewer than
21 15 names of arbitrators of nationwide rep-
22 utation and professional stature with at
23 least 20 years of experience in labor-man-
24 agement arbitration and considerable expe-

1 rience in interest arbitration in major in-
2 dustries; and

3 “(ii) providing the list to the parties.

4 “(B) SELECTION OF ARBITRATORS BY
5 PARTIES.—Not later than 10 days after receiv-
6 ing a list of names under subparagraph (A), the
7 parties shall each select one arbitrator. The ar-
8 bitrators selected by the parties do not need to
9 be arbitrators whose names appear on the list.

10 “(C) SELECTION OF THIRD ARBI-
11 TRATOR.—Not later than 7 days after the date
12 on which the 2 arbitrators are selected by the
13 parties under subparagraph (B), the 2 arbitra-
14 tors, acting jointly, shall select a third person
15 from the list prepared under subparagraph (A).

16 “(D) FAILURE TO ACT.—If either of the
17 parties fails to select a person or if the 2 arbi-
18 trators are unable to agree on the third person
19 in 7 days, the parties shall make the selection
20 by alternately striking names on the list pre-
21 pared under subparagraph (A), beginning with
22 the party chosen on a random basis, until one
23 arbitrator remains.

24 “(3) FRAMING ISSUES IN CONTROVERSY.—If
25 the parties do not agree on the framing of the issues

1 to be submitted for arbitration, the arbitration board
2 shall frame the issues.

3 “(4) HEARINGS.—The arbitration board shall
4 give the parties a full and fair hearing, including an
5 opportunity to present evidence and witnesses in
6 support of their claims and an opportunity to
7 present their case in person, by counsel, or by other
8 representative as they may elect.

9 “(5) DECISIONS.—The arbitration board shall
10 render its written decision not later than 90 days
11 after the date of its appointment. Decisions of the
12 arbitration board shall be conclusive and binding
13 upon the parties.

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

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

19 “(c) RATIFICATION OF AGREEMENTS.—Upon reach-
20 ing a voluntary agreement or at the conclusion of the bind-
21 ing arbitration under subsection (b), the final agreement,
22 except for those matters decided by a private arbitration
23 board, shall be—

1 “(1) subject to ratification by the exclusive bar-
2 gaining representative of the employees, if so re-
3 quested by the bargaining representative; and

4 “(2) subject to approval by the head of the Cor-
5 poration in accordance with section 7114(c) of title
6 5.

7 “(d) MID-TERM BARGAINING.—

8 “(1) PREPARATION OF LIST OF ARBITRA-
9 TORS.—If the mediation services of the Service
10 under subsection (a) do not lead to the resolution of
11 issues in controversy arising from the negotiation of
12 a mid-term collective-bargaining agreement, the Di-
13 rector shall provide the parties a list of not fewer
14 than 10 names of arbitrators of nationwide reputa-
15 tion and professional stature with at least 20 years
16 of experience in labor-management arbitration and
17 considerable experience in interest arbitration in
18 major industries.

19 “(2) SELECTION OF ARBITRATOR.—The parties
20 shall alternately strike names on the list, beginning
21 with the party chosen on a random basis, until one
22 arbitrator remains.

23 “(3) DECISION.—The arbitrator shall hold a
24 hearing, and not later than 90 days after date of the
25 appointment of the arbitrator, issue a written deci-

1 sion resolving the issues in controversy. The decision
2 shall be conclusive and binding upon the parties.

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

7 “(f) APPLICATION.—Notwithstanding section
8 90703(a), section 7119 of title 5 shall not apply [to?]
9 under this chapter.

10 **“§ 90708. Potential and pending grievances, arbitra-**
11 **tions, and settlements**

12 “(a) IN GENERAL.—The Corporation is deemed to be
13 the employer referred to in any agreement or supplement
14 referred to in section 90705(e) for the purpose of any arbi-
15 tration proceeding or arbitration award. Any agreement
16 concerning any employee that resolves a potential or filed
17 grievance that is binding on the Agency shall, to the extent
18 that the employee becomes an employee of the Corpora-
19 tion, become binding on the Corporation.

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

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

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

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

6 “(c) JURISDICTION.—Subject to section 90703, the
7 Authority shall retain jurisdiction over all matters arising
8 before the date of transfer in relation to the interpretation
9 and application of any agreement or supplement referred
10 to in section 90705(c), whether or not such agreement or
11 supplement has expired.

12 “(d) EXISTING GRIEVANCES OR ARBITRATIONS.—
13 Grievances or arbitrations that were filed or commenced
14 before the date of transfer with respect to any agreement
15 or supplement referred to in section 90705(c) shall be con-
16 tinued as though the Corporation were the employer re-
17 ferred to in the agreement or supplement.

18 “(e) PROCEEDINGS AFTER DATE OF TRANSFER.—
19 Where events giving rise to a grievance under any agree-
20 ment or supplement referred to in section 90705(c) oc-
21 curred before the date of transfer but the proceedings had
22 not commenced before that date, the proceedings may be
23 commenced on or after the date of transfer in accordance
24 with such agreement or supplement as though the Cor-

1 poration were the employer referred to in such agreement
2 or supplement.

3 “(f) ACTIONS DEEMED TO BE BY CORPORATION.—
4 For the purposes of subsections (c), (d), and (e), anything
5 done, or not done, by the Agency is deemed to have been
6 done, or to have not been done, as the case may be, by
7 the Corporation.

8 “(g) EXCEPTIONS TO ARBITRAL AWARDS.—

9 “(1) IN GENERAL.—Notwithstanding section
10 90703, section 7122 of title 5 shall not apply **【to?】**
11 under this chapter.

12 “(2) ACTIONS TO VACATE.—Either party to
13 grievance arbitration under this chapter may file an
14 action pursuant to section 90709(a) to enforce the
15 arbitration process or to vacate or enforce an arbi-
16 tration award. An arbitration award may only be va-
17 cated on the grounds, and pursuant to the stand-
18 ards, that would be applicable to an action to vacate
19 an arbitration award brought in the Federal courts
20 under section 301 of the Labor Management Rela-
21 tions Act, 1947 (29 U.S.C. 185).

22 **“§ 90709. Legal action**

23 “(a) IN GENERAL.—Consistent with the require-
24 ments of section 90313, actions to enforce the arbitration
25 process or vacate or enforce an arbitral award under sec-

1 tion 90708(g)(2) between the Corporation and a labor or-
2 ganization representing Corporation employees, or be-
3 tween any such labor organizations, may be brought in
4 any district court of the United States having jurisdiction
5 of the parties, without respect to the amount in con-
6 troversy.

7 “(b) AUTHORIZED ACTS.—A labor organization rec-
8 ognized under section 90705 and the Corporation shall be
9 bound by the authorized acts of their agents. Any labor
10 organization may sue or be sued as an entity and on behalf
11 of the employees whom it represents in the courts of the
12 United States. Any money judgment against a labor orga-
13 nization in a district court of the United States shall be
14 enforceable only against the organization as an entity and
15 against its assets, and shall not be enforceable against any
16 individual member or his assets.

17 “(c) JURISDICTION.—Under this subtitle, for the
18 purposes of actions and proceedings by or against labor
19 organizations in the district courts of the United States,
20 district courts shall be deemed to have jurisdiction of a
21 labor organization—

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

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

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

9 **“CHAPTER 909—OTHER MATTERS**

“Sec.

“90901. Termination of Government functions.

“90902. Savings provisions.

“90903. Inspector General reports to Congress on transition.

10 **“§ 90901. Termination of Government functions**

11 “Except as otherwise provided in this subtitle, when-
12 ever any function vested by law in the Secretary, Adminis-
13 trator, Department of Transportation, or FAA has been
14 transferred to the Corporation pursuant to this subtitle,
15 it shall no longer be a function of the Government.

16 **“§ 90902. Savings provisions**

17 “(a) COMPLETED ADMINISTRATIVE ACTIONS.—

18 “(1) IN GENERAL.—Completed administrative
19 actions of the Department of Transportation or the
20 FAA shall not be affected by the enactment of this
21 subtitle, but shall continue in effect according to
22 their terms until amended, modified, superseded,

1 terminated, set aside, or revoked in accordance with
2 law.

3 “(2) COMPLETED ADMINISTRATIVE ACTION DE-
4 FINED.—In paragraph (1), the term ‘completed ad-
5 ministrative action’ includes orders, determinations,
6 rules, regulations, personnel actions, permits, agree-
7 ments, grants, contracts, certificates, licenses, reg-
8 istrations, and privileges.

9 “(b) CONTINUED EFFECTIVENESS OF PENDING AC-
10 TIONS.—

11 “(1) PENDING ACTIONS AND PROCEEDINGS.—
12 The provisions of this subtitle shall not affect any
13 proceedings of the Department of Transportation or
14 the FAA pending on the date of transfer, includ-
15 ing—

16 “(A) notices of proposed rulemaking re-
17 lated to activities of the FAA not transferred to
18 the Corporation;

19 “(B) an application for a license, a permit,
20 a certificate, or financial assistance pending on
21 the date of transfer before the Department of
22 Transportation or the FAA, or any officer
23 thereof, with respect to activities not trans-
24 ferred by this subtitle; or

1 “(C) an application for a license, a permit,
2 a certificate, or financial assistance pending on
3 the date of transfer before the Department of
4 Transportation or the FAA, or any officer
5 thereof, with respect to activities transferred by
6 this subtitle.

7 “(2) EFFECT OF ORDERS.—Orders issued in
8 any proceedings referred to in paragraph (1) shall
9 continue in effect until modified, terminated, super-
10 seded, or revoked in accordance with law. Nothing in
11 this subsection prohibits the discontinuance or modi-
12 fication of any such proceeding under the same
13 terms and conditions and to the same extent that
14 such proceeding could have been discontinued or
15 modified if this subtitle had not been enacted.

16 “(c) CONTINUED EFFECTIVENESS OF ADMINISTRA-
17 TIVE AND JUDICIAL ACTIONS.—No causes of action or ac-
18 tions by or against the Department of Transportation or
19 the FAA arising from acts or omissions occurring before
20 the date of transfer shall abate by reason of the enactment
21 of this subtitle.

22 “(d) SUBSTITUTION OR ADDITION OF PARTIES TO
23 JUDICIAL ACTIONS.—Except as provided by subsection
24 (e)(2), if, on the date of transfer, the Department of
25 Transportation or the FAA, or any officer thereof in the

1 officer's capacity, is a party to an action and, under this
2 subtitle, the performance of that activity of the Depart-
3 ment, FAA, or officer is transferred to the Corporation,
4 such action shall be continued with the CEO substituted
5 or added as a party.

6 “(e) AIR TRAFFIC SERVICE LIABILITIES AND OBLI-
7 GATIONS.—

8 “(1) ASSUMPTION OF OBLIGATIONS.—Except as
9 provided in paragraph (2), the Corporation shall as-
10 sume—

11 “(A) all obligations (tangible and incorpo-
12 real, present, and executory) associated with the
13 air traffic services transferred under this sub-
14 title on the date of transfer, including leases,
15 permits, licenses, contracts, agreements, tariffs,
16 accounts receivable, accounts payable; and

17 “(B) all claims and liabilities **【**associated
18 with the air traffic services transferred under
19 this subtitle/insert?**】** pending on the date of
20 transfer.

**【Does breaking out subparagraphs (A) and (B)
work?】**

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

1 “(A) CLAIMS AND ACTIONS ARISING IN
2 TORT.—All claims and actions arising in tort
3 pending on the date of transfer and arising out
4 of the alleged acts or omissions of employees of
5 the FAA who transfer to the Corporation shall
6 remain liabilities of the United States.

7 “(B) CONTINGENT LIABILITIES.—All
8 **【contingent liabilities】** existing on the date of
9 **【asset/strike?】** transfer shall remain **【with/li-**
10 **abilities of】** the United States, including (with-
11 out limitation) environmental and intellectual
12 property infringement claims.

13 “(C) OTHER CLAIMS AND LIABILITIES.—
14 All other claims and liabilities arising out of the
15 alleged acts or omissions of the United States
16 before the date of transfer (including those aris-
17 ing under an agreement referred to in section
18 90705(c)) whose remedy is financial or mone-
19 tary in nature shall remain liabilities of the
20 United States.

21 “(D) ACCESS OF FEDERAL REPRESENTA-
22 TIVES TO EMPLOYEES AND RECORDS.—The
23 Secretary shall ensure that, before the date of
24 transfer, the Corporation has agreed to allow
25 representatives of the Secretary and the Attor-

1 ney General such access as they may require to
2 employees and records of the Corporation for
3 all purposes relating to the handling of such
4 claims under this paragraph.

5 **“§ 90903. Inspector General reports to Congress on**
6 **transition**

7 “(a) IN GENERAL.—Before the date of transfer, the
8 Inspector General of the Department of Transportation
9 shall submit regular reports to Congress on the progress
10 of the preparation of the Department of Transportation
11 and of the Corporation for the transfer of operational con-
12 trol of air traffic services under this subtitle.

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

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

18 “(d) STATUTORY CONSTRUCTION.—Nothing in this
19 section may be construed to limit the authority of the In-
20 spector General of the Department of Transportation to
21 conduct oversight of the Department of Transportation’s
22 interactions with the Corporation after the date of trans-
23 fer.”.

1 (b) ANALYSIS FOR TITLE 49.—The analysis for title
2 49, United States Code, is amended by adding at the end
3 the following:

“**XI. ATC Corporation****90101**”.

4 **Subtitle B—Amendments to**
5 **Federal Aviation Laws**

6 **SEC. 221. DEFINITIONS.**

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

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

11 **SEC. 222. SUNSET OF FAA AIR TRAFFIC ENTITIES AND OFFI-
12 CERS.**

13 (a) AIR TRAFFIC SERVICES COMMITTEE.—Section
14 106(p) of title 49, United States Code, is amended—

15 (1) in paragraph (7) by adding at the end the
16 following:

17 “(I) SUNSET.—The Committee shall termi-
18 nate and this paragraph shall cease to be effec-
19 tive beginning on the date of transfer (as de-
20 fined in section 90101(a)).”; and

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

22 “(9) SUNSET OF AIR TRAFFIC ADVISORY
23 ROLE.—Beginning on the date of transfer (as de-
24 fined in section 90101(a)), the Council shall not de-
25 velop or submit comments, recommended modifica-

1 tions, or dissenting views directly regarding the ATC
2 Corporation or air traffic services.”.

3 (b) AIRCRAFT NOISE OMBUDSMAN.—Section
4 106(q)(2)(C) of title 49, United States Code, is amended
5 by inserting “before the date of transfer (as defined in
6 section 90101(a)),” before “be consulted”.

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

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

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

17 “(8) SUNSET.—The position of Chief NextGen
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 **SEC. 223. ROLE OF ADMINISTRATOR.**

22 Section 40103(b) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (1) by striking “The Adminis-
25 trator” and inserting “Before the date of transfer

1 (as defined in section 90101(a)), the Adminis-
2 trator”;

3 (2) by striking paragraph (2) and inserting the
4 following:

5 “(2) The Administrator shall—

6 “(A) before the date of transfer (as defined in
7 section 90101(a)), prescribe air traffic regulations
8 on the flight of aircraft (including regulations on
9 safe altitudes) for—

10 “(i) navigating, protecting, and identifying
11 aircraft;

12 “(ii) protecting individuals and property on
13 the ground;

14 “(iii) using the navigable airspace effi-
15 ciently; and

16 “(iv) preventing collision between aircraft,
17 between aircraft and land or water vehicles, and
18 between aircraft and airborne objects; and

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

23 “(i) navigating, protecting, and identifying
24 aircraft;

1 “(ii) protecting individuals and property on
2 the ground; and

3 “(iii) preventing collision between aircraft,
4 between aircraft and land or water vehicles, and
5 between aircraft and airborne objects.”; and

6 (3) in paragraph (3) by striking “Adminis-
7 trator” each place it appears and inserting “Sec-
8 retary”.

9 **SEC. 224. EMERGENCY POWERS.**

10 Section 40106(a) of title 49, United States Code, is
11 amended—

12 (1) in the matter preceding paragraph (1) by
13 striking “air traffic”;

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

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

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

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

21 “(b) DURING WAR.—If war occurs, the President by
22 Executive order may temporarily transfer to the Secretary
23 of Defense a duty, power, activity, or facility of the Ad-
24 ministrator or the ATC Corporation. In making the trans-
25 fer, the President may temporarily transfer records, prop-

1 erty, officers, and employees of the Administration or the
2 ATC Corporation to the Department of Defense.”.

3 **SEC. 226. AIRWAY CAPITAL INVESTMENT PLAN BEFORE**
4 **DATE OF TRANSFER.**

5 Section 44501(b) of title 49, United States Code, is
6 amended—

7 (1) in the first sentence by striking “The Ad-
8 ministrator” and inserting “Before the date of
9 transfer (as defined in section 90101(a)), the Ad-
10 ministrator”;

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

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

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

16 “(6) for fiscal years **【2016 through 2019】**, a
17 process under which the Administrator shall con-
18 tinue to comply with the requirements of this section
19 before the date of transfer (as defined in section
20 90101(a)).”.

21 **SEC. 227. AVIATION FACILITIES BEFORE DATE OF TRANS-**
22 **FER.**

23 (a) GENERAL AUTHORITY.—Section 44502(a) of title
24 49, United States Code, is amended—

1 (1) in paragraph (1) by striking “The Adminis-
2 trator of the Federal Aviation Administration may”
3 and inserting “Before the date of transfer (as de-
4 fined in section 90101(a)), the Secretary of Trans-
5 portation may”;

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

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

12 (4) by striking paragraph (4);

13 (5) by redesignating paragraph (5) as para-
14 graph (4); and

15 (6) in paragraph (4) (as so redesignated) by
16 striking “The Administrator” and inserting “Before
17 the date of transfer (as defined in section 90101(a)),
18 the Secretary of Transportation”.

19 (b) CERTIFICATION OF NECESSITY.—Section
20 44502(b) of title 49, United States Code, is amended—

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

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

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

7 (1) in paragraph (1)—

8 (A) by striking “by the Administrator of
9 the Federal Aviation Administration under sec-
10 tion 40103(b)(1) of this title”;

11 (B) by striking “Administrator of the Fed-
12 eral Aviation Administration” the second, third,
13 and fourth places it appears and inserting “Sec-
14 retary of Transportation”; and

15 (C) by striking “Congress” and inserting
16 “Congress, the ATC Corporation,”; and

17 (2) in paragraph (2)—

18 (A) by striking “Administrator of the Fed-
19 eral Aviation Administration” and inserting
20 “Secretary of Transportation”; and

21 (B) by striking “that the Administrator”
22 and inserting “that the Secretary”.

23 (d) TRANSFERS OF INSTRUMENT LANDING SYS-
24 TEMS.—Section 44502(e) of title 49, United States Code,
25 is amended by striking “An airport may transfer” and in-

1 serting “Before the date of transfer (as defined in section
2 90101(a)), an airport may transfer”.

3 **SEC. 228. JUDICIAL REVIEW.**

4 Section 46110(a) of title 49, United States Code, is
5 amended by striking “or subsection (l) or (s) of section
6 114” and inserting “subsection (l) or (s) of section 114,
7 or section 90501”.

8 **SEC. 229. CIVIL PENALTIES.**

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

12 **Subtitle C—Other Matters**

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

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

18 (b) COOPERATIVE AGREEMENT.—

19 (1) IN GENERAL.—To ensure the safe transi-
20 tion of air traffic services, not later than 180 days
21 prior to the date of transfer (as defined in section
22 90101(a) of title 49, United States Code, as added
23 by this Act), the Administrator shall enter into an
24 agreement with the ATC Corporation, for a period
25 of not less than 5 years, concerning services [that

1 could/to】 be provided at 【the Federal Aviation Ad-
2 ministration technical center/?】, including the inte-
3 grated air traffic control laboratories.

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

6 (A) activities associated with the approval
7 of a safety management system under chapter
8 905 of title 49, United States Code, as added
9 by this Act; and

10 (B) any other activity the Secretary con-
11 siders necessary to promote safety in air traffic
12 services, including verification of the safety
13 functions of new air traffic control technologies.

14 (c) STATUTORY CONSTRUCTION.—Nothing in this
15 title, or the amendments made by this title, may be con-
16 strued to limit the safety regulatory authority of the De-
17 partment of Transportation, including the research and
18 development functions of the Department.

19 (d) SAFETY.—Before the date of transfer (as defined
20 by section 90101(a) of title 49, United States Code, as
21 added by this Act) all operational testing and integration
22 of air traffic control systems conducted by the Administra-
23 tion shall continue.

