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IN THE SENATE OF THE UNITED STATES

MAY 7, 2018

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MAY 8, 2018

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AN ACT

To reauthorize programs of the Federal Aviation
Administration, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
5 “FAA Reauthorization Act of 2018”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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.

Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charge modernization.
- Sec. 112. Pilot program for passenger facility charge authorizations.
- Sec. 113. Use of funds from passenger facility charges to prevent power outages.

Subtitle C—Airport Improvement Program Modifications

- Sec. 121. Clarification of airport obligation to provide FAA airport space.
- Sec. 122. Mothers' rooms at airports.
- Sec. 123. Extension of competitive access reports.
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- Sec. 128. Marshall Islands, Micronesia, and Palau.
- Sec. 129. Nondiscrimination.
- Sec. 130. State block grant program expansion.
- Sec. 131. Midway Island Airport.
- Sec. 132. Property conveyance releases.
- Sec. 133. Minority and disadvantaged business participation.
- Sec. 134. Contract tower program.
- Sec. 135. Airport access roads in remote locations.
- Sec. 136. Buy America requirements.
- Sec. 137. Supplemental discretionary funds.
- Sec. 138. Safety equipment.
- Sec. 139. Use of airport improvement funds to prevent power outages.
- Sec. 140. General written assurances.
- Sec. 141. Construction of certain control towers.
- Sec. 142. Small airport regulation relief.

Subtitle D—Airport Noise and Environmental Streamlining

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

- Sec. 163. Lead emissions.
- Sec. 164. Aircraft noise, emission, and fuel burn reduction program.
- Sec. 165. Terminal sequencing and spacing.
- Sec. 166. Noise and health impact training.
- Sec. 167. Airport noise mitigation and safety study.
- Sec. 168. Judicial review for proposed alternative environmental review and approval procedures.

TITLE II—FAA SAFETY CERTIFICATION REFORM

Subtitle A—General Provisions

- Sec. 201. Definitions.
- Sec. 202. Safety Oversight and Certification Advisory Committee.
- Sec. 203. Performance standards for firefighting foams.

Subtitle B—Aircraft Certification Reform

- Sec. 211. Aircraft certification performance objectives and metrics.
- Sec. 212. Organization designation authorizations.
- Sec. 213. ODA review.
- Sec. 214. Type certification resolution process.
- Sec. 215. Review of certification process for small general aviation airplanes.

Subtitle C—Flight Standards Reform

- Sec. 231. Flight standards performance objectives and metrics.
- Sec. 232. FAA task force on flight standards reform.
- Sec. 233. Centralized safety guidance database.
- Sec. 234. Regulatory Consistency Communications Board.

Subtitle D—Safety Workforce

- Sec. 241. Safety workforce training strategy.
- Sec. 242. Workforce review.

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- Sec. 251. Promotion of United States aerospace standards, products, and services abroad.
- Sec. 252. Bilateral exchanges of safety oversight responsibilities.
- Sec. 253. FAA leadership abroad.
- Sec. 254. Registration, certification, and related fees.

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- Sec. 332. Codification of existing law; additional provisions.
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- Sec. 334. Sense of Congress regarding unmanned aircraft safety.
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- Sec. 341. Cooperation related to certain counter-UAS technology.
- Sec. 342. Definitions.
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- Sec. 413. Air ambulance complaints.
- Sec. 414. Passenger rights.

- Sec. 415. Enhanced training of flight attendants.
- Sec. 416. Addressing sexual misconduct on flights.
- Sec. 417. Overbooking policies of air carriers.
- Sec. 418. Training policies regarding racial, ethnic, and religious non-discrimination.
- Sec. 419. Aviation consumer advocate and complaint resolution improvement.

Subtitle B—Aviation Consumers With Disabilities

- Sec. 441. Select subcommittee.
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- Sec. 452. Extension of final order establishing mileage adjustment eligibility.
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TITLE V—MISCELLANEOUS

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- Sec. 502. Consolidation and realignment of FAA services and facilities.
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- Sec. 511. Ensuring FAA readiness to provide seamless oceanic operations.
- Sec. 512. Sense of Congress regarding women in aviation.
- Sec. 513. Obstruction evaluation aeronautical studies.
- Sec. 514. Aircraft leasing.
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- Sec. 516. Pilots sharing flight expenses with passengers.
- Sec. 517. Aviation rulemaking committee for part 135 pilot rest and duty rules.
- Sec. 518. Metropolitan Washington Airports Authority.
- Sec. 519. Terminal Aerodrome Forecast.
- Sec. 520. Federal Aviation Administration employees stationed on Guam.
- Sec. 521. Technical corrections.
- Sec. 522. Application of veterans' preference to Federal Aviation Administration personnel management system.
- Sec. 523. Public aircraft eligible for logging flight times.
- Sec. 524. Federal Aviation Administration workforce review.
- Sec. 525. State taxation.
- Sec. 526. Aviation and aerospace workforce of the future.