1 **SEC. 242. SEVERABILITY.**

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

7 **TITLE III—FAA SAFETY**
8 **CERTIFICATION REFORM**
9 **Subtitle A—General Provisions**

10 **SEC. 301. DEFINITIONS.**

11 In this title, the following definitions apply:

12 (1) **FAA.**—The term “FAA” means the Fed-
13 eral Aviation Administration.

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

19 (3) **SYSTEMS SAFETY APPROACH.**—The term
20 “systems safety approach” means the application of
21 specialized technical and managerial skills to the
22 systematic, forward-looking identification and con-
23 trol of hazards throughout the lifecycle of a project,
24 program, or activity.

1 **SEC. 302. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
2 **SORY COMMITTEE.**

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

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

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

16 (2) Implementation and oversight of safety
17 management systems.

18 (3) Risk-based oversight efforts.

19 (4) Utilization of delegation and designation au-
20 thorities.

21 (5) Regulatory interpretation standardization
22 efforts.

23 (6) Training programs.

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

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

5 (1) Foster industry collaboration in an open
6 and transparent manner.

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

8 (A) the private sector, including represent-
9 atives of—

10 (i) general aviation;

11 (ii) commercial aviation;

12 (iii) aviation labor;

13 (iv) aviation, aerospace, and avionics
14 manufacturing;

15 (v) unmanned aircraft systems opera-
16 tors and manufacturers; and

17 (vi) the commercial space transpor-
18 tation industry;

19 (B) members of the public; and

20 (C) other interested parties.

21 (3) Establish consensus national goals, strategic
22 objectives, and priorities for the most efficient,
23 streamlined, and cost-effective certification and over-
24 sight processes in order to maintain the safety of the
25 aviation system and, at the same time, allow the

1 FAA to meet future needs and ensure that aviation
2 stakeholders remain competitive in the global mar-
3 ketplace.

4 (4) Provide policy guidance for the FAA's cer-
5 tification and safety oversight efforts.

6 (5) Provide ongoing policy reviews of the FAA's
7 certification and safety oversight efforts.

8 (6) Make appropriate legislative, regulatory,
9 and guidance recommendations for the air transpor-
10 tation system and the aviation safety regulatory en-
11 vironment.

12 (7) Establish performance objectives for the
13 FAA and industry.

14 (8) Establish performance metrics and goals for
15 the FAA and the regulated aviation industry to be
16 tracked and reviewed as streamlining and certifi-
17 cation reform and regulation standardization efforts
18 progress.

19 (9) Provide a venue for tracking progress to-
20 ward national goals and sustaining joint commit-
21 ments.

22 (10) Develop recruiting, hiring, training, and
23 continuing education objectives for FAA aviation
24 safety engineers and aviation safety inspectors.

1 (11) Provide advice and recommendations to
2 the FAA on how to prioritize safety rulemaking
3 projects.

4 (12) Improve the development of FAA regula-
5 tions by providing information, advice, and rec-
6 ommendations related to aviation issues.

7 (13) Facilitate the validation of United States
8 products abroad.

9 (d) MEMBERSHIP.—

10 (1) IN GENERAL.—The Advisory Committee
11 shall be composed of the following members:

12 (A) The Administrator of the FAA (or the
13 Administrator’s designee).

14 (B) Individuals appointed by the Secretary
15 to represent the following interests:

16 (i) Aircraft manufacturers.

17 (ii) Avionics manufacturers.

18 (iii) Labor organizations, including
19 collective bargaining representatives of
20 FAA aviation safety inspectors and avia-
21 tion safety engineers.

22 (iv) General aviation operators.

23 (v) Air carriers.

24 (vi) Business aviation operators.

1 (vii) Unmanned aircraft systems man-
2 ufacturers and operators.

3 (viii) Aviation safety management ex-
4 pertise.

5 (2) NONVOTING MEMBERS.—

6 (A) IN GENERAL.—In addition to the
7 members appointed under paragraph (1), the
8 Advisory Committee shall be composed of non-
9 voting members appointed by the Secretary
10 from among individuals representing FAA safe-
11 ty oversight program offices.

12 (B) DUTIES.—The nonvoting members
13 shall—

14 (i) take part in deliberations of the
15 Advisory Committee; and

16 (ii) provide input with respect to any
17 final reports or recommendations of the
18 Advisory Committee.

19 (C) LIMITATION.—The nonvoting members
20 may not represent any stakeholder interest
21 other than FAA safety oversight program of-
22 fices.

23 (3) TERMS.—Each member and nonvoting
24 member of the Advisory Committee appointed by the
25 Secretary shall be appointed for a term of 2 years.

1 (4) COMMITTEE CHARACTERISTICS.—The Advi-
2 sory Committee shall have the following characteris-
3 tics:

4 (A) An executive-level membership, with
5 members who can represent and enter into com-
6 mitments for their organizations.

7 (B) The ability to obtain necessary infor-
8 mation from experts in the aviation and aero-
9 space communities.

10 (C) A membership size that enables the
11 Committee to have substantive discussions and
12 reach consensus on issues in a timely manner.

13 (D) Appropriate expertise, including exper-
14 tise in certification and risked-based safety
15 oversight processes, operations, policy, tech-
16 nology, labor relations, training, and finance.

17 (5) LIMITATION ON STATUTORY CONSTRUC-
18 TION.—Public Law 104–65 (2 U.S.C. 1601 et seq.)
19 may not be construed to prohibit or otherwise limit
20 the appointment of any individual as a member of
21 the Advisory Committee.

22 (e) CHAIRPERSON.—

23 (1) IN GENERAL.—The Chairperson of the Ad-
24 visory Committee shall be appointed by the Sec-
25 retary from among those members of the Advisory

1 Committee that are executive-level members of the
2 aviation industry.

3 (2) TERM.—Each member appointed under
4 paragraph (1) shall serve a term of 1 year as Chair-
5 person.

6 (f) MEETINGS.—

7 (1) FREQUENCY.—The Advisory Committee
8 shall meet at least twice each year at the call of the
9 Chairperson.

10 (2) PUBLIC ATTENDANCE.—The meetings of
11 the Advisory Committee shall be open to the public.

12 (g) SPECIAL COMMITTEES.—

13 (1) ESTABLISHMENT.—The Advisory Com-
14 mittee may establish special committees composed of
15 private sector representatives, members of the pub-
16 lic, labor representatives, and other interested par-
17 ties in complying with consultation and participation
18 requirements under this section.

19 (2) RULEMAKING ADVICE.—A special com-
20 mittee established by the Advisory Committee may—

21 (A) provide rulemaking advice and rec-
22 ommendations to the Administrator with re-
23 spect to aviation-related issues;

24 (B) afford the FAA additional opportuni-
25 ties to obtain firsthand information and insight

1 from those parties that are most affected by ex-
2 isting and proposed regulations; and

3 (C) expedite the development, revision, or
4 elimination of rules without circumventing pub-
5 lic rulemaking processes and procedures.

6 (3) APPLICABLE LAW.—Public Law 92–463
7 shall not apply to a special committee established by
8 the Advisory Committee.

9 (h) SUNSET.—The Advisory Committee shall termi-
10 nate on the last day of the 6-year period beginning on
11 the date of the initial appointment of the members of the
12 Advisory Committee.

13 (i) TERMINATION OF AIR TRAFFIC PROCEDURES AD-
14 VISORY COMMITTEE.—The Air Traffic Procedures Advi-
15 sory Committee established by the FAA shall terminate
16 on the date of the initial appointment of the members of
17 the Advisory Committee.

18 **Subtitle B—Aircraft Certification** 19 **Reform**

20 **SEC. 311. AIRCRAFT CERTIFICATION PERFORMANCE OB-** 21 **JECTIVES AND METRICS.**

22 (a) IN GENERAL.—Not later than 120 days after the
23 date on which the Safety Oversight and Certification Advi-
24 sory Committee is established under section 302, the Ad-
25 ministrator of the FAA shall establish performance objec-

1 tives and apply and track metrics for the FAA and the
2 aviation industry relating to aircraft certification in ac-
3 cordance with this section.

4 (b) COLLABORATION.—The Administrator shall carry
5 out this section in collaboration with the Safety Oversight
6 and Certification Advisory Committee.

7 (c) PERFORMANCE OBJECTIVES.—In carrying out
8 subsection (a), the Administrator shall establish perform-
9 ance objectives for the FAA and the aviation industry to
10 ensure that, with respect to aircraft certification, progress
11 is made toward, at a minimum—

12 (1) eliminating certification delays and improv-
13 ing cycle times;

14 (2) increasing accountability for both FAA and
15 industry entities;

16 (3) achieving full utilization of FAA delegation
17 and designation authorities;

18 (4) fully implementing risk management prin-
19 ciples and a systems safety approach;

20 (5) reducing duplication of effort;

21 (6) increasing transparency;

22 (7) establishing and providing training, includ-
23 ing recurrent training, in auditing and a systems
24 safety approach to certification oversight;

- 1 (8) improving the process for approving or ac-
2 cepting the certification actions of bilateral partners;
3 (9) maintaining and improving safety; and
4 (10) maintaining the leadership of the United
5 States in international aviation and aerospace.

6 (d) PERFORMANCE METRICS.—In carrying out sub-
7 section (a), the Administrator shall apply and track per-
8 formance metrics for the FAA and the regulated aviation
9 industry established by the Safety Oversight and Certifi-
10 cation Advisory Committee.

11 (e) DATA GENERATION.—

12 (1) BASELINES.—Not later than 1 year after
13 the date on which the Safety Oversight and Certifi-
14 cation Advisory Committee establishes initial per-
15 formance metrics for the FAA and the regulated
16 aviation industry under section 302, the Adminis-
17 trator shall generate initial data with respect to each
18 of the metrics applied and tracked under this sec-
19 tion.

20 (2) MEASURING PROGRESS TOWARD GOALS.—
21 The Administrator shall use the metrics applied and
22 tracked under this section to generate data on an
23 ongoing basis and to measure progress toward the
24 achievement of national goals established by the

1 Safety Oversight and Certification Advisory Com-
2 mittee.

3 (f) PUBLICATION.—The Administrator shall make
4 data generated using the metrics applied and tracked
5 under this section available to the public in a searchable,
6 sortable, and downloadable format through the Internet
7 Web site of the FAA and other appropriate methods and
8 shall ensure that the data is made available in a manner
9 that—

10 (1) does not provide identifying information re-
11 garding an individual or entity; and

12 (2) protects proprietary information.

13 **SEC. 312. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

14 (a) IN GENERAL.—Chapter 447 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 **“§ 44736. Organization designation authorizations**

18 **“(a) DELEGATIONS OF FUNCTIONS.—**

19 **“(1) IN GENERAL.—**Except as provided in para-
20 graph (3), when overseeing an ODA holder, the Ad-
21 ministrator of the FAA shall—

22 **“(A)** require, based on an application sub-
23 mitted by the ODA holder and approved by the
24 Administrator (or the Administrator’s des-
25 ignee), a procedures manual that addresses all

1 procedures and limitations regarding the func-
2 tions to be performed by the ODA holder in ac-
3 cordance with regulations issued by the Admin-
4 istrator;

5 “(B) delegate fully to the ODA holder each
6 of the functions to be performed as specified in
7 the procedures manual, unless the Adminis-
8 trator determines, after the date of the delega-
9 tion and as a result of an inspection or other
10 investigation, that the public interest and safety
11 of air commerce requires a limitation with re-
12 spect to 1 or more of the functions; and

13 “(C) conduct regular oversight activities by
14 inspecting the ODA holder and taking action
15 based on validated inspection findings.

16 “(2) DUTIES OF ODA HOLDERS.—An ODA
17 holder shall—

18 “(A) perform each function delegated to
19 the ODA holder in accordance with the ap-
20 proved procedures manual for the delegation;

21 “(B) make the procedures manual avail-
22 able to each member of the appropriate ODA
23 unit; and

1 “(C) cooperate fully with oversight activi-
2 ties conducted by the Administrator in connec-
3 tion with the delegation.

4 “(3) EXISTING ODA HOLDERS.—When over-
5 seeing an ODA holder operating under an approved
6 procedures manual as of the date of enactment of
7 this section, the Administrator shall—

8 “(A) at the request of the ODA holder and
9 in a timely manner, approve revisions to the
10 ODA holder’s procedures manual;

11 “(B) delegate fully to the ODA holder each
12 of the functions to be performed as specified in
13 the procedures manual, unless the Adminis-
14 trator determines, after the date of the delega-
15 tion and as a result of an inspection or other
16 investigation, that the public interest and safety
17 of air commerce requires a limitation with re-
18 spect to one or more of the functions; and

19 “(C) conduct regular oversight activities by
20 inspecting the ODA holder and taking action
21 based on validated inspection findings.

22 “(b) ODA OFFICE.—

23 “(1) ESTABLISHMENT.—Not later than 90 days
24 after the date of enactment of this section, the Ad-
25 ministrator of the FAA shall identify, within the

1 FAA Office of Aviation Safety, a centralized policy
2 office to be known as the Organization Designation
3 Authorization Office or the ODA Office.

4 “(2) PURPOSE.—The purpose of the ODA Of-
5 fice shall be to oversee and ensure the consistency of
6 the FAA’s audit functions under the ODA program
7 across the FAA.

8 “(3) FUNCTIONS.—The ODA Office shall—

9 “(A) improve performance and ensure full
10 utilization of the authorities delegated under
11 the ODA program;

12 “(B) create a more consistent approach to
13 audit priorities, procedures, and training under
14 the ODA program;

15 “(C) review, in a timely fashion, a random
16 sample of limitations on delegated authorities
17 under the ODA program to determine if the
18 limitations are appropriate; and

19 “(D) ensure national consistency in the in-
20 terpretation and application of the requirements
21 of the ODA program and in the performance of
22 the ODA program.

23 “(c) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) FAA.—The term ‘FAA’ means the Fed-
2 eral Aviation Administration.

3 “(2) ODA HOLDER.—The term ‘ODA holder’
4 means an organization—

5 “(A) to which the FAA grants an ODA;
6 and

7 “(B) that is responsible for administering
8 1 or more ODA units.

9 “(3) ODA UNIT.—The term “ODA unit”
10 means a group of 2 or more individuals within an
11 ODA holder that performs authorized functions
12 under an ODA.

13 “(4) ORGANIZATION.—The term “organization”
14 means a firm, partnership, corporation, company,
15 association, joint-stock association, or governmental
16 entity.

17 “(5) ORGANIZATION DESIGNATION AUTHORIZA-
18 TION; ODA.—The term ‘Organization Designation
19 Authorization’ or ‘ODA’ means an authorization by
20 the FAA under section 44702(d) for an organization
21 comprised of 1 or more ODA units to perform ap-
22 proved functions on behalf of the FAA.”.

23 (b) CLERICAL AMENDMENT.—The analysis for such
24 chapter is amended by adding at the end the following:

“44736. Organization designation authorizations.”.

1 **SEC. 313. ODA REVIEW.**

2 (a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

3 (1) EXPERT PANEL.—Not later than 60 days
4 after the date of enactment of this Act, the Adminis-
5 trator of the FAA shall convene a multidisciplinary
6 expert review panel (in this section referred to as the
7 “Panel”).

8 (2) COMPOSITION OF PANEL.—

9 (A) APPOINTMENT OF MEMBERS.—The
10 Panel shall be composed of not more than 20
11 members appointed by the Administrator.

12 (B) QUALIFICATIONS.—The members ap-
13 pointed to the Panel shall—

14 (i) each have a minimum of 5 years of
15 experience in processes and procedures
16 under the ODA program; and

17 (ii) represent, at a minimum, ODA
18 holders, aviation manufacturers, safety ex-
19 perts, and FAA labor organizations, in-
20 cluding labor representatives of FAA avia-
21 tion safety inspectors and aviation safety
22 engineers.

23 (b) SURVEY.—The Panel shall conduct a survey of
24 ODA holders and ODA program applicants to document
25 and assess FAA certification and oversight activities, in-

1 cluding use of the ODA program and the timeliness and
2 efficiency of the certification process.

3 (c) ASSESSMENT AND RECOMMENDATIONS.—The
4 Panel shall assess and make recommendations con-
5 cerning—

6 (1) the FAA’s processes and procedures under
7 the ODA program and whether the processes and
8 procedures function as intended;

9 (2) the best practices of and lessons learned by
10 ODA holders and individuals who provide oversight
11 of ODA holders;

12 (3) performance incentive policies related to the
13 ODA program for FAA personnel;

14 (4) training activities related to the ODA pro-
15 gram for FAA personnel and ODA holders;

16 (5) the impact, if any, that oversight of the
17 ODA program has on FAA resources and the FAA’s
18 ability to process applications for certifications out-
19 side of the ODA program; and

20 (6) the results of the survey conducted under
21 subsection (b).

22 (d) REPORT.—Not later than 6 months after the date
23 the Panel is convened under subsection (a), the Panel shall
24 submit to the Administrator, the Safety Oversight and
25 Certification Advisory Committee, the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives, and the Committee on Commerce, Science,
3 and Transportation of the Senate a report on the findings
4 and recommendations of the Panel.

5 (e) DEFINITIONS.—The definitions contained in sec-
6 tion 44736 of title 49, United States Code, as added by
7 this Act, apply to this section.

8 (f) APPLICABLE LAW.—Public Law 92–463 shall not
9 apply to the Panel.

10 (g) SUNSET.—The Panel shall terminate on the date
11 of submission of the report under subsection (d), or on
12 the date that is 1 year after the Panel is convened under
13 subsection (a), whichever occurs first.

14 **SEC. 314. TYPE CERTIFICATION RESOLUTION PROCESS.**

15 (a) IN GENERAL.—Section 44704(a) of title 49,
16 United States Code, is amended by adding at the end the
17 following:

18 “(6) TYPE CERTIFICATION RESOLUTION PROC-
19 ESS.—

20 “(A) IN GENERAL.—Not later than 15
21 months after the date of enactment of this
22 paragraph, the Administrator shall establish an
23 effective, timely, and milestone-based issue reso-
24 lution process for type certification activities
25 under this subsection.

1 “(B) PROCESS REQUIREMENTS.—The res-
2 olution process shall provide for—

3 “(i) resolution of technical issues at
4 pre-established stages of the certification
5 process, as agreed to by the Administrator
6 and the type certificate applicant;

7 “(ii) automatic elevation to appro-
8 priate management personnel of the Fed-
9 eral Aviation Administration and the type
10 certificate applicant of any major certifi-
11 cation process milestone that is not com-
12 pleted or resolved within a specific period
13 of time agreed to by the Administrator and
14 the type certificate applicant; and

15 “(iii) resolution of a major certifi-
16 cation process milestone elevated pursuant
17 to clause (ii) within a specific period of
18 time agreed to by the Administrator and
19 the type certificate applicant.

20 “(C) MAJOR CERTIFICATION PROCESS
21 MILESTONE DEFINED.—In this paragraph, the
22 term ‘major certification process milestone’
23 means a milestone related to a type certification
24 basis, type certification plan, type inspection
25 authorization, issue paper, or other major type

1 certification activity agreed to by the Adminis-
2 trator and the type certificate applicant.”.

3 (b) TECHNICAL AMENDMENT.—Section 44704 of
4 title 49, United States Code, is amended in the section
5 heading by striking “**airworthiness certificates,**”
6 and inserting “**airworthiness certificates,**”.

7 **SEC. 315. SAFETY ENHANCING EQUIPMENT AND SYSTEMS**
8 **FOR SMALL GENERAL AVIATION AIRPLANES.**

9 (a) POLICY.—Not later than 180 days after the date
10 of enactment of this Act, the Administrator of the FAA
11 shall establish and begin implementation of a risk-based
12 policy that streamlines the installation of safety enhancing
13 equipment and systems for small general aviation air-
14 planes in a manner that reduces regulatory delays and sig-
15 nificantly improves safety.

16 (b) INCLUSION OF CERTAIN EQUIPMENT AND SYS-
17 TEMS.—The safety enhancing equipment and systems for
18 small general aviation airplanes referred to in subsection
19 (a) shall include, at a minimum, the replacement or ret-
20 rofit of primary flight displays, auto pilots, engine mon-
21 itors, and navigation equipment.

22 (c) COLLABORATION.—In carrying out this section,
23 the Administrator shall collaborate with general aviation
24 operators, general aviation manufacturers, and appro-
25 priate FAA labor groups, including representatives of

1 FAA aviation safety inspectors and aviation safety engi-
2 neers certified under section 7111 of title 5, United States
3 Code.

4 (d) SMALL GENERAL AVIATION AIRPLANE DE-
5 FINED.—In this section, the term “small general aviation
6 airplane” means an airplane—

7 (1) that is certified to the standards of part 23
8 of title 14, Code of Federal Regulations;

9 (2) has a seating capacity of fewer than 9 pas-
10 sengers; and

11 (3) is not used in scheduled passenger-carrying
12 operations under part 121 or 135 of title 14, Code
13 of Federal Regulations.

14 **SEC. 316. STREAMLINING CERTIFICATION OF SMALL GEN-**
15 **ERAL AVIATION AIRPLANES.**

16 (a) NOTICE OF PROPOSED RULEMAKING.—Not later
17 than **【March 1, 2016,】** the Administrator of the FAA
18 shall issue a notice of proposed rulemaking to comply with
19 section 3 of the Small Airplane Revitalization Act of 2013
20 (49 U.S.C. 44704 note).

21 (b) GOVERNMENT REVIEW.—The Government’s re-
22 view process shall be streamlined to meet the deadline in
23 subsection (a).

1 **SEC. 317. ADDITIONAL CERTIFICATION RESOURCES.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law, and subject to the requirements of subsection
4 (b), the Administrator of the FAA may enter into a reim-
5 bursable agreement with an applicant or certificate-holder
6 for the reasonable travel and per diem expenses of the
7 FAA associated with official travel to expedite the accept-
8 ance or validation by a foreign authority of an FAA certifi-
9 cate or design approval.

10 (b) CONDITIONS.—The Administrator may enter into
11 an agreement under subsection (a) only if—

12 (1) the travel covered under the agreement is
13 deemed necessary, by both the Administrator and
14 the applicant or certificate-holder, to expedite the
15 acceptance or validation of the relevant certificate or
16 approval;

17 (2) the travel is conducted at the request of the
18 applicant or certificate-holder;

19 (3) travel plans and expenses are approved by
20 the applicant or certificate-holder prior to travel;
21 and

22 (4) the agreement requires payment in advance
23 of FAA services and is consistent with the processes
24 under section 106(l)(6) of title 49, United States
25 Code.

1 (c) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Administrator shall submit
3 to the Committee on Transportation and Infrastructure
4 of the House of Representatives and the Committee on
5 Commerce, Science, and Transportation of the Senate a
6 report on—

7 (1) the number of occasions on which the Ad-
8 ministrator entered into reimbursable agreements
9 under this section;

10 (2) the number of occasions on which the Ad-
11 ministrator declined a request by an applicant or
12 certificate-holder to enter into a reimbursable agree-
13 ment under this section;

14 (3) the amount of reimbursements collected in
15 accordance with agreements under this section; and

16 (4) the extent to which reimbursable agree-
17 ments under this section assisted in reducing the
18 amount of time necessary for foreign authorities'
19 validations of FAA certificates and design approvals.

20 (d) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) APPLICANT.—The term “applicant” means
23 a person that has applied to a foreign authority for
24 the acceptance or validation of an FAA certificate or
25 design approval.

1 (2) CERTIFICATE-HOLDER.—The term “certifi-
2 cate-holder” means a person that holds a certificate
3 issued by the Administrator under part 21 of title
4 14, Code of Federal Regulations.

5 **Subtitle C—Flight Standards**
6 **Reform**

7 **SEC. 331. FLIGHT STANDARDS PERFORMANCE OBJECTIVES**
8 **AND METRICS.**

9 (a) IN GENERAL.—Not later than 120 days after the
10 date on which the Safety Oversight and Certification Advi-
11 sory Committee is established under section 302, the Ad-
12 ministrators of the FAA shall establish performance objec-
13 tives and apply and track metrics for the FAA and the
14 aviation industry relating to flight standards activities in
15 accordance with this section.

16 (b) COLLABORATION.—The Administrator shall carry
17 out this section in collaboration with the Safety Oversight
18 and Certification Advisory Committee.

19 (c) PERFORMANCE OBJECTIVES.—In carrying out
20 subsection (a), the Administrator shall establish perform-
21 ance objectives for the FAA and the aviation industry to
22 ensure that, with respect to flight standards activities,
23 progress is made toward, at a minimum—

24 (1) eliminating delays with respect to such ac-
25 tivities;

- 1 (2) increasing accountability for both FAA and
- 2 industry entities;
- 3 (3) achieving full utilization of FAA delegation
- 4 and designation authorities;
- 5 (4) fully implementing risk management prin-
- 6 ciples and a systems safety approach;
- 7 (5) reducing duplication of effort;
- 8 (6) eliminating inconsistent regulatory interpre-
- 9 tations and inconsistent enforcement activities;
- 10 (7) streamlining the hiring process for—
- 11 (A) qualified systems safety engineers to
- 12 support FAA efforts to implement a systems
- 13 safety approach; and
- 14 (B) qualified systems engineers to guide
- 15 the engineering of complex systems within the
- 16 FAA;
- 17 (8) improving and providing greater opportuni-
- 18 ties for training, including recurrent training, in au-
- 19 diting and a systems safety approach to oversight;
- 20 (9) developing and allowing utilization of a sin-
- 21 gle master source for guidance;
- 22 (10) providing and utilizing a streamlined ap-
- 23 peal process for the resolution of regulatory interpre-
- 24 tation questions;
- 25 (11) maintaining and improving safety; and

1 (12) increasing transparency.

2 (d) METRICS.—In carrying out subsection (a), the
3 Administrator shall apply and track performance metrics
4 for the FAA and the regulated aviation industry estab-
5 lished by the Safety Oversight and Certification Advisory
6 Committee.

7 (e) DATA GENERATION.—

8 (1) BASELINES.—Not later than 1 year after
9 the date on which the Safety Oversight and Certifi-
10 cation Advisory Committee establishes initial per-
11 formance metrics for the FAA and the regulated
12 aviation industry under section 302, the Adminis-
13 trator shall generate initial data with respect to each
14 of the metrics applied and tracked under this sec-
15 tion.

16 (2) MEASURING PROGRESS TOWARD GOALS.—
17 The Administrator shall use the metrics applied and
18 tracked under this section to generate data on an
19 ongoing basis and to measure progress toward the
20 achievement of national goals established by the
21 Safety Oversight and Certification Advisory Com-
22 mittee.

23 (f) PUBLICATION.—The Administrator shall make
24 data generated using the metrics applied and tracked
25 under this section available to the public in a searchable,

1 sortable, and downloadable format through the Internet
2 Web site of the FAA and other appropriate methods and
3 shall ensure that the data is made available in a manner
4 that—

5 (1) does not provide identifying information re-
6 garding an individual or entity; and

7 (2) protects proprietary information.

8 **SEC. 332. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
9 **FORM.**

10 (a) **ESTABLISHMENT.**—Not later than 90 days after
11 the date of enactment of this Act, the Administrator of
12 the FAA shall establish the FAA Task Force on Flight
13 Standards Reform (in this section referred to as the “Task
14 Force”).

15 (b) **MEMBERSHIP.**—

16 (1) **APPOINTMENT.**—The membership of the
17 Task Force shall be appointed by the Administrator.

18 (2) **NUMBER.**—The Task Force shall be com-
19 posed of not more than 20 members.

20 (3) **REPRESENTATION REQUIREMENTS.**—The
21 membership of the Task Force shall include rep-
22 resentatives, with knowledge of flight standards reg-
23 ulatory processes and requirements, of—

24 (A) air carriers;

25 (B) general aviation;

- 1 (C) business aviation;
- 2 (D) repair stations;
- 3 (E) unmanned aircraft systems operators;
- 4 (F) flight schools;
- 5 (G) labor unions, including those rep-
- 6 resenting FAA aviation safety inspectors; and
- 7 (H) aviation safety experts.

8 (c) DUTIES.—The duties of the Task Force shall in-

9 clude, at a minimum, identifying best practices and pro-

10 viding recommendations, for current and anticipated

11 budgetary environments, with respect to—

12 (1) simplifying and streamlining flight stand-

13 ards regulatory processes;

14 (2) reorganizing Flight Standards Services to

15 establish an entity organized by function rather than

16 geographic region, if appropriate;

17 (3) FAA aviation safety inspector training op-

18 portunities;

19 (4) FAA aviation safety inspector standards

20 and performance; and

21 (5) achieving, across the FAA, consistent—

22 (A) regulatory interpretations; and

23 (B) application of oversight activities.

24 (d) REPORT.—Not later than 1 year after the date

25 of enactment of this Act, the Task Force shall submit to

1 the Committee on Transportation and Infrastructure of
2 the House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate a report
4 detailing—

5 (1) the best practices identified and rec-
6 ommendations provided by the Task Force under
7 subsection (c); and

8 (2) any recommendations of the Task Force for
9 additional regulatory action or cost-effective legisla-
10 tive action.

11 (e) **APPLICABLE LAW.**—Public Law 92–463 shall not
12 apply to the Task Force.

13 (f) **TERMINATION.**—The Task Force shall terminate
14 on the earlier of—

15 (1) the date on which the Task Force submits
16 the report required under subsection (d); or

17 (2) the date that is 18 months after the date
18 on which the Task Force is established under sub-
19 section (a).

20 **SEC. 333. CENTRALIZED SAFETY GUIDANCE DATABASE.**

21 (a) **ESTABLISHMENT.**—Not later than 1 year after
22 the date of enactment of this Act, the Administrator of
23 the FAA shall establish a centralized safety guidance data-
24 base that will—

1 (1) encompass all of the regulatory guidance
2 documents of the FAA Office of Aviation Safety;

3 (2) contain, for each such guidance document,
4 a link to the Code of Federal Regulations provision
5 to which the document relates; and

6 (3) be publicly available in a manner that—

7 (A) does not provide identifying informa-
8 tion regarding an individual or entity; and

9 (B) protects proprietary information.

10 (b) DATA ENTRY TIMING.—

11 (1) EXISTING DOCUMENTS.—Not later than 14
12 months after the date of enactment of this Act, the
13 Administrator shall begin entering into the database
14 established under subsection (a) all of the regulatory
15 guidance documents of the Office of Aviation Safety
16 that are in effect and were issued before the date on
17 which the Administrator begins such entry process.

18 (2) NEW DOCUMENTS AND CHANGES.—On and
19 after the date on which the Administrator begins the
20 document entry process under paragraph (1), the
21 Administrator shall ensure that all new regulatory
22 guidance documents of the Office of Aviation Safety
23 and any changes to existing documents are included
24 in the database established under subsection (a).

1 (c) CONSULTATION REQUIREMENT.—In establishing
2 the database under subsection (a), the Administrator shall
3 consult and collaborate with appropriate stakeholders, in-
4 cluding labor organizations (including those representing
5 aviation workers and FAA aviation safety inspectors) and
6 industry stakeholders.

7 (d) REGULATORY GUIDANCE DOCUMENTS DE-
8 FINED.—In this section, the term “regulatory guidance
9 documents” means all forms of written information issued
10 by the FAA that an individual or entity may use to inter-
11 pret or apply FAA regulations and requirements, includ-
12 ing information an individual or entity may use to deter-
13 mine acceptable means of compliance with such regula-
14 tions and requirements.

15 **SEC. 334. REGIONAL CONSISTENCY COMMUNICATIONS**
16 **BOARD.**

17 (a) ESTABLISHMENT.—Not later than 6 months after
18 the date of enactment of this Act, the Administrator of
19 the FAA shall establish a Regional Consistency Commu-
20 nications Board (in this section referred to as the
21 “Board”).

22 (b) CONSULTATION REQUIREMENT.—In establishing
23 the Board, the Administrator shall consult and collaborate
24 with appropriate stakeholders, including FAA labor orga-

1 nizations (including labor organizations representing FAA
2 aviation safety inspectors) and industry stakeholders.

3 (c) MEMBERSHIP.—The Board shall be composed of
4 FAA representatives, appointed by the Administrator,
5 from—

6 (1) the Flight Standards Service;

7 (2) the Aircraft Certification Service; and

8 (3) the Office of the Chief Counsel.

9 (d) FUNCTIONS.—The Board shall carry out the fol-
10 lowing functions:

11 (1) Establish, at a minimum, processes by
12 which—

13 (A) FAA personnel and regulated entities
14 may submit anonymous regulatory interpreta-
15 tion questions without fear of retaliation; and

16 (B) FAA personnel may submit written
17 questions, and receive written responses, as to
18 whether a previous approval or regulatory inter-
19 pretation issued by FAA personnel in another
20 office or region is correct or incorrect.

21 (2) Meet on a regular basis to discuss and re-
22 solve questions submitted pursuant to paragraph (1)
23 and the appropriate application of regulations and
24 policy with respect to each question.

1 (3) Provide to an individual or entity that sub-
2 mitted a question pursuant to paragraph (1) a time-
3 ly response to the question.

4 (4) Establish a process to make resolutions of
5 common regulatory interpretation questions pub-
6 lically available to FAA personnel and regulated en-
7 tities without providing any identifying data of the
8 individuals or entities that submitted the questions
9 and in a manner that protects any proprietary infor-
10 mation.

11 (5) Ensure the incorporation of resolutions of
12 questions submitted pursuant to paragraph (1) into
13 regulatory guidance documents.

14 (e) PERFORMANCE METRICS, TIMELINES, AND
15 GOALS.—Not later than 6 months after the date on which
16 the Safety Oversight and Certification Advisory Com-
17 mittee establishes performance metrics for the FAA and
18 the regulated aviation industry under section 302, the Ad-
19 ministrators, in collaboration with the Advisory Committee,
20 shall—

21 (1) establish performance metrics, timelines,
22 and goals to measure the progress of the Board in
23 resolving regulatory interpretation questions sub-
24 mitted pursuant to subsection (d)(1); and

1 (2) implement a process for tracking the
2 progress of the Board in meeting the requirements
3 established under paragraph (1).

4 **Subtitle D—Safety Workforce**

5 **SEC. 341. SAFETY WORKFORCE TRAINING STRATEGY.**

6 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
7 Not later than 60 days after the date of enactment of this
8 Act, the Administrator of the FAA shall establish a safety
9 workforce training strategy that—

10 (1) allows employees participating in organiza-
11 tion management teams or conducting ODA pro-
12 gram audits to complete, in a timely fashion, appro-
13 priate training, including recurrent training, in au-
14 diting and a systems safety approach to oversight;

15 (2) seeks knowledge-sharing opportunities be-
16 tween the FAA and the aviation industry regarding
17 new equipment and systems, best practices, and
18 other areas of interest;

19 (3) functions within the current and anticipated
20 budgetary environments; and

21 (4) includes milestones and metrics for meeting
22 the requirements of paragraphs (1), (2), and (3).

23 (b) REPORT.—Not later than 9 months after the date
24 of establishment of the strategy required under subsection
25 (a), the Administrator shall submit to the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives and the Committee on Commerce, Science,
3 and Transportation of the Senate a report on the imple-
4 mentation of the strategy and progress in meeting any
5 milestones and metrics included in the strategy.

6 (c) DEFINITIONS.—In this section, the following defi-
7 nitions apply:

8 (1) ODA HOLDER; ODA PROGRAM.—The terms
9 “ODA holder” and “ODA program” have the mean-
10 ings given those terms in section 44736 of title 49,
11 United States Code, as added by this Act.

12 (2) ORGANIZATION MANAGEMENT TEAM.—The
13 term “organization management team” means a
14 team consisting of FAA aviation safety engineers,
15 flight test pilots, and aviation safety inspectors over-
16 seeing an ODA holder and its certification activity.

17 **SEC. 342. WORKFORCE REVIEW.**

18 (a) WORKFORCE REVIEW.—Not later than 3 months
19 after the date of enactment of this Act, the Comptroller
20 General of the United States shall conduct a review to as-
21 sess the workforce and training needs of the FAA Office
22 of Aviation Safety in the anticipated budgetary environ-
23 ment.

24 (b) CONTENTS.—The review required under sub-
25 section (a) shall include—

1 (1) a review of current aviation safety inspector
2 and aviation safety engineer hiring, training, and re-
3 current training requirements;

4 (2) an analysis of the skills and qualifications
5 required of aviation safety inspectors and aviation
6 safety engineers for successful performance in the
7 current and future projected aviation safety regu-
8 latory environment, including the need for a systems
9 engineering discipline within the FAA to guide the
10 engineering of complex systems, with an emphasis
11 on auditing designated authorities;

12 (3) a review of current performance incentive
13 policies of the FAA, as applied to the Office of Avia-
14 tion Safety, including awards for performance;

15 (4) an analysis of ways the FAA can work with
16 industry and labor, including labor groups rep-
17 resenting FAA aviation safety inspectors and avia-
18 tion safety engineers, to establish knowledge-sharing
19 opportunities between the FAA and the aviation in-
20 dustry regarding new equipment and systems, best
21 practices, and other areas of interest; and

22 (5) recommendations on the most effective
23 qualifications, training programs (including e-learn-
24 ing training), and performance incentive approaches
25 to address the needs of the future projected aviation

1 safety regulatory system in the anticipated budg-
2 etary environment.

3 (c) REPORT.—Not later than 9 months after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives and the Com-
7 mittee on Commerce, Science, and Transportation of the
8 Senate a report on the results of the review required under
9 subsection (a).

10 **Subtitle E—International Aviation**

11 **SEC. 351. PROMOTION OF UNITED STATES AEROSPACE** 12 **STANDARDS, PRODUCTS, AND SERVICES** 13 **ABROAD.**

14 Section 40104 of title 49, United States Code, is
15 amended by adding at the end the following:

16 “(d) PROMOTION OF UNITED STATES AEROSPACE
17 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
18 Administrator shall take appropriate actions to—

19 “(1) promote United States aerospace safety
20 standards abroad;

21 “(2) facilitate and vigorously defend approvals
22 of United States aerospace products and services
23 abroad;

24 “(3) with respect to bilateral partners, utilize
25 bilateral safety agreements and other mechanisms to

1 improve validation of United States type certificated
2 aeronautical products and appliances and enhance
3 mutual acceptance in order to eliminate
4 redundancies and unnecessary costs; and

5 “(4) with respect to foreign safety authorities,
6 streamline validation and coordination processes.”.

7 **SEC. 352. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
8 **RESPONSIBILITIES.**

9 Section 44701(e) of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

12 “(A) ACCEPTANCE.—The Administrator
13 shall accept an airworthiness directive issued by
14 an aeronautical safety authority of a foreign
15 country, and leverage that authority’s regu-
16 latory process, if—

17 “(i) the country is the state of design
18 for the product that is the subject of the
19 airworthiness directive;

20 “(ii) the United States has a bilateral
21 safety agreement relating to aircraft cer-
22 tification with the country;

23 “(iii) as part of the bilateral safety
24 agreement with the country, the Adminis-
25 trator has determined that such aero-

1 nautical safety authority has a certification
2 system relating to safety that produces a
3 level of safety equivalent to the level pro-
4 duced by the system of the Federal Avia-
5 tion Administration; and

6 “(iv) the aeronautical safety authority
7 of the country utilizes an open and trans-
8 parent notice and comment process in the
9 issuance of airworthiness directives.

10 “(B) ALTERNATIVE APPROVAL PROCESS.—
11 Notwithstanding subparagraph (A), the Admin-
12 istrator may issue a Federal Aviation Adminis-
13 tration airworthiness directive instead of accept-
14 ing an airworthiness directive otherwise eligible
15 for acceptance under such subparagraph, if the
16 Administrator determines that such issuance is
17 necessary for safety or operational reasons due
18 to the complexity or unique features of the air-
19 worthiness directive or the United States avia-
20 tion system.

21 “(C) ALTERNATIVE MEANS OF COMPLI-
22 ANCE.—The Administrator may—

23 “(i) accept an alternative means of
24 compliance, with respect to an airworthi-
25 ness directive accepted under subpara-

1 graph (A), that was approved by the aero-
2 nautical safety authority of the foreign
3 country that issued the airworthiness di-
4 rective; or

5 “(ii) notwithstanding subparagraph
6 (A), and at the request of any person af-
7 fected by an airworthiness directive accept-
8 ed under such subparagraph, approve an
9 alternative means of compliance with re-
10 spect to the airworthiness directive.”.