- Sec. 527. Future aviation and aerospace workforce study.
- Sec. 528. FAA leadership on civil supersonic aircraft.
- Sec. 529. Oklahoma registry office.
- Sec. 530. Foreign air transportation under United States-European Union Air Transport Agreement.
- Sec. 531. Training on human trafficking for certain staff.
- Sec. 532. Part 107 implementation improvements.
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- Sec. 535. Consumer protection requirements relating to large ticket agents.
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- Sec. 540. Study on training of customer-facing air carrier employees.
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- Sec. 546. Intra-agency coordination.
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- Sec. 549. Administrative Services Franchise Fund.
- Sec. 550. Report on air traffic control modernization.
- Sec. 551. Automatic dependent surveillance-broadcast.
- Sec. 552. Youth access to American jobs in aviation task force.
- Sec. 553. Airport investment partnership program.
- Sec. 554. Review and reform of FAA performance management system.
- Sec. 555. Contract weather observers.
- Sec. 556. Regions and centers.
- Sec. 557. Study on airport revenue diversion.
- Sec. 558. Geosynthetic materials.
- Sec. 559. Rule for animals.
- Sec. 560. Enhanced air traffic services.
- Sec. 561. NextGen delivery study.
- Sec. 562. Limited regulation of non-federally sponsored property.
- Sec. 563. National Airmail Museum.
- Sec. 564. Review of approval process for use of large air tankers and very large air tankers for wildland firefighting.
- Sec. 565. Report on baggage reporting requirements.
- Sec. 566. Supporting women's involvement in the aviation field.
- Sec. 567. GAO study on the effect of granting an exclusive right of aeronautical services to an airport sponsor.
- Sec. 568. Evaluation of airport master plans.
- Sec. 569. Study regarding day-night average sound levels.
- Sec. 570. Report on status of agreement between FAA and Little Rock Port Authority.
- Sec. 571. Study on allergic reactions.
- Sec. 572. Access of air carriers to information about applicants to be pilots from national driver register.
- Sec. 573. Prohibition regarding weapons.
- Sec. 574. Helicopter fuel system safety.
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- Sec. 578. Former military airports.
- Sec. 579. Use of State highway specifications.
- Sec. 580. Sense of Congress.
- Sec. 581. Oxygen mask design study.
- Sec. 582. Standards for pilots.
- Sec. 583. Study regarding technology usage at airports.
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- Sec. 585. Applicability of medical certification standards to operators of air balloons.
- Sec. 586. Cost-effectiveness analysis of equipment rental.
- Sec. 587. Report.
- Sec. 588. Study on infrastructure needs of fast-growing airports.
- Sec. 589. Aircraft noise research and mitigation strategy.
- Sec. 590. Alternative airplane noise metric evaluation deadline.
- Sec. 591. Performance-based standards.
- Sec. 592. Report to Congress.
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- Sec. 594. Report to Congress.
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- Sec. 596. Cybersecurity and artificial intelligence standards plan.
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- Sec. 598. GAO study.
- Sec. 599. Prompt payments.
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- Sec. 599B. Metropolitan planning organizations.
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- Sec. 599E. Mandatory use of the New York North Shore Helicopter Route.
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- Sec. 601. Applicability.
- Sec. 602. State defined.
- Sec. 603. Wildfire prevention.
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- Sec. 618. Right of arbitration.
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- Sec. 620. Closeout incentives.
- Sec. 621. Performance of services.
- Sec. 622. Study to streamline and consolidate information collection.
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- Sec. 624. Audit of contracts.
- Sec. 625. Inspector general audit of FEMA contracts for tarps and plastic sheeting.
- Sec. 626. Relief organizations.
- Sec. 627. Guidance on inundated and submerged roads.
- Sec. 628. Authorities.
- Sec. 629. Recoupment of certain assistance prohibited.
- Sec. 630. Statute of limitations.
- Sec. 631. Technical assistance and recommendations.
- Sec. 632. Guidance on hazard mitigation assistance.
- Sec. 633. Local impact.
- Sec. 634. Additional hazard mitigation activities.
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- Sec. 636. Additional mitigation activities.
- Sec. 637. Eligibility for code implementation and enforcement.
- Sec. 638. GAO report on long-term recovery efforts.
- Sec. 639. Guidance and training by FEMA on coordination of emergency response plans.
- Sec. 640. Reimbursement.
- Sec. 641. Flood insurance.
- Sec. 642. Certain recoupment prohibited.

TITLE VII—FLIGHT R&D ACT

Subtitle A—General Provisions

- Sec. 701. Short title.
- Sec. 702. Definitions.
- Sec. 703. Authorization of appropriations.

Subtitle B—FAA Research and Development Organization

- Sec. 711. Associate Administrator for Research and Development.
- Sec. 712. Research advisory committee.

Subtitle C—Unmanned Aircraft Systems

- Sec. 721. Unmanned aircraft systems research and development roadmap.
- Sec. 722. Probabilistic metrics for exemptions.
- Sec. 723. Probabilistic assessment of risks.
- Sec. 724. Unmanned aerial vehicle-manned aircraft collision research.
- Sec. 725. Special rule for research and development.
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Subtitle D—Cybersecurity

- Sec. 731. Cyber Testbed.
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- Sec. 733. Cybersecurity threat modeling.

- Sec. 734. National Institute of Standards and Technology cybersecurity standards.
- Sec. 735. Cybersecurity research coordination.
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Subtitle E—FAA Research and Development Activities

- Sec. 741. Research plan for the certification of new technologies into the national airspace system.
- Sec. 742. Aviation fuel research, development, and usage.
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TITLE VIII—AVIATION REVENUE PROVISIONS

- Sec. 801. Expenditure authority from Airport and Airway Trust Fund.
- Sec. 802. Extension of taxes funding Airport and Airway Trust Fund.

TITLE IX—PREPAREDNESS AND RISK MANAGEMENT FOR EXTREME WEATHER PATTERNS ASSURING RESILIENCE AND EFFECTIVENESS

- Sec. 901. Short title.
- Sec. 902. Interagency Council on Extreme Weather Resilience, Preparedness, and Risk Identification and Management.
- Sec. 903. Agency planning for extreme weather-related risks.
- Sec. 904. Website.
- Sec. 905. Providing Adequate Resources and Support.
- Sec. 906. Inventory.
- Sec. 907. Meetings.
- Sec. 908. Progress updates.
- Sec. 909. Definitions.
- Sec. 910. Requirement to include agency extreme weather plan in agency performance plan.
- Sec. 911. Sunset and repeal.