11 **SEC. 353. FAA LEADERSHIP ABROAD.**

12 (a) IN GENERAL.—To promote United States aero-
13 space safety standards, reduce redundant regulatory activ-
14 ity, and facilitate acceptance of FAA design and produc-
15 tion approvals abroad, the Administrator of the FAA
16 shall—

17 (1) attain greater expertise in issues related to
18 dispute resolution, intellectual property, and export
19 control laws to better support FAA certification and
20 other aerospace regulatory activities abroad;

21 (2) work with United States companies to more
22 accurately track the amount of time it takes foreign
23 authorities, including bilateral partners, to validate
24 United States type certificated aeronautical prod-
25 ucts;

1 (3) provide assistance to United States compa-
2 nies who have experienced significantly long foreign
3 validation wait times;

4 (4) work with foreign authorities, including bi-
5 lateral partners, to collect and analyze data to deter-
6 mine the timeliness of the acceptance and validation
7 of FAA design and production approvals by foreign
8 authorities and the acceptance and validation of for-
9 eign-certified products by the FAA;

10 (5) establish appropriate benchmarks and
11 metrics to measure the success of bilateral aviation
12 safety agreements and to reduce the validation time
13 for United States type certificated aeronautical
14 products abroad; and

15 (6) work with foreign authorities, including bi-
16 lateral partners, to improve the timeliness of the ac-
17 ceptance and validation of FAA design and produc-
18 tion approvals by foreign authorities and the accept-
19 ance and validation of foreign-certified products by
20 the FAA.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Administrator of the FAA
23 shall submit to the Committee on Transportation and In-
24 frastructure of the House of Representatives and the Com-

1 mittee on Commerce, Science, and Transportation of the
2 Senate a report that—

3 (1) describes the FAA’s strategic plan for inter-
4 national engagement;

5 (2) describes the structure and responsibilities
6 of all FAA offices that have international respon-
7 sibilities, including the Aircraft Certification Office,
8 and all the activities conducted by those offices re-
9 lated to certification and production;

10 (3) describes current and forecasted staffing
11 and travel needs for the FAA’s international engage-
12 ment activities, including the needs of the Aircraft
13 Certification Office in the current and forecasted
14 budgetary environment;

15 (4) provides recommendations, if appropriate,
16 to improve the existing structure and personnel and
17 travel policies supporting the FAA’s international
18 engagement activities, including the activities of the
19 Aviation Certification Office, to better support the
20 growth of United States aerospace exports; and

21 (5) identifies regulatory initiatives or cost-effec-
22 tive legislative initiatives needed to improve and en-
23 hance the timely acceptance of United States aero-
24 space products abroad.

1 (c) INTERNATIONAL TRAVEL.—The Administrator of
2 the FAA, or the Administrator’s designee, may authorize
3 international travel for any FAA employee, without the
4 approval of any other person or entity, if the Adminis-
5 trator determines that the travel is necessary—

6 (1) to promote United States aerospace safety
7 standards; or

8 (2) to support expedited acceptance of FAA de-
9 sign and production approvals.

10 **SEC. 354. REGISTRATION, CERTIFICATION, AND RELATED**
11 **FEES.**

12 Section 45305 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a) by striking “Subject to
15 subsection (b)” and inserting “Subject to subsection
16 (c)”;

17 (2) by redesignating subsections (b) and (c) as
18 subsections (c) and (d), respectively; and

19 (3) by inserting after subsection (a) the fol-
20 lowing:

21 “(b) CERTIFICATION SERVICES.—Subject to sub-
22 section (c), and notwithstanding section 45301(a), the Ad-
23 ministrator may establish and collect a fee from a foreign
24 government or entity for services related to certification,
25 regardless of where the services are provided, if the fee—

1 “(1) is established and collected in a manner
2 consistent with aviation safety agreements; and

3 “(2) does not exceed the estimated costs of the
4 services.”.

5 **TITLE IV—SAFETY**

6 **Subtitle A—General Provisions**

7 **SEC. 401. DESIGNATED AGENCY SAFETY AND HEALTH OFFI-** 8 **CER.**

9 Section 106 of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(u) DESIGNATED AGENCY SAFETY AND HEALTH
12 OFFICER.—

13 “(1) IN GENERAL.—There shall be a Des-
14 ignated Agency Safety and Health Officer appointed
15 by the Administrator, not later than 180 days after
16 the date of enactment of this subsection, who shall
17 exclusively fulfill the duties prescribed in this sub-
18 section.

19 “(2) DUTIES.—The Designated Agency Safety
20 and Health Officer shall have responsibility and ac-
21 countability for—

22 “(A) auditing occupational safety and
23 health issues across the Administration;

24 “(B) overseeing Administration-wide com-
25 pliance with relevant Federal occupational safe-

1 ty and health statutes and regulations, national
2 industry and consensus standards, and Admin-
3 istration policies; and

4 “(C) encouraging a culture of occupational
5 safety and health to complement the Adminis-
6 tration’s existing safety culture.

7 “(3) REPORTING STRUCTURE.—The Designated
8 Agency Safety and Health Officer shall occupy a
9 full-time, senior executive position and shall report
10 directly to the Assistant Administrator for Human
11 Resource Management.

12 “(4) QUALIFICATIONS AND REMOVAL.—

13 “(A) QUALIFICATIONS.—The Designated
14 Agency Safety and Health Officer shall have
15 demonstrated ability and experience in the es-
16 tablishment and administration of comprehen-
17 sive occupational safety and health programs
18 and knowledge of relevant Federal occupational
19 safety and health statutes and regulations, na-
20 tional industry and consensus standards, and
21 Administration policies.

22 “(B) REMOVAL.—The Designated Agency
23 Safety and Health Officer shall serve at the
24 pleasure of the Administrator.”.

1 **SEC. 402. REPAIR STATIONS LOCATED OUTSIDE UNITED**
2 **STATES.**

3 (a) RISK-BASED OVERSIGHT.—Section 44733 of title
4 49, United States Code, is amended—

5 (1) by redesignating subsection (f) as sub-
6 section (g);

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) RISK-BASED OVERSIGHT.—

10 “(1) IN GENERAL.—Not later than 90 days
11 after the date of enactment of the [Aviation Innova-
12 tion, Reform, and Reauthorization Act of 2016], the
13 Administrator shall take measures to ensure that the
14 safety assessment system established under sub-
15 section (a)—

16 “(A) places particular consideration on in-
17 spections of part 145 repair stations located
18 outside the United States that conduct sched-
19 uled heavy maintenance work on part 121 air
20 carrier aircraft; and

21 “(B) accounts for the frequency and seri-
22 ousness of any corrective actions that part 121
23 air carriers must implement to aircraft fol-
24 lowing such work at such repair stations.

1 “(2) INTERNATIONAL AGREEMENTS.—The Ad-
2 ministrators shall take the measures required under
3 paragraph (1)—

4 “(A) in accordance with the United States
5 obligations under applicable international agree-
6 ments; and

7 “(B) in a manner consistent with the ap-
8 plicable laws of the country in which a repair
9 station is located.

10 “(3) ACCESS TO DATA.—The Administrator
11 may access and review such information or data in
12 the possession of a part 121 air carrier as the Ad-
13 ministrator may require in carrying out paragraph
14 (1)(B).”; and

15 (3) in subsection (g) (as so redesignated)—

16 (A) by redesignating paragraphs (1) and
17 (2) as paragraphs (2) and (3), respectively; and

18 (B) by inserting before paragraph (2) (as
19 so redesignated) the following:

20 “(1) HEAVY MAINTENANCE WORK.—The term
21 ‘heavy maintenance work’ means a C-check, a D-
22 check, or equivalent maintenance operation with re-
23 spect to the airframe of a transport-category air-
24 craft.”.

1 (b) ALCOHOL AND CONTROLLED SUBSTANCES TEST-
2 ING.—The Administrator of the Federal Aviation Admin-
3 istration shall ensure that—

4 (1) not later than 90 days after the date of en-
5 actment of this Act, a notice of proposed rulemaking
6 required pursuant to section 44733(d)(2) is pub-
7 lished in the Federal Register; and

8 (2) not later than 1 year after the date on
9 which the notice of proposed rulemaking is published
10 in the Federal Register, the rulemaking is finalized.

11 (c) BACKGROUND INVESTIGATIONS.—Not later than
12 180 days after the date of enactment of this Act, the Ad-
13 ministrator shall ensure that each employee of a repair
14 station certificated under part 145 of title 14, Code of
15 Federal Regulations, who performs a safety-sensitive func-
16 tion on an air carrier aircraft has undergone a pre-employ-
17 ment background investigation sufficient to determine
18 whether the individual presents a threat to aviation safety,
19 in a manner that is—

20 (1) determined acceptable by the Administrator;

21 (2) consistent with the applicable laws of the
22 country in which the repair station is located; and

23 (3) consistent with the United States obliga-
24 tions under international agreements.

1 **SEC. 403. ENHANCED TRAINING FOR FLIGHT ATTENDANTS.**

2 Section 44734(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (2) by striking “and” at the
5 end;

6 (2) in paragraph (3) by striking the period at
7 the end and inserting “; and”; and

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

9 “(4) recognizing and responding to potential
10 human trafficking victims.”.

11 **SEC. 404. FAA TECHNICAL TRAINING.**

12 (a) **E-LEARNING TRAINING PILOT PROGRAM.**—Not
13 later than 90 days after the date of enactment of this Act,
14 the Administrator of the Federal Aviation Administration,
15 in collaboration with the exclusive bargaining representa-
16 tives of covered FAA personnel, shall establish an e-learn-
17 ing training pilot program in accordance with the require-
18 ments of this section.

19 (b) **CURRICULUM.**—The pilot program shall—

20 (1) include a recurrent training curriculum for
21 covered FAA personnel to ensure that the personnel
22 receive instruction on the latest aviation tech-
23 nologies, processes, and procedures;

24 (2) focus on providing specialized technical
25 training for covered FAA personnel, as determined
26 necessary by the Administrator;

1 (3) include training courses on applicable regu-
2 lations of the Federal Aviation Administration; and

3 (4) consider the efficacy of instructor-led online
4 training.

5 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
6 gram shall terminate 1 year after the date of establish-
7 ment of the pilot program.

8 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
9 nation of the pilot program, the Administrator shall estab-
10 lish an e-learning training program that incorporates les-
11 sons learned for covered FAA personnel as a result of the
12 pilot program.

13 (e) DEFINITIONS.—In this section, the following defi-
14 nitions apply:

15 (1) COVERED FAA PERSONNEL.—The term
16 “covered FAA personnel” means airway transpor-
17 tation systems specialists and aviation safety inspec-
18 tors of the Federal Aviation Administration.

19 (2) E-LEARNING TRAINING.—The term “e-
20 learning training” means learning utilizing electronic
21 technologies to access educational curriculum outside
22 of a traditional classroom.

23 **SEC. 405. SAFETY CRITICAL STAFFING.**

24 (a) AUDIT BY DOT INSPECTOR GENERAL.—Not
25 later than 1 year after the date of enactment of this Act,

1 the Inspector General of the Department of Transpor-
2 tation shall conduct and complete an audit of the staffing
3 model used by the Federal Aviation Administration to de-
4 termine the number of aviation safety inspectors that are
5 needed to fulfill the mission of the Federal Aviation Ad-
6 ministration and adequately ensure aviation safety.

7 (b) CONTENTS.—The audit shall include, at a min-
8 imum—

9 (1) a review of the staffing model and an anal-
10 ysis of how consistently the staffing model is applied
11 throughout the Federal Aviation Administration’s
12 aviation safety line of business;

13 (2) a review of the assumptions and methods
14 used in devising and implementing the staffing
15 model to assess the adequacy of the staffing model
16 to predict the number of aviation safety inspectors
17 needed to properly fulfill the mission of the Federal
18 Aviation Administration and meet the future growth
19 of the aviation industry; and

20 (3) a determination on whether the current
21 staffing model takes into account the Federal Avia-
22 tion Administration’s authority to fully utilize des-
23 ignees.

24 (c) REPORT.—Not later than 30 days after the date
25 of completion of the audit, the Inspector General shall

1 submit to the Committee on Transportation and Infra-
2 structure of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate a report on the results of the audit.

5 **SEC. 406. DEADLINE FOR AIRLINE PILOT RECORDS DATA-**
6 **BASE.**

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 make available to air carriers the
10 records maintained in the pilot records database required
11 under section 44703(i) of title 49, United States Code.

12 **SEC. 407. INTERNATIONAL EFFORTS REGARDING TRACK-**
13 **ING OF CIVIL AIRCRAFT.**

14 The Administrator of the Federal Aviation Adminis-
15 tration shall exercise leadership on creating a global ap-
16 proach to improving aircraft tracking by working with—

17 (1) foreign counterparts of the Administrator in
18 the International Civil Aviation Organization and its
19 subsidiary organizations;

20 (2) other international organizations and fora;

21 and

22 (3) the private sector.

1 **SEC. 408. AIRCRAFT DATA ACCESS AND RETRIEVAL SYS-**
2 **TEMS.**

3 (a) **ASSESSMENT.**—Not later than 90 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall initiate an assess-
6 ment of aircraft data access and retrieval systems for part
7 121 air carrier aircraft that are used in extended
8 overwater operations to—

9 (1) determine if the systems provide improved
10 access and retrieval of aircraft data and cockpit
11 voice recordings in the event of an aircraft accident;
12 and

13 (2) assess the cost effectiveness of each system
14 assessed.

15 (b) **SYSTEMS TO BE EXAMINED.**—The systems to be
16 examined under this section shall include, at a minimum—

17 (1) automatic deployable flight recorders;
18 (2) enhanced emergency locator transmitters;
19 and

20 (3) satellite-based solutions.

21 (c) **REPORT.**—Not later than 1 year after the date
22 of initiation of the assessment, the Administrator shall
23 submit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the
26 Senate a report on the results of the assessment.

1 (d) PART 121 AIR CARRIER DEFINED.—In this sec-
2 tion, the term “part 121 air carrier” means an air carrier
3 that holds a certificate issued under part 121 of title 14,
4 Code of Federal Regulations.

5 **SEC. 409. PANEL OF AUTOMATION EXPERTS.**

6 (a) IN GENERAL.—Not later than 1 year after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall convene a panel of
9 experts to evaluate methods for training flight crews to
10 understand the functionality of automated systems in an
11 aircraft cockpit for flightpath management.

12 (b) MEMBERSHIP.—The members of the panel
13 shall—

14 (1) include representatives from labor, industry
15 stakeholders, and subject matter experts; and

16 (2) have expertise in human factors, training,
17 or flight operations.

18 (c) DUTIES.—The panel shall—

19 (1) identify which of the training methods eval-
20 uated by the panel are the most effective;

21 (2) make recommendations for the implementa-
22 tion of those methods, taking into consideration the
23 current and anticipated budgetary environment;

24 (3) evaluate appropriate requirements and
25 make recommendations for low-speed alerts for air-

1 craft operating under parts 121 and 129 of title 14,
2 Code of Federal Regulations; and

3 (4) evaluate the feasibility of context-dependent,
4 low-energy alerting systems for aircraft operating
5 under parts 121 and 129 of title 14, Code of Fed-
6 eral Regulations.

7 (d) REPORT.—The panel shall submit to the Admin-
8 istrator, the Committee on Transportation and Infrastruc-
9 ture of the House of Representatives, and the Committee
10 on Commerce, Science, and Transportation of the Senate
11 a report on the results of the evaluation conducted under
12 this section.

13 (e) SUNSET.—The panel shall terminate on the date
14 of submission of the report under subsection (d).

15 **SEC. 410. RISK-BASED COCKPIT SAFETY.**

16 (a) ASSESSMENT.—Not later than 90 days after the
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration shall complete an assess-
19 ment that—

20 (1) identifies risks posed to cockpits on com-
21 mercial passenger aircraft and evaluates current
22 standards and requirements in place regarding cock-
23 pit safety;

1 (2) determines the level of risk, if any, posed to
2 commercial aviation if a flight deck door is opened
3 while a commercial passenger aircraft is in flight;

4 (3) identifies methods, including (if appro-
5 priate) secondary cockpit barriers, to mitigate risks
6 to cockpits on commercial passenger aircraft, if any
7 risks are identified under paragraphs (1) and (2);
8 and

9 (4) recommends safety and airworthiness stand-
10 ards, as appropriate, for any mitigation method
11 identified under paragraph (3).

12 (b) REPORT.—Not later than 60 days after the date
13 of completing the assessment, the Administrator of the
14 Federal Aviation Administration shall submit to the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives and the Committee on Commerce,
17 Science, and Transportation of the Senate a report on the
18 assessment, including any findings and recommendations.

19 **SEC. 411. COCKPIT AUTOMATION MANAGEMENT.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Administrator of the Federal Aviation Ad-
22 ministration shall—

23 (1) develop a process to verify that air carrier
24 training programs incorporate measures to train pi-
25 lots on—

1 (A) monitoring automation systems; and

2 (B) controlling the flightpath of aircraft
3 without autopilot or autoflight systems engaged;

4 (2) develop metrics or measurable tasks that air
5 carriers can use to evaluate pilot monitoring pro-
6 ficiency;

7 (3) issue guidance to aviation safety inspectors
8 responsible for oversight of the operations of air car-
9 riers on tracking and assessing pilots' proficiency in
10 manual flight; and

11 (4) issue guidance to air carriers and inspectors
12 regarding standards for compliance with the require-
13 ments for enhanced pilot training contained in the
14 final rule published in the Federal Register on No-
15 vember 12, 2013 (78 Fed. Reg. 67800).

16 **SEC. 412. HEADS-UP DISPLAYS.**

17 (a) IN GENERAL.—Not later than 6 months after the
18 date of enactment of this Act, the Administrator of the
19 Federal Aviation Administration shall initiate a review of
20 heads-up display systems (in this section referred to as
21 “HUD systems”).

22 (b) CONTENTS.—The review shall—

23 (1) evaluate the impacts of single- and dual-in-
24 stalled HUD systems on the safety and efficiency of

1 aircraft operations within the national airspace sys-
2 tem; and

3 (2) review a sufficient quantity of commercial
4 aviation accidents or incidents in order to evaluate
5 if HUD systems would have produced a better out-
6 come in that accident or incident.

7 (c) CONSULTATION.—In conducting the review, the
8 Administrator shall consult with aviation manufacturers,
9 representatives of pilot groups, aviation safety organiza-
10 tions, and any government agencies the Administrator
11 considers appropriate.

12 (d) REPORT.—Not later than 1 year after the date
13 of enactment of this Act, the Administrator shall submit
14 to the Committee on Transportation and Infrastructure
15 of the House of Representatives and the Committee on
16 Commerce, Science, and Transportation of the Senate a
17 report containing the results of the review, the actions the
18 Administrator plans to take with respect to the systems
19 reviewed, and the associated timeline for such actions.

20 **SEC. 413. HIMS PROGRAM.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall conduct a human intervention motiva-
24 tion study (HIMS) program for flight crewmembers em-

1 ployed by commercial air carriers operating in United
2 States airspace.

3 **SEC. 414. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFE-**
4 **TY INFORMATION.**

5 (a) IN GENERAL.—There shall be a presumption that
6 an individual's voluntary disclosure of an operational or
7 maintenance issue related to aviation safety under an avia-
8 tion safety action program meets the criteria for accept-
9 ance as a valid disclosure under such program.

10 (b) DISCLAIMER REQUIRED.—Any dissemination of
11 a disclosure that was submitted and accepted under an
12 aviation safety action program pursuant to the presump-
13 tion under subsection (a), but that has not undergone re-
14 view by an event review committee, shall be accompanied
15 by a disclaimer stating that the disclosure—

16 (1) has not been reviewed by an event review
17 committee tasked with reviewing such disclosures;
18 and

19 (2) may subsequently be determined to be ineli-
20 gible for inclusion in the aviation safety action pro-
21 gram.

22 (c) REJECTION OF DISCLOSURE.—A disclosure de-
23 scribed under subsection (a) shall be rejected from an
24 aviation safety action program if, after a review of the dis-
25 closure, an event review committee tasked with reviewing

1 such disclosures determines that the disclosure fails to
2 meet the criteria for acceptance under such program.

3 (d) AVIATION SAFETY ACTION PROGRAM DE-
4 FINED.—In this section, the term “aviation safety action
5 program” means a program established in accordance with
6 Federal Aviation Administration Advisory Circular 120–
7 66B, issued November 15, 2002 (including any similar
8 successor advisory circular), to allow an individual to vol-
9 untarily disclose operational or maintenance issues related
10 to aviation safety.

11 **SEC. 415. MARKING OF TOWERS.**

12 (a) IN GENERAL.—Not later than 1 year after the
13 date of enactment of this Act, the Administrator of the
14 Federal Aviation Administration shall issue regulations for
15 the marking of covered towers.

16 (b) MARKINGS REQUIRED.—The regulations issued
17 under subsection (a) shall ensure that covered towers are
18 marked in a manner that is uniform, makes the covered
19 towers easily visible, and is consistent with applicable
20 guidance of the Administration.

21 (c) APPLICATION.—The regulations issued under
22 subsection (a) shall ensure that—

23 (1) all covered towers constructed on or after
24 the date on which such regulations take effect are
25 marked in accordance with subsection (b); and

1 (2) a covered tower constructed before the date
2 on which such regulations take effect is marked in
3 accordance with subsection (b) not later than 1 year
4 after such effective date.

5 (d) COVERED TOWER DEFINED.—

6 (1) IN GENERAL.—In this section, the term
7 “covered tower” means a structure that—

8 (A) is self-standing or supported by guy
9 wires and ground anchors;

10 (B) is 6 feet or less in diameter at the
11 base;

12 (C) at the highest point of the structure,
13 is at least 50 feet above ground level;

14 (D) at the highest point of the structure,
15 is not more than 200 feet above ground level;

16 (E) has accessory facilities on which an an-
17 tenna, sensor, camera, meteorological instru-
18 ment, or other equipment is mounted; and

19 (F) is located—

20 (i) outside the boundaries of an incor-
21 porated city or town; or

22 (ii) on land that is—

23 (I) underdeveloped; or

24 (II) used for agriculture pur-
25 poses.

1 (2) EXCLUSIONS.—The term “covered tower”
2 does not include any structure that—

3 (A) is adjacent to a house, barn, electric
4 utility substation, or any other building;

5 (B) is in the curtilage of a farmstead;

6 (C) supports electric utility transmission or
7 distribution lines;

8 (D) is a wind-powered electrical generator
9 with a rotor blade radius that exceeds 6 feet; or

10 (E) is a street light erected or maintained
11 by a Federal, State, or local transportation en-
12 tity.

13 (e) COVERED TOWER DATABASE.—The Adminis-
14 trator shall—

15 (1) develop a publicly available database that
16 contains the location and height of covered towers;

17 (2) keep the database current to the extent
18 practicable; and

19 (3) ensure that proprietary information in the
20 database is protected.

21 **SEC. 416. CABIN EVACUATION.**

22 (a) REVIEW.—The Administrator of the Federal
23 Aviation Administration shall review—

1 (1) evacuation certification of transport-cat-
2 egory aircraft used in air transportation, with regard
3 to—

4 (A) emergency conditions, including im-
5 pacts into water;

6 (B) crew procedures used for evacuations
7 under actual emergency conditions; and

8 (C) any relevant changes to passenger de-
9 mographics and legal requirements (including
10 the Americans with Disabilities Act of 1990)
11 that affect emergency evacuations; and

12 (2) recent accidents and incidents where pas-
13 sengers evacuated such aircraft.

14 (b) CONSULTATION; REVIEW OF DATA.—In con-
15 ducting the review, the Administrator shall—

16 (1) consult with the National Transportation
17 Safety Board, transport-category aircraft manufac-
18 turers, air carriers, and other relevant experts and
19 Federal agencies, including groups representing pas-
20 sengers, airline crewmembers, maintenance employ-
21 ees, and emergency responders; and

22 (2) review relevant data with respect to evacu-
23 ation certification of transport-category aircraft.

24 (c) REPORT TO CONGRESS.—Not later than 1 year
25 after the date of enactment of this Act, the Administrator

1 shall submit to the Committee on Transportation and In-
2 frastructure of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate a report on the results of the review and related
5 recommendations, if any, including any recommendations
6 for revisions to the assumptions and methods used for as-
7 sessing evacuation certification of transport-category air-
8 craft.

9 **SEC. 417. MEDICAL CERTIFICATION OF CERTAIN SMALL**
10 **AIRCRAFT PILOTS.**

11 (a) IN GENERAL.—Not later than 180 days after the
12 date of enactment of this Act, the Administrator of the
13 Federal Aviation Administration shall issue or revise med-
14 ical certificate regulations to ensure that an individual
15 may operate as pilot in command of a covered aircraft
16 without regard to any medical certificate or proof of health
17 requirement otherwise applicable under Federal law if—

18 (1) the individual possesses a valid driver's li-
19 cense issued by a State, the District of Columbia, or
20 a territory or possession of the United States and
21 complies with any medical requirement associated
22 with that license;

23 (2) the individual is transporting not more than
24 5 passengers;

1 (3) the individual is operating under visual
2 flight rules or instrument flight rules;

3 (4) the relevant flight, including each portion
4 thereof, is not carried out—

5 (A) for compensation or hire, including
6 that no passenger or property on the flight is
7 being carried for compensation;

8 (B) at an altitude that is more than
9 14,000 feet above mean sea level;

10 (C) outside the United States, unless au-
11 thorized by the country in which the flight is
12 conducted; or

13 (D) at an indicated air speed exceeding
14 250 knots; and

15 (5) the individual has completed a medical edu-
16 cation course in accordance with subsection (b).

17 (b) **MEDICAL EDUCATION COURSE.**—

18 (1) **IN GENERAL.**—To meet the requirement of
19 subsection (a)(5), an individual shall complete (and
20 demonstrate proof of completion of) a medical edu-
21 cation course during the 2-year period ending on the
22 date on which the individual operates as pilot in
23 command of a covered aircraft.

24 (2) **REQUIREMENTS.**—The medical education
25 course shall—

1 (A) be established and periodically updated
2 by the Administrator in coordination with rep-
3 resentatives of relevant not-for-profit general
4 aviation stakeholder groups;

5 (B) be available on the Internet free of
6 charge;

7 (C) educate pilots on conducting medical
8 self-assessments;

9 (D) advise pilots on identifying warning
10 signs of potential serious medical conditions;

11 (E) identify risk mitigation strategies for
12 medical conditions;

13 (F) increase awareness of the impacts of
14 potentially impairing over-the-counter and pre-
15 scription drug medications;

16 (G) encourage regular medical exams and
17 consultations with primary care physicians;

18 (H) inform pilots of the regulations per-
19 taining to the prohibition on operations during
20 medical deficiency; and

21 (I) include a signature page, that shall be
22 transmitted to the Administrator, for the indi-
23 vidual to certify that the individual has com-
24 pleted all necessary educational medical
25 coursework.

1 (3) EXCEPTIONS.—The requirement of sub-
2 section (a)(5) shall not apply to an individual who
3 exercises sport pilot privileges or acts as the pilot in
4 command of a glider or balloon.

5 (c) COVERED AIRCRAFT DEFINED.—In this section,
6 the term “covered aircraft” means an aircraft that—

7 (1) is not authorized under Federal law to carry
8 more than 6 occupants; and

9 (2) has a maximum certificated takeoff weight
10 of not more than 6,000 pounds.

11 (d) REPORT.—Not later than 5 years after the date
12 of enactment of this Act, the Administrator shall submit
13 to Congress a report that describes the effect of the regu-
14 lations issued or revised under subsection (a) and includes
15 statistics with respect to changes in small aircraft activity
16 and safety incidents.

17 (e) PROHIBITION ON ENFORCEMENT ACTIONS.—On
18 and after the date that is 180 days after the date of enact-
19 ment of this Act, the Administrator may not take an en-
20 forcement action for not holding a valid third-class med-
21 ical certificate against a pilot of a covered aircraft for a
22 flight if the pilot and the flight meet the requirements
23 under paragraphs (1) through (4) of subsection (a) unless
24 the Administrator has published final regulations in the
25 Federal Register under subsection (a).

1 **SEC. 418. ODA STAFFING AND OVERSIGHT.**

2 (a) REPORT TO CONGRESS.—Not later than May 31,
3 2017, the Administrator of the Federal Aviation Adminis-
4 tration shall report to the Committee on Transportation
5 and Infrastructure of the House of Representatives and
6 the Committee on Commerce, Science, and Transportation
7 of the Senate on the Administration’s progress with re-
8 spect to—

9 (1) determining what additional model inputs
10 and labor distribution codes are needed to identify
11 ODA oversight staffing needs;

12 (2) developing and implementing system-based
13 evaluation criteria and risk-based tools to aid ODA
14 team members in targeting their oversight activities;
15 and

16 (3) developing agreements and processes for
17 sharing resources to ensure adequate oversight of
18 ODA personnel performing certification and inspec-
19 tion work at supplier and company facilities.

20 (b) ODA DEFINED.—In this section, the term
21 “ODA” has the meaning given that term in section 44736
22 of title 49, United States Code, as added by this Act.

1 “(2) ARCTIC.—The term ‘Arctic’ means the
2 United States zone of the Chukchi Sea, Beaufort
3 Sea, and Bering Sea north of the Aleutian chain.

4 “(3) CERTIFICATE OF WAIVER; CERTIFICATE
5 OF AUTHORIZATION.—The terms ‘certificate of waiv-
6 er’ and ‘certificate of authorization’ mean a Federal
7 Aviation Administration grant of approval for a spe-
8 cific flight operation.

9 “(4) MODEL AIRCRAFT.—the term ‘model air-
10 craft’ means an unmanned aircraft that is—

11 “(A) capable of sustained flight in the at-
12 mosphere;

13 “(B) flown within visual line of sight of the
14 person operating the aircraft; and

15 “(C) flown for hobby or recreational pur-
16 poses.

17 “(5) PERMANENT AREAS.—The term ‘perma-
18 nent areas’ means areas on land or water that pro-
19 vide for launch, recovery, and operation of small un-
20 manned aircraft.

21 “(6) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
22 The term ‘public unmanned aircraft system’ means
23 an unmanned aircraft system that meets the quali-
24 fications and conditions required for operation of a
25 public aircraft (as defined in section 40102(a)).

1 tation, in consultation with representatives of the
2 aviation industry, Federal agencies that employ un-
3 manned aircraft systems technology in the national
4 airspace system, and the unmanned aircraft systems
5 industry, shall develop a comprehensive plan to safe-
6 ly accelerate the integration of civil unmanned air-
7 craft systems into the national airspace system.

8 “(2) CONTENTS OF PLAN.—The plan required
9 under paragraph (1) shall contain, at a minimum,
10 recommendations or projections on—

11 “(A) the rulemaking to be conducted under
12 subsection (b), with specific recommendations
13 on how the rulemaking will—

14 “(i) define the acceptable standards
15 for operation and certification of civil un-
16 manned aircraft systems;

17 “(ii) ensure that any civil unmanned
18 aircraft system includes a sense-and-avoid
19 capability; and

20 “(iii) establish standards and require-
21 ments for the operator and pilot of a civil
22 unmanned aircraft system, including
23 standards and requirements for registra-
24 tion and licensing;

1 “(B) the best methods to enhance the tech-
2 nologies and subsystems necessary to achieve
3 the safe and routine operation of civil un-
4 manned aircraft systems in the national air-
5 space system;

6 “(C) a phased-in approach to the integra-
7 tion of civil unmanned aircraft systems into the
8 national airspace system;

9 “(D) a timeline for the phased-in approach
10 described under subparagraph (C);

11 “(E) creation of a safe airspace designa-
12 tion for cooperative manned and unmanned
13 flight operations in the national airspace sys-
14 tem;

15 “(F) establishment of a process to develop
16 certification, flight standards, and air traffic re-
17 quirements for civil unmanned aircraft systems
18 at test ranges where such systems are subject
19 to testing;

20 “(G) the best methods to ensure the safe
21 operation of civil unmanned aircraft systems
22 and public unmanned aircraft systems simulta-
23 neously in the national airspace system; and

24 “(H) incorporation of the plan into the an-
25 nual NextGen Implementation Plan document

1 (or any successor document) of the Federal
2 Aviation Administration.

3 “(3) DEADLINE.—The plan required under
4 paragraph (1) shall provide for the safe integration
5 of civil unmanned aircraft systems into the national
6 airspace system as soon as practicable, but not later
7 than September 30, 2015.

8 “(4) REPORT TO CONGRESS.—Not later than
9 February 14, 2013, the Secretary shall submit to
10 Congress a copy of the plan required under para-
11 graph (1).

12 “(5) ROADMAP.—Not later than February 14,
13 2013, the Secretary shall approve and make avail-
14 able in print and on the Administration’s Internet
15 Web site a 5-year roadmap for the introduction of
16 civil unmanned aircraft systems into the national
17 airspace system, as coordinated by the Unmanned
18 Aircraft Program Office of the Administration. The
19 Secretary shall update the roadmap annually.

20 “(b) RULEMAKING.—Not later than 18 months after
21 the date on which the plan required under subsection
22 (a)(1) is submitted to Congress under subsection (a)(4),
23 the Secretary shall publish in the Federal Register—

24 “(1) a final rule on small unmanned aircraft
25 systems that will allow for civil operation of such

1 systems in the national airspace system, to the ex-
2 tent the systems do not meet the requirements for
3 expedited operational authorization under section
4 45506;

5 “(2) a notice of proposed rulemaking to imple-
6 ment the recommendations of the plan required
7 under subsection (a)(1), with the final rule to be
8 published not later than 16 months after the date of
9 publication of the notice; and

10 “(3) an update to the Administration’s most re-
11 cent policy statement on unmanned aircraft systems,
12 contained in Docket No. FAA–2006–25714.

13 “(c) EXPANDING USE OF UNMANNED AIRCRAFT
14 SYSTEMS IN ARCTIC.—

15 “(1) IN GENERAL.—Not later than August 12,
16 2012, the Secretary shall develop a plan and initiate
17 a process to work with relevant Federal agencies and
18 national and international communities to designate
19 permanent areas in the Arctic where small un-
20 manned aircraft may operate 24 hours per day for
21 research and commercial purposes. The plan for op-
22 erations in these permanent areas shall include the
23 development of processes to facilitate the safe oper-
24 ation of unmanned aircraft beyond line of sight.
25 Such areas shall enable over-water flights from the

1 surface to at least 2,000 feet in altitude, with in-
2 gress and egress routes from selected coastal launch
3 sites.

4 “(2) AGREEMENTS.—To implement the plan
5 under paragraph (1), the Secretary may enter into
6 an agreement with relevant national and inter-
7 national communities.

8 “(3) AIRCRAFT APPROVAL.—Not later than 1
9 year after the entry into force of an agreement nec-
10 essary to effectuate the purposes of this subsection,
11 the Secretary shall work with relevant national and
12 international communities to establish and imple-
13 ment a process, or may apply an applicable process
14 already established, for approving the use of un-
15 manned aircraft in the designated permanent areas
16 in the Arctic without regard to whether an un-
17 manned aircraft is used as a public aircraft, a civil
18 aircraft, or a model aircraft.

19 **“§ 45503. Risk-based permitting of unmanned aircraft**
20 **systems**

21 “(a) IN GENERAL.—Not later than 120 days after
22 the date of enactment of this section, the Administrator
23 of the Federal Aviation Administration shall establish pro-
24 cedures for issuing permits under this section with respect

1 to certain unmanned aircraft systems and operations
2 thereof.

3 “(b) PERMITTING STANDARDS.—Upon the submis-
4 sion of an application in accordance with subsection (d),
5 the Administrator shall issue a permit with respect to the
6 proposed operation of an unmanned aircraft system if the
7 Administrator determines that—

8 “(1) the unmanned aircraft system and the pro-
9 posed operation achieve a level of safety that is
10 equivalent to—

11 “(A) other unmanned aircraft systems and
12 operations permitted under regulation, exemp-
13 tion, or other authority granted by the Adminis-
14 trator; or

15 “(B) any other aircraft operation approved
16 by the Administrator with similar risk charac-
17 teristics or profiles; and

18 “(2) the applicant for the permit has adequate
19 liability insurance based on the criteria specified in
20 subsection (c).

21 “(c) SAFETY CRITERIA FOR CONSIDERATION.—In
22 determining whether a proposed operation meets the
23 standards described in subsection (b), the Administrator
24 shall consider the following safety criteria:

1 “(1) The kinetic energy of the unmanned air-
2 craft system.

3 “(2) The location of the proposed operation, in-
4 cluding the proximity to—

5 “(A) structures;

6 “(B) congested areas;

7 “(C) special-use airspace; and

8 “(D) persons on the ground.

9 “(3) The nature of the operation, including any
10 proposed risk mitigation.

11 “(4) Any known hazard of the proposed oper-
12 ation and the severity and likelihood of such hazard.

13 “(5) Any known failure modes of the unmanned
14 aircraft system, failure mode effects and criticality,
15 and any mitigating features or capabilities.

16 “(6) The operational history of relevant tech-
17 nologies, if available.

18 “(7) Any history of civil penalties or certificate
19 actions by the Administrator against the applicant
20 seeking the permit.

21 “(8) Any other safety criteria the Administrator
22 considers appropriate.

23 “(d) APPLICATION.—An application under this sec-
24 tion shall include evidence that the unmanned aircraft sys-
25 tem and the proposed operation thereof meet the stand-

1 ards described in subsection (b) based on the criteria de-
2 scribed in subsection (c).

3 “(e) SCOPE OF PERMIT.—A permit issued under this
4 section shall—

5 “(1) be valid for 5 years;

6 “(2) constitute approval of both the airworthi-
7 ness of the unmanned aircraft system and the pro-
8 posed operation of such system;

9 “(3) be renewable for additional 5-year periods;

10 and

11 “(4) contain any terms necessary to ensure
12 aviation safety.

13 “(f) NOTICE.—Not later than 120 days after the Ad-
14 ministrator receives a complete application under sub-
15 section (d), the Administrator shall provide the applicant
16 written notice of a decision to approve, disapprove, or re-
17 quest a modification of the application.

18 “(g) PERMITTING PROCESS.—The Administrator
19 shall issue a permit under this section without regard to
20 subsections (b) through (d) of section 553 of title 5 and
21 chapter 35 of title 44 if the Administrator determines that
22 the operation permitted will not occur near a congested
23 area.

24 “(h) EXEMPTION FROM CERTAIN REQUIREMENTS.—
25 To the extent consistent with aviation safety, the Adminis-

1 trator may exempt applicants under this section from
2 paragraphs (1) through (3) of section 44711(a).

3 “(i) WITHDRAWAL.—The Administrator may, at any
4 time, modify or withdraw a permit issued under this sec-
5 tion.

6 “(j) APPLICABILITY.—This section shall not apply to
7 small unmanned aircraft systems and operations ad-
8 dressed by the proposed rule on small unmanned aircraft
9 systems issued pursuant to section 45502(b)(1) or any
10 final rule based on such proposed rule.

11 “(k) EXPEDITED REVIEW.—The Administrator shall
12 review and act upon applications under this section on an
13 expedited basis for unmanned aircraft systems and oper-
14 ations thereof to be used primarily in, or primarily in di-
15 rect support of, emergency preparedness, response, or dis-
16 aster recovery.

17 **“§ 45504. Public unmanned aircraft systems**

18 “(a) GUIDANCE.—Not later than November 10,
19 2012, the Secretary of Transportation shall issue guidance
20 regarding the operation of public unmanned aircraft sys-
21 tems to—

22 “(1) expedite the issuance of a certificate of au-
23 thorization process;

24 “(2) provide for a collaborative process with
25 public agencies to allow for an incremental expan-

1 sion of access to the national airspace system as
2 technology matures and the necessary safety anal-
3 ysis and data become available, and until standards
4 are completed and technology issues are resolved;

5 “(3) facilitate the capability of public agencies
6 to develop and use test ranges, subject to operating
7 restrictions required by the Federal Aviation Admin-
8 istration, to test and operate unmanned aircraft sys-
9 tems; and

10 “(4) provide guidance on a public entity’s re-
11 sponsibility when operating an unmanned aircraft
12 without a civil airworthiness certificate issued by the
13 Administration.

14 “(b) STANDARDS FOR OPERATION AND CERTIFI-
15 CATION.—Not later than December 31, 2015, the Admin-
16 istrator shall develop and implement operational and cer-
17 tification requirements for the operation of public un-
18 manned aircraft systems in the national airspace system.

19 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
20 CIES.—

21 “(1) IN GENERAL.—Not later than May 14,
22 2012, the Secretary shall enter into agreements with
23 appropriate government agencies to simplify the
24 process for issuing certificates of waiver or author-
25 ization with respect to applications seeking author-

1 ization to operate public unmanned aircraft systems
2 in the national airspace system.

3 “(2) CONTENTS.—The agreements shall—

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

6 “(i) provide for an expedited review of
7 the application;

8 “(ii) require a decision by the Admin-
9 istrator on approval or disapproval within
10 60 business days of the date of submission
11 of the application; and

12 “(iii) allow for an expedited appeal if
13 the application is disapproved;

14 “(B) allow for a one-time approval of simi-
15 lar operations carried out during a fixed period
16 of time; and

17 “(C) allow a government public safety
18 agency to operate unmanned aircraft weighing
19 4.4 pounds or less, if operated—

20 “(i) within the line of sight of the op-
21 erator;

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

24 “(iii) during daylight conditions;

25 “(iv) within Class G airspace; and

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

5 **“§ 45505. Special rules for certain unmanned aircraft**
6 **systems**

7 “(a) IN GENERAL.—Notwithstanding any other re-
8 quirement of this subtitle, and not later than August 12,
9 2012, the Secretary of Transportation shall determine if
10 certain unmanned aircraft systems may operate safely in
11 the national airspace system before completion of the plan
12 and rulemaking required by section 45502 or the guidance
13 required under section 45504.

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

17 “(1) which types of unmanned aircraft systems,
18 if any, as a result of their size, weight, speed, oper-
19 ational capability, proximity to airports and popu-
20 lated areas, and operation within visual line of sight
21 do not create a hazard to users of the national air-
22 space system or the public or pose a threat to na-
23 tional security; and

24 “(2) whether a certificate of waiver, certificate
25 of authorization, or airworthiness certification under

1 section 44704 is required for the operation of un-
2 manned aircraft systems identified under paragraph
3 (1).