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.

TITLE I—AUTHORIZATIONS
Subtitle A—Funding of FAA
Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND
NOISE COMPATIBILITY PLANNING AND PRO-
GRAMS.

(a) AUTHORIZATION.—Section 48103(a) of title 49, United States Code, is amended by striking “section 47504(c)” and all that follows through the period at the end and inserting the following: “section 47504(c)—

“(1) \$3,350,000,000 for fiscal year 2018;

“(2) \$3,350,000,000 for fiscal year 2019;

“(3) \$3,350,000,000 for fiscal year 2020;

“(4) \$3,350,000,000 for fiscal year 2021;

“(5) \$3,350,000,000 for fiscal year 2022; and

“(6) \$3,350,000,000 for fiscal year 2023.”.

(b) OBLIGATION AUTHORITY.—Section 47104(c) of title 49, United States Code, is amended in the matter preceding paragraph (1) by striking “2018,” and inserting “2023,”.

SEC. 102. FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS FROM AIRPORT AND AIRWAY TRUST FUND.—Section 48101(a) of title 49, United States Code, is amended by striking paragraphs (1) through (5) and inserting the following:

1 “(1) \$3,330,000,000 for fiscal year 2018.

2 “(2) \$3,398,000,000 for fiscal year 2019.

3 “(3) \$3,469,000,000 for fiscal year 2020.

4 “(4) \$3,547,000,000 for fiscal year 2021.

5 “(5) \$3,624,000,000 for fiscal year 2022.

6 “(6) \$3,701,000,000 for fiscal year 2023.”.

7 (b) AUTHORIZED EXPENDITURES.—Section
8 48101(c) of title 49, United States Code, is amended—

9 (1) in the subsection heading by striking “Auto-
10 mated Surface Observation System/Automated
11 Weather Observing System Upgrade” and inserting
12 “Authorized Expenditures”; and

13 (2) by striking “may be used for the implemen-
14 tation” and all that follows through the period at
15 the end and inserting the following: “may be used
16 for the following:

17 “(1) The implementation and use of upgrades
18 to the current automated surface observation sys-
19 tem/automated weather observing system, if the up-
20 grade is successfully demonstrated.

21 “(2) The acquisition and construction of remote
22 air traffic control towers (as defined in section 510
23 of the FAA Reauthorization Act of 2018).

1 “(3) The remediation and elimination of identi-
2 fied cybersecurity vulnerabilities in the air traffic
3 control system.

4 “(4) The construction of facilities dedicated to
5 improving the cybersecurity of the National Airspace
6 System.

7 “(5) Systems associated with the Data Commu-
8 nications program.

9 “(6) The infrastructure, sustainment, and the
10 elimination of the deferred maintenance backlog of
11 air navigation facilities and other facilities for which
12 the Federal Aviation Administration is responsible.

13 “(7) The modernization and digitization of the
14 Civil Aviation Registry.

15 “(8) The construction of necessary Priority 1
16 National Airspace System facilities.

17 “(9) Cost-beneficial construction, rehabilitation,
18 or retrofitting programs designed to reduce Federal
19 Aviation Administration facility operating costs.”.

20 **SEC. 103. FAA OPERATIONS.**

21 (a) IN GENERAL.—Section 106(k)(1) of title 49,
22 United States Code, is amended by striking subpara-
23 graphs (A) through (F) and inserting the following:

24 “(A) \$10,247,000,000 for fiscal year 2018;

25 “(B) \$10,486,000,000 for fiscal year 2019;

1 “(C) \$10,732,000,000 for fiscal year 2020;

2 “(D) \$11,000,000,000 for fiscal year
3 2021;

4 “(E) \$11,269,000,000 for fiscal year 2022;

5 and

6 “(F) \$11,537,000,000 for fiscal year
7 2023.”.

8 (b) AUTHORIZED EXPENDITURES.—Section
9 106(k)(2) of title 49, United States Code, is amended by
10 adding at the end the following:

11 “(D) Not more than the following amounts
12 for commercial space transportation activities:

13 “(i) \$22,587,000 for fiscal year 2018.

14 “(ii) \$33,038,000 for fiscal year 2019.

15 “(iii) \$43,500,000 for fiscal year
16 2020.

17 “(iv) \$54,970,000 for fiscal year
18 2021.

19 “(v) \$64,449,000 for fiscal year 2022.

20 “(vi) \$75,938,000 for fiscal year
21 2023.”.

22 (c) AUTHORITY TO TRANSFER FUNDS.—Section
23 106(k)(3) of title 49, United States Code, is amended by
24 striking “fiscal years 2012 through 2018,” and inserting
25 “fiscal years 2018 through 2023,”.

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

2 Section 48112 of title 49, United States Code, and
3 the item relating to such section in the analysis for chap-
4 ter 481 of such title, are repealed.

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

6 Section 48114(a)(1)(A)(ii) of title 49, United States
7 Code, is amended by striking “in fiscal year 2014 and
8 each fiscal year thereafter” and inserting “in fiscal years
9 2014 through 2018”.