4 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
5 Secretary determines under this section that certain un-
6 manned aircraft systems may operate safely in the na-
7 tional airspace system, the Secretary shall establish re-
8 quirements for the safe operation of such aircraft systems
9 in the national airspace system.

10 **“§ 45506. Operation of small unmanned aircraft**

11 “(a) EXEMPTION AND CERTIFICATE OF WAIVER OR
12 AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later
13 than 270 days after the date of enactment of this section,
14 the Administrator of the Federal Aviation Administration
15 shall establish a procedure for granting an exemption and
16 issuing a certificate of waiver or authorization for the op-
17 eration of a small unmanned aircraft system in United
18 States airspace for **【the purposes described in section**
19 **45501(1)/aerial data collection】**.

【You can’t use the defined term?】

20 “(b) OPERATION OF EXEMPTION AND CERTIFICATE
21 OF WAIVER OR AUTHORIZATION.—

22 “(1) EXEMPTION.—An exemption granted
23 under this section shall—

1 “(A) exempt the operator of a small un-
2 manned aircraft from the provisions of title 14,
3 Code of Federal Regulations, that are exempted
4 in Exemption No. 11687, issued on May 26,
5 2015, Regulatory Docket Number FAA–2015–
6 0117, or in a subsequent exemption; and

7 “(B) contain conditions and limitations de-
8 scribed in paragraphs 3 through 31 of such Ex-
9 emption No. 11687, or conditions and limita-
10 tions of a subsequent exemption.

11 “(2) CERTIFICATE OF WAIVER OR AUTHORIZA-
12 TION.—A certificate of waiver or authorization
13 issued under this section shall allow the operation of
14 small unmanned aircraft according to—

15 “(A) the standard provisions and air traf-
16 fic control special provisions of the certificate of
17 waiver or authorization FAA Form 7711–1 (7–
18 74); or

19 “(B) the standard and special provisions of
20 a subsequent certificate of waiver or authoriza-
21 tion.

22 “(c) NOTICE TO ADMINISTRATOR.—Before operating
23 a small unmanned aircraft pursuant to a certificate of
24 waiver or authorization granted under this section, the op-
25 erator shall provide written notice to the Administrator,

1 in a form and manner specified by the Administrator, that
2 contains such information and assurances as the Adminis-
3 trator determines necessary in the interest of aviation
4 safety and the efficiency of the national airspace system,
5 including a certification that the operator has read, under-
6 stands, and will comply with all terms, conditions, and lim-
7 itations of the certificate of waiver or authorization.

8 “(d) WAIVER OF AIRWORTHINESS CERTIFICATE.—
9 Notwithstanding section 44711(a)(1), the holder of a cer-
10 tificate of waiver or authorization granted under this sec-
11 tion may operate a small unmanned aircraft under the
12 terms, conditions, and limitations of such certificate with-
13 out an airworthiness certificate.

14 “(e) PROCEDURE.—The granting of an exemption or
15 the issuance of a certificate of waiver or authorization, or
16 any other action authorized by this section, shall be made
17 without regard to—

18 “(1) section 553 of title 5; or

19 “(2) chapter 35 of title 44.

20 “(f) STATUTORY CONSTRUCTION.—Nothing in this
21 section may be construed to—

22 “(1) affect the issuance of a rule by or any
23 other activity of the Secretary of Transportation or
24 the Administrator under any other provision of law;
25 or

1 “(2) invalidate an exemption or certificate of
2 waiver or authorization issued by the Administrator
3 before the date of enactment of this section.

4 “(g) EFFECTIVE PERIODS.—An exemption or certifi-
5 cate of waiver or authorization issued under this section,
6 or an amendment of such exemption or certificate, shall
7 cease to be valid on the effective date of a final rule on
8 small unmanned aircraft systems issued under section
9 45502(b)(1).

10 “(h) APPLICABILITY.—

11 “(1) DEFAULT.—The requirements of this sec-
12 tion shall apply beginning on the date that is 270
13 days after the date of enactment of this Act unless
14 the Administrator issues, before such date, a final
15 rule based on the notice of proposed rulemaking
16 issued on February 23, 2015, entitled ‘Operation
17 and Certification of Small Unmanned Aircraft Sys-
18 tems’ (80 Fed. Reg. 9543).

19 “(2) EXPIRATION.—The requirements of this
20 section shall not be effective beginning on the date
21 on which the Administrator issues a final rule based
22 on the notice of proposed rulemaking issued on Feb-
23 ruary 23, 2015, entitled ‘Operation and Certification
24 of Small Unmanned Aircraft Systems’ (80 Fed. Reg.
25 9543).

1 **“§ 45507. Special rules for model aircraft**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law relating to the incorporation of unmanned
4 aircraft systems into Federal Aviation Administration
5 plans and policies, including this subtitle, the Adminis-
6 trator of the Federal Aviation Administration may not
7 promulgate any rule or regulation regarding a model air-
8 craft, or an aircraft being developed as a model aircraft,
9 if—

10 “(1) the aircraft is flown strictly for hobby or
11 recreational use;

12 “(2) the aircraft is operated in accordance with
13 a community-based set of safety guidelines and with-
14 in the programming of a community-based organiza-
15 tion;

16 “(3) the aircraft is limited to not more than 55
17 pounds unless otherwise certified through a design,
18 construction, inspection, flight test, and operational
19 safety program administered by a community-based
20 organization;

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

24 “(5) when flown within 5 miles of an airport,
25 the operator of the aircraft provides the airport op-
26 erator and the airport air traffic control tower (when

1 an air traffic facility is located at the airport) with
2 prior notice of the operation (model aircraft opera-
3 tors flying from a permanent location within 5 miles
4 of an airport should establish a mutually agreed
5 upon operating procedure with the airport operator
6 and the airport air traffic control tower (when an air
7 traffic facility is located at the airport)).

8 “(b) COMMERCIAL OPERATION FOR INSTRUCTIONAL
9 OR EDUCATIONAL PURPOSES.—A flight of an unmanned
10 aircraft shall be treated as a flight of a model aircraft
11 for purposes of subsection (a) (regardless of any com-
12 pensation, reimbursement, or other consideration ex-
13 changed or incidental economic benefit gained in the
14 course of planning, operating, or supervising the flight),
15 if the flight is—

16 “(1) conducted for instructional or educational
17 purposes; and

18 “(2) operated or supervised by an eligible not-
19 for-profit organization.

20 “(c) STATUTORY CONSTRUCTION.—Nothing in this
21 section may be construed to limit the authority of the Ad-
22 ministrator to pursue enforcement action against persons
23 operating model aircraft who endanger the safety of the
24 national airspace system.

1 “(d) ELIGIBLE NOT-FOR-PROFIT ORGANIZATION
2 DEFINED.—In this section, the term ‘eligible not-for-prof-
3 it organization’ means an entity that—

4 “(1) is described in section 501(c)(3) of the In-
5 ternal Revenue Code of 1986;

6 “(2) is exempt from tax under section 501(a) of
7 the Internal Revenue Code of 1986;

8 “(3) the mission of which is demonstrably the
9 furtherance of model aviation;

10 “(4) provides a comprehensive set of safety
11 guidelines for all aspects of model aviation address-
12 ing the assembly and operation of model aircraft and
13 that emphasize safe aeromodeling operations within
14 the national airspace system and the protection and
15 safety of individuals and property on the ground;

16 “(5) provides programming and support for any
17 local charter organizations, affiliates, or clubs; and

18 “(6) provides assistance and support in the de-
19 velopment and operation of locally designated model
20 aircraft flying sites.

21 **“§ 45508. Safety information for operation of covered**
22 **unmanned aircraft**

23 “Beginning not later than 120 days after the date
24 of enactment of this section, the Administrator of the Fed-
25 eral Aviation Administration shall make available to the

1 public, through electronic or other suitable means, infor-
2 mation developed jointly by the Federal Aviation Adminis-
3 tration and appropriate non-governmental organizations
4 relating to the safe operation of unmanned aircraft in
5 United States airspace that includes—

6 “(1) notice of the existence of airspace bound-
7 aries, designated navigational routes, and navigable
8 airspace;

9 “(2) the requirements for entry into and oper-
10 ation within class A, B, C, D, and E airspace, as de-
11 fined in subparts A through E of part 71 of title 14,
12 Code of Federal Regulations (or any successor provi-
13 sions);

14 “(3) notice of the existence and a description of
15 Federal aviation regulations applicable to the flight
16 of unmanned aircraft, including regulations prohib-
17 iting careless and reckless operation and operation
18 of unairworthy aircraft in part 91 of such title (or
19 any successor provisions);

20 “(4) notice of sources of aeronautical informa-
21 tion and applicable regulations, including publicly
22 available resources for determining the locations of
23 airports, designated navigational routes, and con-
24 trolled airspace;

1 “(5) notice of criminal and civil penalties that
2 may result from unlawful operation of unmanned
3 aircraft; and

4 “(6) examples of the hazards associated with
5 the operation of an unmanned aircraft—

6 “(A) in a careless or reckless manner;

7 “(B) in an unairworthy condition; and

8 “(C) in proximity to other aircraft.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) REPEALS.—

11 (A) IN GENERAL.—Sections 332(a),
12 332(b), 332(d), 333, 334, and 336 of the FAA
13 Modernization and Reform Act of 2012 (49
14 U.S.C. 40101 note) are repealed.

15 (B) CLERICAL AMENDMENT.—The items
16 relating to sections 333, 334, and 336 of the
17 FAA Modernization and Reform Act of 2012
18 (49 U.S.C. 40101 note) in the table of contents
19 contained in section 1(b) of that Act are re-
20 pealed.

21 (2) PENALTIES.—Section 46301 of title 49,
22 United States Code, is amended—

23 (A) in subsection (a)—

24 (i) in paragraph (1)(A) by inserting

25 “chapter 455,” after “chapter 451,”; and

1 (ii) in paragraph (5)(A)(i) by striking
2 “or chapter 451,” and inserting “chapter
3 451, chapter 455,”;

4 (B) in subsection (d)(2) by inserting
5 “chapter 455,” after “chapter 451,”; and

6 (C) in subsection (f)(1)(A)(i) by striking
7 “or chapter 451” and inserting “chapter 451,
8 or chapter 455”.

9 (3) CLERICAL AMENDMENT.—The analysis for
10 subtitle VII of title 49, United States Code, is
11 amended by inserting after the item relating to
12 chapter 453 the following:

“455. Unmanned aircraft systems45501”.

13 **SEC. 433. UNMANNED AIRCRAFT TEST RANGES.**

14 (a) EXTENSION OF PROGRAM.—Section 332(c)(1) of
15 the FAA Modernization and Reform Act of 2012 (49
16 U.S.C. 40101 note) is amended by striking “5 years after
17 the date of enactment of this Act” and inserting “5 years
18 after the date of enactment of the [Aviation Innovation,
19 Reform, and Reauthorization Act of 2016]”.

20 (b) SENSE-AND-AVOID TECHNOLOGIES AT TEST
21 RANGES.—

22 (1) IN GENERAL.—To the extent consistent
23 with aviation safety, the Administrator of the Fed-
24 eral Aviation Administration shall permit flights of
25 unmanned aircraft systems equipped with sense-and-

1 avoid technologies at the 6 test ranges designated
2 under section 332(c) of the FAA Modernization and
3 Reform Act of 2012.

4 (2) WAIVERS.—In carrying out paragraph (1),
5 the Administrator may waive the requirements of
6 section 44711 of title 49, United States Code, in-
7 cluding related regulations, to the extent consistent
8 with aviation safety.

9 (c) PROVISIONAL CIVIL OPERATION OF SMALL UN-
10 MANNED AIRCRAFT SYSTEMS AT TEST RANGES.—

11 (1) IN GENERAL.—In carrying out the program
12 established under section 332(c) of the FAA Mod-
13 ernization and Reform Act of 2012, and subject to
14 the requirements of paragraph (2), the Secretary
15 shall allow civil operation of small unmanned air-
16 craft systems at the 6 test ranges designated pursu-
17 ant to that section.

18 (2) REQUIREMENTS.—The Secretary shall pro-
19 vide that—

20 (A) operations of small unmanned aircraft
21 systems occur exclusively within airspace des-
22 ignated in an applicable certificate of authoriza-
23 tion or waiver; and

24 (B) notwithstanding section 44711 of title
25 49, United States Code, operations are con-

1 (1) UNMANNED AIRCRAFT SYSTEMS INTEGRA-
2 TION OFFICE.—There is in the Federal Aviation Ad-
3 ministration an Unmanned Aircraft Systems Inte-
4 gration Office (in this section referred to as the “Of-
5 fice”).

6 (2) CHIEF UNMANNED AIRCRAFT SYSTEMS IN-
7 TEGRATION OFFICER.—

8 (A) DESIGNATION.—Not later than 30
9 days after the date of enactment of this Act,
10 the Administrator of the Federal Aviation Ad-
11 ministration shall designate an individual to
12 serve as the head of the Office, to be known as
13 the Chief Unmanned Aircraft Systems Integra-
14 tion Officer.

15 (B) DUTIES; REPORTING.—The Chief Un-
16 manned Aircraft Systems Integration Officer
17 shall—

18 (i) report directly to the Associate Ad-
19 ministrator for Aviation Safety (or a suc-
20 cessor position);

21 (ii) have the duties and functions of
22 the position of the Director of the UAS In-
23 tegration Office, as of the date of enact-
24 ment of this section; and

1 (iii) optimize intra-agency efforts to
2 establish a sound technical and safety
3 methodology for the integration of un-
4 manned aircraft systems into the national
5 airspace system.

6 (b) INTERAGENCY LEADERSHIP.—

7 (1) DIRECTOR OF UAS EXTERNAL AFFAIRS.—

8 Not later than 30 days after the date of enactment
9 of this Act, the Administrator shall designate an in-
10 dividual to serve as the head of interagency efforts
11 on unmanned aircraft systems integration for the
12 Administration, to be known as the Director of UAS
13 External Affairs.

14 (2) DUTIES; REPORTING.—The individual des-
15 ignated under paragraph (1) shall—

16 (A) report directly to the Deputy Adminis-
17 trator;

18 (B) have the duties and functions of the
19 position of Senior Advisor on UAS Integration,
20 as of the date of enactment of this section; and

21 (C) focus on external outreach, education,
22 and interagency initiatives consistent with the
23 Administration's management of unmanned air-
24 craft systems integration efforts.

1 (c) STAFFING.—The Administrator shall designate a
2 sufficient number of safety inspectors to focus on the safe-
3 ty oversight of unmanned aircraft systems into the na-
4 tional airspace system, taking into consideration the cur-
5 rent and anticipated—

6 (1) budgetary environment; and

7 (2) volume of unmanned aircraft system oper-
8 ations.

9 **SEC. 435. SENSE OF CONGRESS REGARDING UNMANNED**
10 **AIRCRAFT SAFETY.**

11 It is the sense of Congress that—

12 (1) the unauthorized operation of unmanned
13 aircraft near airports presents a serious hazard to
14 aviation safety;

15 (2) with increasing regularity, pilots are report-
16 ing near misses with unmanned aircraft at low alti-
17 tudes during critical phases of flight, either on final
18 approach or shortly after takeoff;

19 (3) a collision between an unmanned aircraft
20 and a conventional aircraft in flight could jeopardize
21 the safety of persons aboard aircraft and on the
22 ground;

23 (4) Federal aviation regulations, including sec-
24 tions 91.126 through 91.131 of title 14, Code of

1 Federal Regulations, prohibit unauthorized operation
2 of an aircraft in controlled airspace near an airport;

3 (5) Federal aviation regulations, including sec-
4 tion 91.13 of title 14, Code of Federal Regulations,
5 prohibit the operation of an aircraft in a careless or
6 reckless manner so as to endanger the life or prop-
7 erty of another;

8 (6) the Administrator of the Federal Aviation
9 Administration should pursue all available civil and
10 administrative remedies available to the Adminis-
11 trator, including referrals to other government agen-
12 cies for criminal investigations, with respect to per-
13 sons who operate unmanned aircraft in an unauthor-
14 ized manner;

15 (7) the Administrator should place particular
16 priority on continuing measures, including partner-
17 ships with nongovernmental organizations, to edu-
18 cate the public about the dangers to the public safe-
19 ty of operating unmanned aircraft near airports
20 without the appropriate approvals or authorizations;
21 and

22 (8) manufacturers and retail sellers of small
23 unmanned aircraft systems should take steps to edu-
24 cate consumers about the safe and lawful operation
25 of such systems.

1 **SEC. 436. UAS PRIVACY REVIEW.**

2 (a) REVIEW.—The Secretary of Transportation, in
3 consultation with the heads of appropriate Federal agen-
4 cies, appropriate State and local officials, and subject-mat-
5 ter experts and in consideration of relevant efforts led by
6 the National Telecommunications and Information Ad-
7 ministration, shall carry out a review to identify any po-
8 tential reduction of privacy specifically caused by integra-
9 tion of unmanned aircraft systems into the national air-
10 space system.

11 (b) CONSULTATION.—In carrying out the review, the
12 Secretary shall consult with the National Telecommuni-
13 cations and Information Administration of the Depart-
14 ment of Commerce on its ongoing efforts responsive to the
15 presidential memorandum titled “Promoting Economic
16 Competitiveness While Safeguarding Privacy, Civil Rights,
17 and Civil Liberties in Domestic Use of Unmanned Aircraft
18 Systems” and dated February 15, 2015.

19 (c) REPORT.—Not later than 180 days after the date
20 of enactment of this Act, the Secretary shall submit to
21 the Committee on Transportation and Infrastructure of
22 the House of Representatives and the Committee on Com-
23 merce, Science, and Transportation of the Senate a report
24 on the results of the review required under subsection (a).

1 **SEC. 437. PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-**
2 **MENTS.**

3 (a) PUBLIC UAS OPERATIONS BY TRIBAL GOVERN-
4 MENTS.—Section 40102(a)(41) of title 49, United States
5 Code, is amended by adding at the end the following:

6 “(F) An unmanned aircraft that is owned
7 and operated by, or exclusively leased for at
8 least 90 continuous days by, an Indian tribal
9 government, as defined in section 102 of the
10 Robert T. Stafford Disaster Relief and Emer-
11 gency Assistance Act (42 U.S.C. 5122), except
12 as provided in section 40125(b).”.

13 (b) CONFORMING AMENDMENT.—Section 40125(b)
14 of title 49, United States Code, is amended by striking
15 “or (D)” and inserting “(D), or (F)”.

16 **SEC. 438. FACILITATING UNMANNED AIRCRAFT AUTHOR-**
17 **IZATION IN SUPPORT OF FIREFIGHTING OP-**
18 **ERATIONS.**

19 The Administrator of the Federal Aviation Adminis-
20 tration shall enter into agreements with the Secretary of
21 the Interior and the Secretary of Agriculture as necessary
22 to continue the expeditious authorization of safe un-
23 manned aircraft system operations in support of fire-
24 fighting operations consistent with the requirements of
25 section 45504(c) of title 49, United States Code.

1 **SEC. 439. LOW ALTITUDE UNMANNED AIRCRAFT SYSTEM**
2 **TRAFFIC MANAGEMENT.**

3 (a) ESTABLISHMENT OF ADVISORY COMMITTEE.—
4 Not later than 90 days after the date of enactment of this
5 Act, the Administrator of the Federal Aviation Adminis-
6 tration shall establish an advisory committee comprised of
7 government representatives and appropriate industry rep-
8 resentatives to—

9 (1) assess the necessity, feasibility, and benefits
10 of establishing an unmanned aircraft traffic manage-
11 ment system for airspace between the surface and
12 400 feet above ground level;

13 (2) develop recommendations for government
14 oversight of [such systems/such a system]; and

[Make the reference to “system” in paragraph (1)
plural?]

15 (3) address any other issues the advisory panel
16 considers necessary and appropriate.

17 (b) REPORT.—Not later than 1 year after the estab-
18 lishment of the advisory committee under subsection (a),
19 the Administrator shall submit to the Committee on
20 Transportation and Infrastructure of the House of Rep-
21 resentatives and the Committee on Commerce, Science,
22 and Transportation of the Senate a report on the findings
23 of the advisory committee.

1 (c) SUNSET.—The advisory committee shall termi-
2 nate upon transmission of the report pursuant to sub-
3 section (b).

4 **SEC. 440. UAS DETECTION TECHNOLOGY PILOT PROGRAM.**

5 (a) ESTABLISHMENT.—Not later than 180 days after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall establish a pilot program to deploy and
8 evaluate the effectiveness of unmanned aircraft systems
9 detection technology in maintaining the safety of air com-
10 merce and navigable airspace in light of aviation safety
11 hazards posed by unauthorized operations of unmanned
12 aircraft in proximity to airports.

13 (b) PARTICIPATING AIRPORTS.—The Secretary shall
14 select not fewer than 3 airports in the United States with
15 scheduled commercial air service that the Secretary deter-
16 mines to be suitable locations for participation in the pilot
17 program.

18 (c) DETECTION TECHNOLOGY CAPABILITIES.—In
19 carrying out the pilot program under subsection (a), the
20 Secretary may utilize unmanned aircraft systems detection
21 technology to—

- 22 (1) detect, locate, and track unmanned aircraft;
23 (2) detect, locate, and track operators of un-
24 manned aircraft; and

1 (3) mitigate an unauthorized unmanned aircraft
2 from any airspace in which it may pose an aviation
3 safety risk.

4 (d) LIMITATION.—The Secretary shall ensure that
5 the unmanned aircraft systems detection technology used
6 in carrying out the pilot program does not interfere with
7 or harm airport operations, essential navigation systems,
8 wireless communications, or the general public.

9 (e) REPORT.—

10 (1) IN GENERAL.—Not later than 18 months
11 after the date of enactment of this Act, the Sec-
12 retary shall submit to the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives and the Committee on Commerce, Science,
15 and Transportation of the Senate a report on the re-
16 sults of the pilot program established under sub-
17 section (a).

18 (2) CONTENTS.—The report submitted under
19 paragraph (1) shall include the following:

20 (A) The number of unauthorized un-
21 manned aircraft operations detected at each
22 participating airport.

23 (B) The number of instances in which un-
24 authorized unmanned aircraft are mitigated
25 pursuant to subsection (c)(3).

1 (C) The number of enforcement cases
2 brought by the Federal Aviation Administration
3 for unauthorized operation of unmanned air-
4 craft detected through the pilot program.

5 (D) The number and description of any
6 technical failures in the pilot program.

7 (E) Recommendations for safety and oper-
8 ational standards for unmanned aircraft sys-
9 tems detection technology.

10 (F) The feasibility of deployment of the
11 technology at other airports.

12 (3) **FORMAT.**—To the extent practicable, the re-
13 port prepared under paragraph (1) shall be sub-
14 mitted in an unclassified format. If necessary, the
15 report may include a classified annex.

16 (f) **UNMANNED AIRCRAFT SYSTEMS DETECTION**
17 **TECHNOLOGY DEFINED.**—In this section, the term “un-
18 manned aircraft systems detection technology” means a
19 system that can carry out the activities described in sub-
20 section (c).

21 (g) **SUNSET.**—The pilot program established under
22 subsection (a) shall cease to be effective on the earlier of—

23 (1) the date that is 18 months after the date
24 of enactment of this Act; and

1 (2) the date of the submission of the report
2 under subsection (e).

3 **SEC. 441. EVALUATION OF AIRCRAFT REGISTRATION FOR**
4 **SMALL UNMANNED AIRCRAFT.**

5 (a) METRICS.—Beginning not later than 180 days
6 after the date of enactment of this Act, the Administrator
7 of the Federal Aviation Administration shall develop and
8 track metrics to assess compliance with and effectiveness
9 of the registration of small unmanned aircraft systems by
10 the Federal Aviation Administration pursuant to the in-
11 terim final rule issued on December 16, 2015, entitled
12 “Registration and Marking Requirements for Small Un-
13 manned Aircraft” (80 Fed. Reg. 78593) and any subse-
14 quent final rule, including metrics with respect to—

15 (1) the levels of compliance with the interim
16 final rule and any subsequent final rule;

17 (2) the number of enforcement actions taken by
18 the Administration for violations of or noncompli-
19 ance with the interim final rule and any subsequent
20 final rule; and

21 (3) the effect of the interim final rule and any
22 subsequent final rule on compliance with any fees
23 associated with the use of small unmanned aircraft
24 systems.

1 (b) EVALUATION.—~~【Not later than 1 year after the~~
2 date of enactment of this Act,~~/strike? (see subsection (c))】~~
3 the Inspector General of the Department of Transpor-
4 tation shall evaluate—

5 (1) the Administration’s progress in developing
6 and tracking the metrics set forth in subsection (a);
7 and

8 (2) the reliability, effectiveness, and efficiency
9 of the Administration’s registration program for
10 small unmanned aircraft.

11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Inspector General of the De-
13 partment of Transportation shall submit to the Committee
14 on Transportation and Infrastructure of the House of
15 Representatives and the Committee on Commerce,
16 Science, and Transportation of the Senate a report con-
17 taining—

18 (1) the results of the evaluation required under
19 subsection (b); and

20 (2) recommendations to the Administrator and
21 Congress for improvements to the registration proc-
22 ess for small unmanned aircraft.

1 **TITLE V—AIR SERVICE**
2 **IMPROVEMENTS**
3 **Subtitle A—Passenger Air Service**
4 **Improvements**

5 **SEC. 501. FAMILIES TRAVELING TOGETHER.**

6 Section 41712 of title 49, United States Code, is
7 amended by adding at the end the following:

8 “(d) FAMILIES TRAVELING TOGETHER.—

9 “(1) IN GENERAL.—It shall be an unfair or de-
10 ceptive practice under subsection (a) for any ticket
11 agent, air carrier, foreign air carrier, or other person
12 offering to sell tickets for air transportation to fail
13 to disclose, whether verbally in oral communication
14 or in writing in written or electronic communication,
15 prior to an individual’s purchase of more than 1
16 ticket for a covered flight, the notification in para-
17 graph (2), if such purchase includes a ticket for a
18 child.

19 “(2) NOTIFICATION.—The notification required
20 under paragraph (1) shall include the following
21 statement: ‘It is not possible to assign 2 or more
22 seats together on at least 1 of the flights you have
23 selected. Please be advised that you may not be able
24 to sit next to other members of your travel party,
25 even if you are traveling with a child.’.

1 “(1) to prohibit an individual on an aircraft
2 from engaging in voice communications using a mo-
3 bile communications device during a flight of that
4 aircraft in scheduled passenger interstate or intra-
5 state air transportation; and

6 “(2) that exempt from the prohibition described
7 in paragraph (1) any—

8 “(A) member of the flight crew on duty on
9 an aircraft;

10 “(B) flight attendant on duty on an air-
11 craft; and

12 “(C) Federal law enforcement officer act-
13 ing in an official capacity.

14 “(b) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) FLIGHT.—The term ‘flight’ means, with
17 respect to an aircraft, the period beginning when the
18 aircraft takes off and ending when the aircraft
19 lands.

20 “(2) MOBILE COMMUNICATIONS DEVICE.—

21 “(A) IN GENERAL.—The term ‘mobile
22 communications device’ means any portable
23 wireless telecommunications equipment utilized
24 for the transmission or reception of voice data.

1 “(B) LIMITATION.—The term ‘mobile com-
2 munications device’ does not include a phone in-
3 stalled on an aircraft.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 417 of title 49, United States Code, is amended by
6 inserting after the item relating to section 41724 the fol-
7 lowing:

 “41725. Prohibition on certain cell phone voice communications.”.

8 **SEC. 503. AVAILABILITY OF CONSUMER RIGHTS INFORMA-**
9 **TION.**

10 Section 42302(b) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (2) by striking “and” at the
13 end;

14 (2) in paragraph (3) by striking the period at
15 the end and inserting “; and”; and

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

17 “(4) the air carrier’s customer service plan.”.

18 **SEC. 504. CONSUMER COMPLAINTS HOTLINE.**

19 Section 42302 of title 49, United States Code, is
20 amended by adding at the end the following:

21 “(d) USE OF NEW TECHNOLOGIES.—The Secretary
22 shall periodically evaluate the benefits of using mobile
23 phone applications or other widely-used technologies to
24 provide new means for air passengers to communicate
25 complaints in addition to the telephone number estab-

1 lished under subsection (a) and shall provide such new
2 means as the Secretary determines appropriate.”.

3 **SEC. 505. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

4 Section 42303(b) of title 49, United States Code, is
5 amended to read as follows:

6 “(b) **REQUIRED DISCLOSURES.**—An air carrier, for-
7 eign air carrier, or ticket agent selling, in the United
8 States, a ticket for a flight in foreign air transportation
9 to a country listed on the Internet Web site established
10 under subsection (a) shall—

11 “(1) disclose, on its own Internet Web site or
12 through other means, that the destination country
13 may require the air carrier or foreign air carrier to
14 treat an aircraft passenger cabin with insecticides
15 prior to the flight or to apply an aerosol insecticide
16 in an aircraft cabin used for such a flight when the
17 cabin is occupied with passengers; and

18 “(2) refer the purchaser of the ticket to the
19 Internet Web site established under subsection (a)
20 for additional information.”.

21 **SEC. 506. ADVISORY COMMITTEE FOR AVIATION CON-**
22 **SUMER PROTECTION.**

23 Section 411 of the FAA Modernization and Reform
24 Act of 2012 (49 U.S.C. 42301 prec. note) is amended—

1 (1) in subsection (g) by striking “first 2 cal-
2 endar years” and inserting “first 6 calendar years”;
3 and

4 (2) in subsection (h) by striking “March 31,
5 2016” and inserting “September 30, **[2022]**”.

6 **SEC. 507. DELAYED CHECKED BAGGAGE.**

7 (a) IN GENERAL.—Not later than 180 days after the
8 date of enactment of this Act, the Secretary shall initiate
9 a rulemaking proceeding to require that air carriers re-
10 fund any baggage fees charged to a passenger for checked
11 baggage on a flight in scheduled passenger interstate or
12 intrastate air transportation if the checked baggage of
13 that passenger is not delivered within the 24-hour period
14 beginning at the time of the arrival of the flight of the
15 passenger at the destination at which the passenger was
16 to retrieve the checked baggage.

17 (b) DEFINITIONS.—In this section, the following defi-
18 nitions apply:

19 (1) CHECKED BAGGAGE.—

20 (A) IN GENERAL.—The term “checked
21 baggage” means property tendered by or on be-
22 half of a person and accepted for transport by
23 an air carrier providing passenger service,
24 which is inaccessible to passengers during
25 flight.

1 (B) EXCLUSION.—The term “checked bag-
2 gage” does not include accompanied commercial
3 courier consignments.

4 (2) BAGGAGE FEE.—The term “baggage fee”
5 means fees charged to a passenger by an air carrier
6 solely for the conveyance of checked baggage.

7 **SEC. 508. AIR TRAVEL ACCESSIBILITY.**

8 Not later than 1 year after the date of enactment
9 of this Act, the Secretary of Transportation shall issue the
10 supplemental notice of proposed rulemaking referenced in
11 the Secretary’s Report on Significant Rulemakings, dated
12 June 15, 2015, and assigned Regulation Identification
13 Number 2105–AE12.

14 **Subtitle B—Small Community Air**
15 **Service**

16 **SEC. 531. ESSENTIAL AIR SERVICE REFORM.**

17 Section 41732 of title 49, United States Code, is
18 amended by adding at the end the following:

19 “(c) WAIVER.—Notwithstanding section 41733(e), at
20 the request of an eligible place, the Secretary may waive,
21 in whole or in part, subsections (a) and (b) of this section
22 and subsections (a) through (c) of section 41734 for the
23 eligible place if the Secretary determines that the waiver
24 is—

25 “(1) in the public interest; or

1 “(2) a cost-effective improvement to the quality
2 of air service for the eligible place.”.

3 **SEC. 532. ESSENTIAL AIR SERVICE AUTHORIZATION.**

4 Section 41742(a) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (1) by striking “Out of the
7 amounts” and inserting “For each of fiscal years
8 **【2016 through 2019,】** out of the amounts”;

9 (2) in paragraph (2) by striking “\$150,000,000
10 for fiscal year 2011” and all that follows through
11 “March 31, 2016,” and inserting “**【\$100,000,000**
12 for each of fiscal years 2016 through 2019**】**”; and

13 (3) by inserting after paragraph (3) the fol-
14 lowing:

15 “(4) AUTHORIZATIONS FOR FISCAL YEARS 2020
16 THROUGH 2022.—There is authorized to be appro-
17 priated to carry out the essential air service program
18 under this subchapter—

19 “(A) \$300,000,000 for fiscal year 2020;

20 “(B) \$308,000,000 for fiscal year 2021;

21 and

22 “(C) \$315,000,000 for fiscal year 2022.”.

1 **SEC. 533. EXTENSION OF FINAL ORDER ESTABLISHING**
2 **MILEAGE ADJUSTMENT ELIGIBILITY.**

3 Section 409(d) of the Vision 100—Century of Avia-
4 tion Reauthorization Act (49 U.S.C. 41731 note) is
5 amended by striking “March 31, 2016” and inserting
6 “September 30, **[2022]**”.

7 **SEC. 534. STUDY ON ESSENTIAL AIR SERVICE REFORM.**

8 (a) STUDY.—

9 (1) IN GENERAL.—The Comptroller General of
10 the United States shall conduct a study on the ef-
11 fects of section 6 of the Airport and Airway Exten-
12 sion Act of 2011, Part IV (Public Law 112–27), sec-
13 tion 421 of the FAA Modernization and Reform Act
14 of 2012 (Public Law 112–95), and other relevant
15 Federal laws enacted after 2010, including the
16 amendments made by those laws, on the Essential
17 Air Service program.

18 (2) SCOPE.—In conducting the study under
19 paragraph (1), the Comptroller General shall ana-
20 lyze, at a minimum—

21 (A) the impact of each relevant Federal
22 law, including the amendments made by each
23 law, on the Essential Air Service program;

24 (B) what actions communities and air car-
25 riers have taken to reduce ticket prices or in-
26 crease enplanements as a result of each law;

1 (C) the issuance of waivers by the Sec-
2 retary under section 41731(e) of title 49,
3 United States Code;

4 (D) whether budgetary savings resulted
5 from each law; and

6 (E) options for further reform of the Es-
7 sential Air Service program.

8 (b) REPORT.—Not later than 180 days after the date
9 of enactment of this Act, the Comptroller General shall
10 submit to the Committee on Transportation and Infra-
11 structure of the House of Representatives and the Com-
12 mittee on Commerce, Science, and Transportation of the
13 Senate a report on the results of the study conducted
14 under subsection (a).

15 **SEC. 535. SMALL COMMUNITY AIR SERVICE ELIGIBILITY.**

16 Section 41743(c)(1) of title 49, United States Code,
17 is amended to read as follows:

18 “(1) SIZE.—On the date of submission of the
19 relevant application submitted under subsection (b),
20 the airport serving the community or consortium—

21 “(A) was not larger than a small hub air-
22 port, as determined using the Department of
23 Transportation’s most recently published classi-
24 fication; and

25 “(B) had—

1 “(i) insufficient air carrier service; or
2 “(ii) unreasonably high air fares.”.

3 **SEC. 536. SMALL COMMUNITY AIR SERVICE AUTHORIZA-**
4 **TION.**

5 Section 41743(e)(2) of title 49, United States Code,
6 is amended to read as follows:

7 “(2) AUTHORIZATION OF APPROPRIATIONS.—
8 There is authorized to be appropriated to the Sec-
9 retary **[\$6,000,000 for each of fiscal years 2016**
10 **through 2022]** to carry out this section. Such sums
11 shall remain available until expended.”.

12 **TITLE VI—MISCELLANEOUS**

13 **SEC. 601. FEDERAL AVIATION ADMINISTRATION STRA-**
14 **TEGIC CYBERSECURITY PLAN.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Administrator of the
17 Federal Aviation Administration shall prepare and submit
18 to the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee on
20 Commerce, Science, and Transportation of the Senate a
21 report containing a strategic cybersecurity plan for the
22 Federal Aviation Administration.

23 (b) CONTENTS OF PLAN.—The strategic cybersecu-
24 rity plan shall—

1 (1) use a total systems approach that takes into
2 account the interactions of different components of
3 the national airspace system;

4 (2) identify short- and long-term objectives and
5 actions that can be taken to reduce the vulnerability
6 of the national airspace system to cyberattacks;

7 (3) address the cybersecurity risks associated
8 with the modernization of the national airspace sys-
9 tem and the automation of aircraft, equipment, and
10 technology; and

11 (4) support the Federal Aviation Administra-
12 tion in establishing cybersecurity standards to assist
13 the ATC Corporation in its responsibilities associ-
14 ated with managing air traffic services in a secure
15 manner after the date of transfer, as defined in sec-
16 tion 90101(a) of title 49, as added by this Act.

17 **SEC. 602. CONSOLIDATION AND REALIGNMENT OF FAA**
18 **SERVICES AND FACILITIES.**

19 (a) IN GENERAL.—Section 804(a) of the FAA Mod-
20 ernization and Reform Act of 2012 (49 U.S.C. 44501
21 note) is amended—

22 (1) in paragraph (2) by striking “The purpose
23 of the report shall be—” and all that follows
24 through “(B) to reduce” and inserting “The purpose
25 of the report shall be to reduce”; and

1 (2) by striking paragraph (4) and inserting the
2 following:

3 “(4) INPUT.—The report shall be prepared by
4 the Administrator (or the Administrator’s designee)
5 with the participation of—

6 “(A) representatives of labor organizations
7 representing air traffic control system employ-
8 ees of the FAA; and

9 “(B) industry stakeholders.”.

10 (b) **FAA AIR TRAFFIC CONTROL FACILITY CONSOLI-**
11 **DATION AND REALIGNMENT PROJECTS.**—Notwith-
12 standing section 90316(c) of title 49, United States Code,
13 as added by this Act, the Secretary of Transportation shall
14 continue to carry out any consolidation or realignment
15 project commenced under section 804 of the FAA Mod-
16 ernization and Reform Act of 2012.

17 **SEC. 603. METROPOLITAN WASHINGTON AIRPORTS AU-**
18 **THORITY.**

19 (a) **FINDINGS.**—Congress finds that—

20 (1) the Metropolitan Washington Airports Au-
21 thority (in this section referred to as “MWAA”),
22 which operates Ronald Reagan Washington National
23 Airport and Dulles International Airport by lease
24 with the Department of Transportation, has rou-
25 tinely performed poorly on audits conducted by the

1 Inspector General of the Department of Transpor-
2 tation;

3 (2) the responsible stewardship of taxpayer-
4 owned assets by MWAA is of great concern to Con-
5 gress;

6 (3) a March 20, 2015, audit conducted by the
7 Inspector General titled “MWAA’s Office of Audit
8 Does Not Have an Adequate Quality Assurance and
9 Improvement Program” (Report No. ZA–2015–035)
10 found that MWAA’s quality assurance and improve-
11 ment program did not conform with the standards
12 of the Institute of Internal Auditors; and

13 (4) the Inspector General’s audit made 7 rec-
14 ommendations to strengthen MWAA governance, its
15 Office of Audit, and its quality assurance and im-
16 provement program.

17 (b) IMPLEMENTING AUDIT RECOMMENDATIONS.—

18 (1) STUDY.—The Inspector General of the De-
19 partment of Transportation shall conduct a study on
20 MWAA’s progress in implementing the recommenda-
21 tions of the audit referred to in subsection (a).

22 (2) REPORT.—The Inspector General shall sub-
23 mit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the
25 Committee on Commerce, Science, and Transpor-

1 tation of the Senate a report on the study, including
2 the Inspector General's findings, conclusions, and
3 recommendations for strengthening and improving
4 MWAA's Office of Audit.

5 **SEC. 604. AIRCRAFT NOISE EXPOSURE.**

6 (a) REVIEW.—The Administrator of the Federal
7 Aviation Administration shall conduct a review of the rela-
8 tionship between aircraft noise exposure and its effects on
9 communities around airports.

10 (b) REPORT.—

11 (1) IN GENERAL.—Not later than 3 years after
12 the date of enactment of this Act, the Administrator
13 shall submit to Congress a report containing the re-
14 sults of the review.

15 (2) PRELIMINARY RECOMMENDATIONS.—The
16 report shall contain such preliminary recommenda-
17 tions as the Administrator determines appropriate
18 for revising the land use compatibility guidelines in
19 part 150 of title 14, Code of Federal Regulations,
20 based on the results of the review and in coordina-
21 tion with other agencies.

22 **SEC. 605. FAA REVIEW AND REFORM.**

23 (a) AGENCY REPORT.—Not later than 60 days after
24 the date of enactment of this Act, the Administrator of
25 the Federal Aviation Administration 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 de-
4 tailed analysis of any actions taken to address the findings
5 and recommendations included in the report required
6 under section 812(d) of the FAA Modernization and Re-
7 form Act of 2012 (49 U.S.C. 106 note), including—

8 (1) consolidating, phasing-out, or eliminating
9 duplicative positions, programs, roles, or offices;

10 (2) eliminating or streamlining wasteful prac-
11 tices;

12 (3) eliminating or phasing-out redundant, obso-
13 lete, or unnecessary functions;

14 (4) reforming and streamlining inefficient proc-
15 esses so that the activities of the Administration are
16 completed in an expedited and efficient manner; and

17 (5) reforming or eliminating ineffectual or out-
18 dated policies.