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

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

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

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

17 (2) by repealing paragraph (4);

18 (3) in paragraph (6)—

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

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

25 (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.**

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

11 (1) in the subsection heading by striking “AT
12 NONHUB AIRPORTS”; and

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

14 **SEC. 113. USE OF FUNDS FROM PASSENGER FACILITY**
15 **CHARGES TO PREVENT POWER OUTAGES.**

16 Section 40117(a)(3) of title 49, United States Code,
17 is amended by adding at the end the following:

18 “(H) An on-airport project to purchase
19 and install generators to prevent power outages
20 in passenger areas of the airport, to separate
21 an airport’s redundant power supply and its
22 main power supply, or for any other on-airport
23 project to prevent power outages or damage to
24 the airport’s power supply.”.

1 **Subtitle C—Airport Improvement**
2 **Program Modifications**

3 **SEC. 121. CLARIFICATION OF AIRPORT OBLIGATION TO**
4 **PROVIDE FAA AIRPORT SPACE.**

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

7 “(f) AIRPORT SPACE.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the Administrator of the Federal Aviation
10 Administration may not require an airport owner,
11 operator, or sponsor (as defined in section 47102) to
12 provide building construction, maintenance, utilities,
13 administrative support, or space on airport property
14 to the Federal Aviation Administration without ade-
15 quate compensation.

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

19 “(A) provides land or buildings without
20 compensation to the Federal Aviation Adminis-
21 tration for facilities used to carry out activities
22 related to air traffic control or navigation pur-
23 suant to a grant assurance; or

24 “(B) provides goods or services to the Fed-
25 eral Aviation Administration without compensa-

1 tion or at below-market rates pursuant to a ne-
2 gotiated agreement between the owner, oper-
3 ator, or sponsor and the Administrator.”.

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

5 (a) LACTATION AREA DEFINED.—Section 47102 of
6 title 49, United States Code, is amended by adding at the
7 end the following:

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

10 “(A) provides a location for members of
11 the public to express breast milk that is shield-
12 ed from view and free from intrusion from the
13 public;

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

15 “(C) includes a place to sit, a table or
16 other flat surface, a sink or sanitizing equip-
17 ment, and an electrical outlet;

18 “(D) is readily accessible to and usable by
19 individuals with disabilities, including individ-
20 uals who use wheelchairs; and

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

22 (b) PROJECT GRANT WRITTEN ASSURANCES FOR
23 LARGE AND MEDIUM HUB AIRPORTS.—

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

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

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

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

6 “(22) with respect to a medium or large hub
7 airport, the airport owner or operator will maintain
8 a lactation area in each passenger terminal building
9 of the airport in the sterile area (as defined in sec-
10 tion 1540.5 of title 49, Code of Federal Regulations)
11 of the building and will maintain a baby changing
12 table in one men’s and one women’s restroom in
13 each passenger terminal building of the airport.”.

14 (2) APPLICABILITY.—

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

20 (B) SPECIAL RULE.—The requirement in
21 the amendment made by paragraph (1) that a
22 lactation area be located in the sterile area of
23 a passenger terminal building shall not apply
24 with respect to a project grant application for
25 a period of time, determined by the Secretary

1 of Transportation, if the Secretary determines
2 that construction or maintenance activities
3 make it impracticable or unsafe for the lacta-
4 tion area to be located in the sterile area of the
5 building.

6 (c) TERMINAL DEVELOPMENT COSTS.—Section
7 47119(a) of title 49, United States Code, is amended by
8 adding at the end the following:

9 “(3) LACTATION AREAS.—In addition to the
10 projects described in paragraph (1), the Secretary
11 may approve a project for terminal development for
12 the construction or installation of a lactation area at
13 a commercial service airport.”.

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

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

24 Section 47107(r)(3) of title 49, United States Code,
25 is amended by striking “2018” and inserting “2023”.

1 **SEC. 124. GRANT ASSURANCES.**

2 (a) CONSTRUCTION OF RECREATIONAL AIRCRAFT.—

3 Section 47107 of title 49, United States Code, is amended
4 by adding at the end the following:

5 “(u) CONSTRUCTION OF RECREATIONAL AIR-
6 CRAFT.—

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

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

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

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

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

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

23 (b) COMMUNITY USE OF AIRPORT LAND.—Section
24 47107 of title 49, United States Code, as amended by this
25 section, is further amended by adding at the end the fol-
26 lowing:

1 “(v) COMMUNITY USE OF AIRPORT LAND.—

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

14 “(2) RESTRICTIONS.—This subsection shall
15 apply only—

16 “(A) to an agreement regarding airport
17 property that was initially entered into before
18 the publication of the Federal Aviation Admin-
19 istration’s Policy and Procedures Concerning
20 the Use of Airport Revenue, dated February
21 16, 1999;

22 “(B) if the agreement between the sponsor
23 and the local government is subordinate to any
24 existing or future agreements between the spon-

1 sor and the Secretary, including agreements re-
2 lated to a grant assurance under this section;

3 “(C) to airport property that was acquired
4 under a Federal airport development grant pro-
5 gram;

6 “(D) if the airport sponsor has provided a
7 written statement to the Administrator that the
8 property made available for a recreational pur-
9 pose will not be needed for any aeronautical
10 purpose during the next 10 years;

11 “(E) if the agreement includes a term of
12 not more than 2 years to prepare the airport
13 property for the interim compatible recreational
14 purpose and not more than 10 years of use for
15 that purpose;

16 “(F) if the recreational purpose will not
17 impact the aeronautical use of the airport;

18 “(G) if the airport sponsor provides a cer-
19 tification that the sponsor is not responsible for
20 preparation, start-up, operations, maintenance,
21 or any other costs associated with the rec-
22 reational purpose; and

23 “(H) if the recreational purpose is con-
24 sistent with Federal land use compatibility cri-
25 teria under section 47502.

1 “(3) STATUTORY CONSTRUCTION.—Nothing in
 2 this subsection may be construed as permitting a di-
 3 version of airport revenue for the capital or oper-
 4 ating costs associated with the community use of
 5 airport land.”.

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

7 Section 47109(a) of title 49, United States Code, is
 8 amended—

9 (1) in paragraph (1) by striking “primary air-
 10 port having at least .25 percent of the total number
 11 of passenger boardings each year at all commercial
 12 service airports;” and inserting “medium or large
 13 hub airport;”; and

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

16 “(5) 95 percent for a project that—

17 “(A) the Administrator determines is a
 18 successive phase of a multi-phase construction
 19 project for which the sponsor received a grant
 20 in fiscal year 2011; and

21 “(B) for which the United States Govern-
 22 ment’s share of allowable project costs could
 23 otherwise be 90 percent under paragraph (2) or
 24 (3).”.

1 **SEC. 126. UPDATED VETERANS' PREFERENCE.**

2 Section 47112(c)(1)(C) of title 49, United States
3 Code, is amended—

4 (1) by striking “or Operation New Dawn for
5 more” and inserting “Operation New Dawn, Oper-
6 ation Inherent Resolve, Operation Freedom’s Sen-
7 tinel, or any successor contingency operation to such
8 operations for more”; and

9 (2) by striking “or Operation New Dawn
10 (whichever is later)” and inserting “Operation New
11 Dawn, Operation Inherent Resolve, Operation Free-
12 dom’s Sentinel, or any successor contingency oper-
13 ation to such operations (whichever is later)”.

14 **SEC. 127. SPECIAL RULE.**

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

17 “(C) During fiscal years 2018 through
18 2020—

19 “(i) an airport that accrued appor-
20 tionment funds under subparagraph (A) in
21 fiscal year 2013 that is listed as having an
22 unclassified status under the most recent
23 national plan of integrated airport systems
24 shall continue to accrue apportionment
25 funds under subparagraph (A) at the same
26 amount the airport accrued apportionment

1 funds in fiscal year 2013, subject to the
2 conditions of this paragraph;

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

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

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

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

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

24 (1) by striking subsection (i);

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

3 (3) in subsection (i) (as so redesignated) by
4 striking “fiscal years 2012 through 2018” and in-
5 serting “fiscal years 2018 through 2023”.

6 **SEC. 129. NONDISCRIMINATION.**

7 Section 47123 of title 49, United States Code, is
8 amended—

9 (1) by striking “The Secretary of Transpor-
10 tation” and inserting the following:

11 “(a) IN GENERAL.—The Secretary of Transpor-
12 tation”; and

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

14 “(b) INDIAN EMPLOYMENT.—

15 “(1) TRIBAL SPONSOR PREFERENCE.—Con-
16 sistent with section 703(i) of the Civil Rights Act of
17 1964 (42 U.S.C. 2000e–2(i)), nothing in this section
18 shall preclude the preferential employment of Indi-
19 ans living on or near a reservation on a project or
20 contract at—

21 “(A) an airport sponsored by an Indian
22 tribal government; or

23 “(B) an airport located on an Indian res-
24 ervation.

1 “(2) STATE PREFERENCE.—A State may imple-
2 ment a preference for employment of Indians on a
3 project carried out under this subchapter near an
4 Indian reservation.

5 “(3) IMPLEMENTATION.—The Secretary shall
6 cooperate with Indian tribal governments and the
7 States to implement this subsection.

8 “(4) INDIAN TRIBAL GOVERNMENT DEFINED.—
9 In this section, the term ‘Indian tribal government’
10 has the same meaning given that term in section
11 102 of the Robert T. Stafford Disaster Relief and
12 Emergency Assistance Act (42 U.S.C. 5122).”.

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

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

19 **SEC. 131. MIDWAY ISLAND AIRPORT.**

20 Section 186(d) of the Vision 100—Century of Avia-
21 tion Reauthorization Act (117 Stat. 2518) is amended in
22 the first sentence by striking “fiscal years 2012 through
23 2018” and inserting “fiscal years 2018 through 2023”.

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)(D)”.

8 (2) EXEMPTION.—Section 47124(b)(3)(D) of
9 title 49, United States Code, is amended by adding
10 at the end the following: “Airports with air service
11 under part 121 of title 14, Code of Federal Regula-
12 tions, and more than 25,000 passenger
13 enplanements in calendar year 2014 shall be exempt
14 from any cost-share requirement under this subpara-
15 graph.”.

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

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

1 (B) ELIGIBILITY.—Section
 2 47124(b)(4)(B)(i)(I) of title 49, United States
 3 Code, is amended by striking “pilot”.

4 (C) LIMITATION ON FEDERAL SHARE.—
 5 Section 47124(b)(4) of title 49, United States
 6 Code, is amended by striking subparagraph (C).

7 (4) BENEFIT-TO-COST CALCULATION FOR PRO-
 8 GRAM APPLICANTS.—Section 47124(b)(3) of title 49,
 9 United States Code, is amended by adding at the
 10 end the following:

11 “(G) BENEFIT-TO-COST CALCULATION.—Not
 12 later than 90 days after receiving an application to
 13 the Contract Tower Program, the Secretary shall
 14 calculate a benefit-to-cost ratio (as described in sub-
 15 section (d)) for the applicable air traffic control
 16 tower for purposes of selecting towers for participa-
 17 tion in the Contract Tower Program.”.