19 (b) **ADDITIONAL REVIEW.**—Not later than 1 year
20 after the date of transfer, as defined in section 90101(a)
21 of title 49, United States Code, as added by this Act, the
22 Administrator shall undertake and complete a thorough
23 review of each program, office, and organization within the
24 Administration to identify—

1 (1) duplicative positions, programs, roles, or of-
2 fices;

3 (2) wasteful practices;

4 (3) redundant, obsolete, or unnecessary func-
5 tions;

6 (4) inefficient processes; and

7 (5) ineffectual or outdated policies.

8 (c) ACTIONS TO STREAMLINE AND REFORM FAA.—

9 Not later than 60 days after the date of completion of
10 the review under subsection (b), the Administrator shall
11 undertake such actions as may be necessary to address
12 the findings of the Administrator under such subsection.

13 (d) REPORT TO CONGRESS.—Not later than 120 days
14 after the date of completion of the review under subsection
15 (b), the Administrator shall submit to the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives and the Committee on Commerce, Science,
18 and Transportation of the Senate a report on the actions
19 taken by the Administrator pursuant to subsection (c), in-
20 cluding any recommendations for legislative or administra-
21 tive actions.

22 **SEC. 606. SENSE OF CONGRESS ON ONE ENGINE INOPER-**
23 **ATIVE PROCEDURES.**

24 It is the sense of Congress that the Administrator
25 of the Federal Aviation Administration should—

1 (1) carefully consider all comments that are
2 submitted on the proposed policy regarding the im-
3 pact of one engine inoperative procedures in obstruc-
4 tion evaluation aeronautical studies; and

5 (2) work with relevant stakeholders to preserve
6 safety and efficiency while balancing the important
7 needs of communities, airports, and airport users.

8 **SEC. 607. AVIATION FUEL.**

9 (a) USE OF UNLEADED AVIATION GASOLINE.—The
10 Administrator of the Federal Aviation Administration
11 shall allow the use of an unleaded aviation gasoline in an
12 aircraft as a replacement for a leaded gasoline if the Ad-
13 ministrators—

14 (1) determines that an unleaded aviation gaso-
15 line qualifies as a replacement for an approved lead-
16 ed gasoline;

17 (2) identifies the aircraft and engines that are
18 eligible to use the qualified replacement unleaded
19 gasoline; and

20 (3) adopts a process (other than the traditional
21 means of certification) to allow eligible aircraft and
22 engines to operate using qualified replacement un-
23 leaded gasoline in a manner that ensures safety.

1 (b) TIMING.—The Administrator shall adopt the
2 process described in subsection (a)(3) not later than 180
3 days after the later of—

4 (1) the date of completion of the Piston Avia-
5 tion Fuels Initiative of the Administration; or

6 (2) the date of publication of an American Soci-
7 ety for Testing and Materials Production Specifica-
8 tion for an unleaded aviation gasoline.

9 **SEC. 608. TECHNICAL CORRECTIONS.**

10 (a) PASSENGER FACILITY CHARGES.—Section
11 40117(a)(5) of title 49, United States Code, is amended
12 by striking “charge or charge” and inserting “charge”.

13 (b) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-
14 CANTLY INCREASED COSTS.—Section 426 of the FAA
15 Modernization and Reform Act of 2012 is amended—

16 (1) in subsection (a) (49 U.S.C. 41737 note) by
17 striking “Secretary” and inserting “Secretary of
18 Transportation”; and

19 (2) in subsection (c) (49 U.S.C. 41731 note) by
20 striking “the Secretary may waive” and inserting
21 “the Secretary of Transportation may waive”.

22 (c) AIRCRAFT DEPARTURE QUEUE MANAGEMENT
23 PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-
24 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is

1 amended by striking “section 48101(a)” and inserting
2 “section 48101(a) of title 49, United States Code,”.

3 **SEC. 609. SENSE OF CONGRESS ON MEDICAL KITS.**

4 It is the sense of Congress that the Administrator
5 of the Federal Aviation Administration should—

6 (1) update regulations regarding the medica-
7 tions and equipment required to be carried in the
8 medical kits of aircraft operated by air carriers pro-
9 viding air transportation under part 121 of title 14,
10 Code of Federal Regulations, including appropriate
11 medications and equipment to meet the emergency
12 medical needs of passengers, including children, such
13 as an epinephrine auto-injectors; and

14 (2) clarify Advisory Circular No. 121–33B that
15 epinephrine 1:1000, 1 cc, injectable (single dose am-
16 pule or equivalent) is to be used in the event of a
17 severe allergic emergency.

18 **SEC. 610. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
19 **CONTROL SYSTEM.**

20 Notwithstanding any other provision of law, the Fed-
21 eral Aviation Administration or the ATC Corporation, as
22 appropriate, shall, upon request of a private aircraft owner
23 or operator, block the registration number of the aircraft
24 of the owner or operator from any public dissemination
25 or display, except in data made available to a Government

1 agency, for the noncommercial flights of the owner or op-
2 erator.

3 **SEC. 611. AIR SHOWS.**

4 On an annual basis, the Administrator of the Federal
5 Aviation Administration shall work with representatives of
6 Administration-approved air shows, the general aviation
7 community, and stadiums and other large outdoor events
8 and venues to identify and resolve, to the maximum extent
9 practicable, scheduling conflicts between Administration-
10 approved air shows and large outdoor events and venues
11 where flight restrictions will be imposed pursuant to sec-
12 tion 521 of title V of division F of Public Law 108–199
13 (118 Stat. 343) and any other restriction in Federal Avia-
14 tion Administration Flight Data Center Notice to Airmen
15 4/3621 (or any successor notice to airmen).

16 **SEC. 612. PART 91 REVIEW, REFORM, AND STREAMLINING.**

17 (a) ESTABLISHMENT OF TASK FORCE.—Not later
18 than 90 days after the date of enactment of this Act, the
19 Administrator of the Federal Aviation Administration
20 shall establish a task force comprised of representatives
21 of the general aviation industry who regularly perform
22 part 91 operations, labor unions (including those rep-
23 resenting Administration aviation safety inspectors and
24 Administration aviation safety engineers), manufacturers,
25 and the Government to—

1 (1) conduct an assessment of the Administra-
2 tion oversight and authorization processes and re-
3 quirements for aircraft under part 91; and

4 (2) make recommendations to streamline the
5 applicable authorization and approval processes, im-
6 prove safety, and reduce regulatory cost burdens and
7 delays for the Administration and aircraft owners
8 and operators who operate pursuant to part 91.

9 (b) CONTENTS.—In conducting the assessment and
10 making recommendations under subsection (a), the task
11 force shall consider—

12 (1) process reforms and improvements to allow
13 the Administration to review and approve applica-
14 tions in a fair and timely fashion;

15 (2) the appropriateness of requiring an author-
16 ization for each experimental aircraft rather than
17 using a broader all makes and models approach;

18 (3) ways to improve the timely response to let-
19 ters of authorization applications for aircraft owners
20 and operators who operate pursuant to part 91, in-
21 cluding setting deadlines and granting temporary or
22 automatic authorizations if deadlines are missed by
23 the Administration;

24 (4) methods for enhancing the effective use of
25 delegation systems;

1 (5) methods for training the Administration's
2 field office employees in risk-based and safety man-
3 agement system oversight; and

4 (6) such other matters related to streamlining
5 part 91 authorization and approval processes as the
6 task force considers appropriate.

7 (c) REPORT TO CONGRESS.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Administrator
10 shall submit to the Committee on Transportation
11 and Infrastructure of the House of Representatives
12 and the Committee on Commerce, Science, and
13 Transportation of the Senate a report on the results
14 of the task force's assessment.

15 (2) CONTENTS.—The report shall include an
16 explanation of how the Administrator will—

17 (A) implement the recommendations of the
18 task force;

19 (B) measure progress in implementing the
20 recommendations; and

21 (C) measure the effectiveness of the imple-
22 mented recommendations.

23 (d) IMPLEMENTATION OF RECOMMENDATIONS.—Not
24 later than 18 months after the date of enactment of this

1 Act, the Administrator shall implement the recommenda-
2 tions made under this section.

3 (e) PART 91 DEFINED.—In this section, the term
4 “part 91” means part 91 of title 14, Code of Federal Reg-
5 ulations.

6 (f) APPLICABLE LAW.—Public Law 92–463 shall not
7 apply to the task force.

8 (g) SUNSET.—The task force shall terminate on the
9 day the Administrator submits the report required under
10 subsection (e).

11 **SEC. 613. AIRCRAFT REGISTRATION.**

12 Not later than 180 days after the date of enactment
13 of this Act, the Administrator of the Federal Aviation Ad-
14 ministration shall initiate a rulemaking to increase the du-
15 ration of aircraft registrations for noncommercial general
16 aviation aircraft to 10 years.

17 **SEC. 614. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
18 **PROJECTS LOCATED IN METROPLEXES.**

19 (a) COMMUNITY INVOLVEMENT POLICY.—Not later
20 than 180 days after the date of enactment of this Act,
21 the Administrator of the Federal Aviation Administration
22 shall complete a review of the Federal Aviation Adminis-
23 tration’s community involvement practices for Next Gen-
24 eration Air Transportation System (NextGen) projects lo-
25 cated in metroplexes identified by the Administration. The

1 review shall include, at a minimum, a determination of
2 how and when to engage airports and communities in per-
3 formance based navigation proposals.

4 (b) REPORT.—Not later than 60 days after comple-
5 tion of the review, the Administrator shall submit to the
6 Committee on Transportation and Infrastructure of the
7 House of Representatives and the Committee on Com-
8 merce, Science, and Transportation of the Senate a report
9 on—

10 (1) how the Administration will improve com-
11 munity involvement practices for NextGen projects
12 located in metroplexes;

13 (2) how and when the Administration will en-
14 gage airports and communities in performance based
15 navigation proposals; and

16 (3) lessons learned from NextGen projects and
17 pilot programs and how those lessons learned are
18 being integrated into community involvement prac-
19 tices for future NextGen projects located in
20 metroplexes.

21 **SEC. 615. [BRACKETED SECTION] AIR TRANSPORTATION**
22 **OF LITHIUM CELLS AND BATTERIES.**

23 (a) COOPERATIVE EFFORTS TO ENSURE COMPLI-
24 ANCE WITH SAFETY REGULATIONS.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation, in coordination with appropriate Federal
3 agencies, shall carry out cooperative efforts to en-
4 sure that shippers who offer lithium ion and lithium
5 metal batteries for air transport to or from the
6 United States comply with U.S. Hazardous Mate-
7 rials Regulations and ICAO Technical Instructions.

8 (2) COOPERATIVE EFFORTS.—The cooperative
9 efforts the Secretary shall carry out pursuant to
10 paragraph (1) include the following:

11 (A) Encouraging training programs at lo-
12 cations outside the United States from which
13 substantial cargo shipments of lithium ion or
14 lithium metal batteries originate for manufac-
15 turers, freight forwarders, and other shippers
16 and potential shippers of lithium ion and lith-
17 ium metal batteries.

18 (B) Working with Federal and inter-
19 national transportation agencies to ensure en-
20 forcement of U.S. Hazardous Materials Regula-
21 tions and ICAO Technical Instructions with re-
22 spect to shippers who offer noncompliant ship-
23 ments of lithium ion and lithium metal bat-
24 teries.

1 (C) Providing information in brochures
2 and on the Internet in appropriate foreign lan-
3 guages and dialects that describes the actions
4 required to comply with U.S. Hazardous Mate-
5 rials Regulations and ICAO Technical Instruc-
6 tions.

7 (D) Developing joint efforts with the inter-
8 national aviation community to promote a bet-
9 ter understanding of the requirements of and
10 methods of compliance with U.S. Hazardous
11 Materials Regulations and ICAO Technical In-
12 structions.

13 (3) REPORTING.—Not later than 120 days after
14 the date of enactment of this Act, and annually
15 thereafter for 2 years, the Secretary shall submit to
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the
19 Senate a report on the cooperative efforts carried
20 out, or planned to be carried out, under paragraph
21 (1).

22 (4) DEFINITIONS.—In this subsection, the fol-
23 lowing definitions apply:

24 (A) ICAO TECHNICAL INSTRUCTIONS.—
25 The term “ICAO Technical Instructions”

1 means the International Civil Aviation Organi-
2 zation Technical Instructions for the Safe
3 Transport of Dangerous Goods by Air (includ-
4 ing amendments adopted after the date of en-
5 actment of this Act).

6 (B) U.S. HAZARDOUS MATERIALS REGULA-
7 TIONS.—The term “U.S. Hazardous Materials
8 Regulations” means the regulations in parts
9 100 through 177 of title 49, Code of Federal
10 Regulations (including amendments adopted
11 after the date of enactment of this Act).

12 (b) LITHIUM ION BATTERY AIR SAFETY ADVISORY
13 COMMITTEE.—

14 (1) ESTABLISHMENT.—Not later than 60 days
15 after the date of enactment of this Act, the Sec-
16 retary shall establish, in accordance with the re-
17 quirements of the Federal Advisory Committee Act
18 (5 U.S.C. App.), a lithium ion battery air safety ad-
19 visory committee (in this subsection referred to as
20 the “Committee”).

21 (2) DUTIES.—The Committee shall—

22 (A) facilitate communication between man-
23 ufacturers of lithium ion cells and batteries,
24 manufacturers of products incorporating both
25 large and small lithium ion batteries, air car-

1 riers, and the Federal Government regarding
2 the safe air transportation of lithium ion cells
3 and batteries and the effectiveness and eco-
4 nomic and social impacts of the regulation of
5 such transportation;

6 (B) provide the Secretary, the Federal
7 Aviation Administration, and the Pipeline and
8 Hazardous Materials Safety Administration
9 with timely information about the development
10 of lithium ion battery technology and transpor-
11 tation safety practices and methodologies;

12 (C) provide a forum for the Secretary to
13 provide information on and to discuss the ac-
14 tivities of the Department of Transportation re-
15 lating to lithium ion battery transportation
16 safety, the policies underlying the activities, and
17 positions to be advocated in international fo-
18 rums;

19 (D) provide a forum for the Secretary to
20 provide information and receive advice on—

21 (i) activities carried out throughout
22 the world to communicate and enforce rel-
23 evant United States regulations and the
24 ICAO Technical Instructions (as defined in
25 subsection (a)(4)); and

1 (ii) the effectiveness of the activities;

2 and

3 (E) provide advice and recommendations to
4 the Secretary with respect to lithium ion bat-
5 tery transportation safety.

6 (3) MEMBERSHIP.—The Committee shall be
7 composed of the following members:

8 (A) Individuals appointed by the Secretary
9 to represent—

10 (i) large volume manufacturers of lith-
11 ium ion cells and batteries;

12 (ii) domestic manufacturers of lithium
13 ion batteries or battery packs;

14 (iii) manufacturers of consumer prod-
15 ucts powered by lithium ion batteries;

16 (iv) manufacturers of vehicles powered
17 by lithium ion batteries;

18 (v) marketers of products powered by
19 lithium ion batteries;

20 (vi) cargo air service providers based
21 in the United States;

22 (vii) passenger air service providers
23 based in the United States;

1 (viii) employees of air service pro-
2 viders described in clauses (vi) and (vii);
3 and

4 (ix) employees of the Department of
5 Transportation.

6 (B) Representatives of such other Govern-
7 ment departments and agencies as the Sec-
8 retary determines appropriate.

9 (C) Any other individuals the Secretary de-
10 termines are appropriate to comply with Fed-
11 eral law.

12 (4) REPORT.—

13 (A) IN GENERAL.—Not later than 180
14 days after the establishment of the Committee,
15 the Committee shall submit to the Secretary,
16 the Committee on Transportation and Infra-
17 structure of the House of Representatives, and
18 the Committee on Commerce, Science, and
19 Transportation of the Senate a report that—

20 (i) describes and evaluates the steps
21 being taken in the private sector and by
22 international regulatory authorities to im-
23 plement and enforce requirements relating
24 to the safe transportation of bulk ship-

1 ments of lithium ion cells and batteries;
2 and

3 (ii) identifies any areas of enforce-
4 ment or regulatory requirements for which
5 there is consensus that greater attention is
6 needed.

7 (B) INDEPENDENT STATEMENTS.—Each
8 member of the Committee shall be provided an
9 opportunity to submit an independent state-
10 ment of views with the report submitted pursu-
11 ant to subparagraph (A).

12 (5) TERMINATION.—The Committee shall ter-
13 minate on the date that is 6 years after the date on
14 which the Committee is established.

15 (6) TERMINATION OF FUTURE OF AVIATION AD-
16 VISORY COMMITTEE.—The Future of Aviation Advi-
17 sory Committee shall terminate on the date on which
18 the lithium ion battery air safety advisory committee
19 is established.

20 (c) PACKAGING IMPROVEMENTS.—Not later than 180
21 days after the date of enactment of this Act, the Sec-
22 retary, in consultation with interested stakeholders, shall
23 submit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate an evaluation of current practices for the pack-
2 aging of lithium ion batteries and cells, including rec-
3 ommendations, if any, to improve the packaging of such
4 batteries and cells in a safe, efficient, and cost-effective
5 manner.

6 **SEC. 616. REMOTE TOWER PILOT PROGRAM FOR RURAL OR**
7 **SMALL COMMUNITIES.**

8 (a) IN GENERAL.—Not later than 180 days after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall establish a pilot program under which, upon
11 approval of an application submitted by an operator of a
12 public-use airport, the Secretary shall install and operate
13 at the airport a remote air traffic control tower in order
14 to assess the operational benefits of remote air traffic con-
15 trol towers.

16 (b) APPLICATIONS.—The operator of an airport seek-
17 ing to participate in the pilot program shall submit to the
18 Secretary for approval an application that is in such form
19 and contains such information as the Secretary may re-
20 quire.

21 (c) SELECTION CRITERIA.—

22 (1) SELECTION OF AIRPORTS.—From among
23 the applications submitted under subsection (b), the
24 Secretary, after consultation with representatives of
25 labor organizations representing operators and em-

1 ployees of the air traffic control system, shall select
2 for participation in the pilot program 6 airports as
3 follows:

4 (A) 1 nonhub, primary airport.

5 (B) 4 nonprimary airports without existing
6 air traffic control towers.

7 (C) 1 airport selected at the discretion of
8 the Secretary.

9 (2) PRIORITY SELECTION.—In selecting from
10 among the applications submitted under subsection
11 (b), the Secretary shall give priority to applicants
12 that can best demonstrate the capabilities and po-
13 tential of remote air traffic control towers.

14 (3) AUTHORITY TO REALLOCATE AIRPORT SE-
15 LECTION.—If the Secretary receives an insufficient
16 number of applications, the Secretary may reallocate
17 the distribution of airport sites described in para-
18 graph (1).

19 (4) MULTIPLE REMOTE FACILITIES.—If prac-
20 ticable and necessary, the 2 remote air traffic con-
21 trol towers installed at reliever airports pursuant to
22 paragraph (1)(B) may co-locate remote facilities to
23 assess the benefits and efficiencies of consolidating
24 such facilities.

1 (d) ASSET CLASSIFICATION.—A remote air traffic
2 control tower, including ancillary equipment, installed with
3 Government funds pursuant to this section shall be consid-
4 ered to be an air navigation facility.

5 (e) SAFETY RISK MANAGEMENT PANEL.—

6 (1) SAFETY RISK MANAGEMENT PANEL MEET-
7 ING.—Prior to the operational use of a remote air
8 traffic control tower, the Secretary shall convene a
9 safety risk management panel for the tower to ad-
10 dress any safety issues with respect to the tower.

11 (2) SAFETY RISK MANAGEMENT PANEL BEST
12 PRACTICES.—The safety risk management panels
13 shall be created and utilized in a manner similar to
14 that of safety risk management panels previously es-
15 tablished for remote air traffic control towers, taking
16 into account best practices that have been developed.

17 (f) DEFINITIONS.—

18 (1) IN GENERAL.—In this section, the following
19 definitions apply:

20 (A) AIR NAVIGATION FACILITY.—The term
21 “air navigation facility” has the meaning given
22 that term in section 40102(a) of title 49,
23 United States Code.

24 (B) REMOTE AIR TRAFFIC CONTROL
25 TOWER.—The term “remote air traffic control

1 tower” means a remotely-operated air naviga-
2 tion facility, including all necessary system com-
3 ponents, that provides the functions and capa-
4 bilities of an air traffic control tower.

5 (2) APPLICABILITY OF OTHER DEFINITIONS.—

6 The terms “nonhub airport”, “primary airport”,
7 “public-use airport”, and “reliever airport” have the
8 meanings given such terms in section 47102 of title
9 49, United States Code.

10 (g) SUNSET.—The pilot program shall terminate on
11 the day before the date of transfer, as defined in section
12 90101(a) of title 49, United States Code, as added by this
13 Act.