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

21 “(d) CRITERIA TO EVALUATE PARTICIPANTS.—

22 “(1) TIMING OF EVALUATIONS.—

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

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

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

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

17 “(ii) by more than 55 percent cumula-
18 tively in the preceding 3-year period.

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

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

1 “(B) The Federal Aviation Administra-
2 tion’s actual telecommunications costs directly
3 associated with the tower.

4 “(C) The Federal Aviation Administra-
5 tion’s costs of purchasing and installing any air
6 traffic control equipment that would not have
7 been purchased or installed except as a result of
8 the operation of the tower.

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

15 “(E) Other actual costs of the Federal
16 Aviation Administration directly associated with
17 the tower that would not be incurred except as
18 a result of the operation of the tower (excluding
19 costs for non-contract tower related personnel
20 and equipment, even if the personnel or equip-
21 ment are located in the contract tower build-
22 ing).

23 “(3) OTHER CRITERIA TO BE CONSIDERED.—In
24 establishing a benefit-to-cost ratio under this section
25 with respect to an air traffic control tower, the Sec-

1 retary shall add a 10 percentage point margin of
2 error to the benefit-to-cost ratio determination to ac-
3 knowledge and account for the direct and indirect
4 economic and other benefits that are not included in
5 the criteria the Secretary used in calculating that
6 ratio.

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

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

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

23 “(i) transmit to the Administrator of
24 the Federal Aviation Administration any

1 updated or additional data submitted in
2 support of the appeal; and

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

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

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

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

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

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

2 Notwithstanding section 47102 of title 49, United
3 States Code, for fiscal years 2018 through 2021, the defi-
4 nition of the term “terminal development” under that sec-
5 tion includes the development of an airport access road
6 that—

7 (1) is located in a noncontiguous State;

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

9 (3) connects to the nearest public roadways of
10 not more than the 2 closest census designated
11 places; and

12 (4) is constructed for the purpose of connecting
13 the census designated places with a planned or
14 newly constructed airport.

15 **SEC. 136. BUY AMERICA REQUIREMENTS.**

16 (a) NOTICE OF WAIVERS.—If the Secretary of Trans-
17 portation determines that it is necessary to waive the ap-
18 plication of section 50101(a) of title 49, United States
19 Code, based on a finding under section 50101(b) of that
20 title, the Secretary, at least 10 days before the date on
21 which the waiver takes effect, shall—

22 (1) make publicly available, in an easily identifi-
23 able location on the website of the Department of
24 Transportation, a detailed written justification of
25 the waiver determination; and

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

3 (b) ANNUAL REPORT.—For each fiscal year, the Sec-
4 retary shall submit 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 a report on waivers issued under section
8 50101 of title 49, United States Code, during the fiscal
9 year.

10 **SEC. 137. SUPPLEMENTAL DISCRETIONARY FUNDS.**

11 Section 47115 of title 49, United States Code, is fur-
12 ther amended by adding at the end the following:

13 “(j) SUPPLEMENTAL DISCRETIONARY FUNDS.—

14 “(1) IN GENERAL.—The Secretary shall estab-
15 lish a program to provide grants, subject to the con-
16 ditions of this subsection, for any purpose for which
17 amounts are made available under section 48103
18 that the Secretary considers most appropriate to
19 carry out this subchapter.

20 “(2) TREATMENT OF GRANTS.—

21 “(A) IN GENERAL.—A grant made under
22 this subsection shall be treated as having been
23 made pursuant to the Secretary’s authority
24 under section 47104(a) and from the Sec-

1 retary’s discretionary fund under subsection (a)
2 of this section.

3 “(B) EXCEPTION.—Except as otherwise
4 provided in this subsection, grants made under
5 this subsection shall not be subject to sub-
6 section (c), section 47117(e), or any other ap-
7 portionment formula, special apportionment
8 category, or minimum percentage set forth in
9 this chapter.

10 “(3) ELIGIBILITY.—The Secretary may provide
11 grants under this subsection only for projects—

12 “(A) at a nonprimary airport that—

13 “(i) is classified as a regional, local,
14 or basic airport, as determined using the
15 Department of Transportation’s most re-
16 cently published classification; and

17 “(ii) is not located within a Metropoli-
18 tan Statistical Area (as defined by the Of-
19 fice of Management and Budget);

20 “(B) at a nonhub, small hub, or medium
21 hub airport; or

22 “(C) at an airport receiving an exemption
23 under section 47134.

24 “(4) FEDERAL SHARE.—

1 “(A) IN GENERAL.—Except as provided in
 2 subparagraph (B), the Government’s share of
 3 allowable project costs under this subsection is
 4 80 percent.

5 “(B) SUBMISSION.—In applying for a
 6 grant under this subsection, an airport sponsor
 7 that proposes a lower Government share of al-
 8 lowable project costs than the share specified in
 9 subparagraph (A) shall receive priority com-
 10 mensurate with the reduction in such share.
 11 Projects shall receive equal priority consider-
 12 ation if such project—

13 “(i) has a proposed Government cost
 14 share of 50 percent or less; or

15 “(ii) is at an airport receiving an ex-
 16 emption under section 47134.

17 “(5) AUTHORIZATION.—

18 “(A) IN GENERAL.—There is authorized to
 19 be appropriated to the Secretary to carry out
 20 this subsection the following amounts:

21 “(i) \$1,020,000,000 for fiscal year
 22 2019.

23 “(ii) \$1,041,000,000 for fiscal year
 24 2020.

1 “(iii) \$1,064,000,000 for fiscal year
2 2021.

3 “(iv) \$1,087,000,000 for fiscal year
4 2022.

5 “(v) \$1,110,000,000 for fiscal year
6 2023.

7 “(B) AVAILABILITY.—Sums authorized to
8 be appropriated under subparagraph (A) shall
9 remain available for 2 fiscal years.”.

10 **SEC. 138. SAFETY EQUIPMENT.**

11 Section 47102(3)(B)(ii) of title 49, United States
12 Code, is amended by striking “and emergency call boxes,”
13 and inserting “emergency call boxes, and counter-UAS
14 systems (as defined in section 40102),”.

15 **SEC. 139. USE OF AIRPORT IMPROVEMENT FUNDS TO PRE-**
16 **VENT POWER OUTAGES.**

17 Section 47102(3) of title 49, United States Code, is
18 amended by adding at the end the following:

19 “(P) an on-airport project to purchase and in-
20 stall generators to prevent power outages in the pas-
21 senger areas of the airport, separate an airport’s re-
22 dundant power supply and its main power supply, or
23 prevent power outages in the airport or damage to
24 the airport’s power supply.”.

1 **SEC. 140. GENERAL WRITTEN ASSURANCES.**

2 Section 47107(a)(17) of title 49, United States Code,
3 is amended by striking “each contract” and inserting “if
4 any phase of such project has received funds under this
5 subchapter, each contract”.

6 **SEC. 141. CONSTRUCTION OF CERTAIN CONTROL TOWERS.**

7 Section 47116(d) of title 49, United States Code, is
8 amended adding at the end the following:

9 “(3) CONTROL TOWER CONSTRUCTION.—Not-
10 withstanding any provision of section
11 47124(b)(4)(A), the Secretary may provide grants
12 under this section to an airport sponsor for the con-
13 struction or improvement of a nonapproach control
14 tower, as defined by the Secretary, and for the ac-
15 quisition and installation of air traffic control, com-
16 munications, and related equipment to be used in
17 that tower. Such grants shall be subject to the dis-
18 tribution requirements of subsection (b) and the eli-
19 gibility requirements of section 47124(b)(4)(B).”.

20 **SEC. 142. SMALL AIRPORT REGULATION RELIEF.**

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

23 “(F) SPECIAL RULE FOR FISCAL YEARS
24 2018 THROUGH 2020.—Notwithstanding sub-
25 paragraph (A) and subject to subparagraph
26 (G), the Secretary shall apportion to a sponsor

1 of an airport under that subparagraph for each
2 of fiscal years 2018 through 2020 an amount
3 based on the number of passenger boardings at
4 the airport during calendar year 2012 if the
5 airport—

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

8 “(ii) had fewer than 10,000 passenger
9 boardings during the calendar year used to
10 calculate the apportionment for fiscal year
11 2018, 2019, or 2020, as applicable, under
12 subparagraph (A); and

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

16 **Subtitle D—Airport Noise and** 17 **Environmental Streamlining**

18 **SEC. 151. 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. 152. PILOT PROGRAM SUNSET.**

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

1 (b) CONFORMING AMENDMENT.—Section 47140a of
 2 title 49, United States Code, is redesignated as section
 3 47140.

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

6 (1) by striking the items relating to sections
 7 47140 and 47140a; and

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

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

10 **SEC. 153. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
 11 **IBLE LAND USE PLANNING AND PROJECTS**
 12 **BY STATE AND LOCAL GOVERNMENTS.**

13 Section 47141(f) of title 49, United States Code, is
 14 amended by striking “2018” and inserting “2023”.

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

16 Section 47503(b) of title 49, United States Code, is
 17 amended to read as follows:

18 “(b) REVISED MAPS.—

19 “(1) IN GENERAL.—An airport operator that
 20 submitted a noise exposure map under subsection
 21 (a) shall submit a revised map to the Secretary if,
 22 in an area surrounding an airport, a change in the
 23 operation of the airport would establish a substantial
 24 new noncompatible use, or would significantly reduce
 25 noise over existing noncompatible uses, that is not

1 reflected in either the existing conditions map or
2 forecast map currently on file with the Federal Avia-
3 tion Administration.

4 “(2) TIMING.—A submission under paragraph
5 (1) shall be required only if the relevant change in
6 the operation of the airport occurs during—

7 “(A) the forecast period of the applicable
8 noise exposure map submitted by an airport op-
9 erator under subsection (a); or

10 “(B) the implementation period of the air-
11 port operator’s noise compatibility program.”.

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

13 (a) STUDY.—Not later than 180 days after the date
14 of enactment of this Act, the Comptroller General of the
15 United States shall initiate a review of the potential bene-
16 fits, costs, and other impacts that would result from a
17 phaseout of covered stage 3 aircraft.

18 (b) CONTENTS.—The review shall include—

19 (1) a determination of the number, types, fre-
20 quency of operations, and owners and operators of
21 covered stage 3 aircraft;

22 (2) an analysis of the potential benefits, costs,
23 and other impacts to air carriers, general aviation
24 operators, airports, communities surrounding air-
25 ports, and the general public associated with phasing

1 out or reducing the operations of covered stage 3
2 aircraft, assuming such a phaseout or reduction is
3 put into effect over a reasonable period of time;

4 (3) a determination of lessons learned from the
5 phaseout of stage 2 aircraft that might be applicable
6 to a phaseout or reduction in the operations of cov-
7 ered stage 3 aircraft, including comparisons between
8 the benefits, costs, and other impacts associated
9 with the phaseout of stage 2 aircraft and the poten-
10 tial benefits, costs, and other impacts determined
11 under paragraph (2);

12 (4) a determination of the costs and logistical
13 challenges associated with recertifying stage 3 air-
14 craft capable of meeting stage 4 noise levels; and

15 (5) a determination of stakeholder views on the
16 feasibility and desirability of phasing out covered
17 stage 3 aircraft, including the views of—

18 (A) air carriers;

19 (B) airports;

20 (C) communities surrounding airports;

21 (D) aircraft and avionics manufacturers;

22 (E) operators of covered stage 3 aircraft
23 other than air carriers; and

1 (F) such other stakeholders and aviation
2 experts as the Comptroller General considers
3 appropriate.

4 (c) REPORT.—Not later than 18 months after the
5 date of enactment of this Act, the Comptroller General
6 shall submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate a report on the results of the review.

10 (d) COVERED STAGE 3 AIRCRAFT DEFINED.—In this
11 section, the term “covered stage 3 aircraft” means a civil
12 subsonic jet aircraft that is not capable of meeting the
13 stage 4 noise levels in part 36 of title 14, Code of Federal
14 Regulations.

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

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

23 (1) the affected airport operator, in consulta-
24 tion with the affected community, submits a request
25 to the Administrator for such a consideration;

1 (2) the airport operator's request would not, in
2 the judgment of the Administrator, conflict with the
3 safe and efficient operation of the national airspace
4 system; and

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

8 **SEC. 157. STUDY ON POTENTIAL HEALTH AND ECONOMIC**
9 **IMPACTS OF OVERFLIGHT NOISE.**

10 (a) IN GENERAL.—Not later than 180 days after the
11 date of enactment of this Act, the Administrator of the
12 Federal Aviation Administration shall enter into an agree-
13 ment with an eligible institution of higher education to
14 conduct a study on the health impacts of noise from air-
15 craft flights on residents exposed to a range of noise levels
16 from such flights.

17 (b) SCOPE OF STUDY.—The study shall—

18 (1) include an examination of the incremental
19 health impacts attributable to noise exposure that
20 result from aircraft flights, including sleep disturb-
21 ance and elevated blood pressure;

22 (2) be focused on residents in the metropolitan
23 area of—

24 (A) Boston;

25 (B) Chicago;

- 1 (C) the District of Columbia;
- 2 (D) New York;
- 3 (E) the Northern California Metroplex;
- 4 (F) Phoenix;
- 5 (G) the Southern California Metroplex;
- 6 (H) Seattle; or
- 7 (I) such other area as may be identified by
- 8 the Administrator;

9 (3) consider, in particular, the incremental
10 health impacts on residents living partly or wholly
11 underneath flight paths most frequently used by air-
12 craft flying at an altitude lower than 10,000 feet, in-
13 cluding during takeoff or landing;

14 (4) include an assessment of the relationship
15 between a perceived increase in aircraft noise, in-
16 cluding as a result of a change in flight paths that
17 increases the visibility of aircraft from a certain lo-
18 cation, and an actual increase in aircraft noise, par-
19 ticularly in areas with high or variable levels of non-
20 aircraft-related ambient noise; and

21 (5) consider the economic harm or benefits to
22 businesses located party or wholly underneath flight
23 paths most frequently used by aircraft flying at an
24 altitude lower than 10,000 feet, including during
25 takeoff or landing.

1 (c) ELIGIBILITY.—An institution of higher education
2 is eligible to conduct the study if the institution—

3 (1) has—

4 (A) a school of public health that has par-
5 ticipated in the Center of Excellence for Air-
6 craft Noise and Aviation Emissions Mitigation
7 of the Federal Aviation Administration; or

8 (B) a center for environmental health that
9 receives funding from the National Institute of
10 Environmental Health Sciences;

11 (2) is located in one of the areas identified in
12 subsection (b);

13 (3) applies to the Administrator in a timely
14 fashion;

15 (4) demonstrates to the satisfaction of the Ad-
16 ministrator that the institution is qualified to con-
17 duct the study;

18 (5) agrees to submit to the Administrator, not
19 later than 3 years after entering into an agreement
20 under subsection (a), the results of the study, in-
21 cluding any source materials used; and

22 (6) meets such other requirements as the Ad-
23 ministrator determines necessary.

24 (d) REPORT.—Not later than 90 days after the Ad-
25 ministrator receives the results of the study, the Adminis-

1 trator shall submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives and
3 the Committee on Commerce, Science, and Transportation
4 of the Senate a report containing the results.

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

6 (a) IN GENERAL.—The Secretary of Transportation
7 shall carry out a pilot program involving not more than
8 6 projects at public-use airports in accordance with this
9 section.

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

14 (c) USE OF FUNDS.—Amounts from a grant received
15 by the sponsor of a public-use airport under the program
16 shall be used for environmental mitigation projects that
17 will measurably reduce or mitigate aviation impacts on
18 noise, air quality, or water quality at the airport or within
19 5 miles of the airport.

20 (d) ELIGIBILITY.—Notwithstanding any other provi-
21 sion of chapter 471 of title 49, United States Code, an
22 environmental mitigation project approved under this sec-
23 tion shall be treated as eligible for assistance under that
24 chapter.

1 (e) SELECTION CRITERIA.—In selecting from among
2 applicants for participation in the program, the Secretary
3 may give priority consideration to projects that—

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

8 (2) will be implemented by an eligible consor-
9 tium.

10 (f) FEDERAL SHARE.—The Federal share of the cost
11 of a project carried out under the program shall be 50
12 percent.

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

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

22 (i) SUNSET.—The program shall terminate 5 years
23 after the Secretary makes the first grant under the pro-
24 gram.

1 (j) DEFINITIONS.—In this section, the following defi-
2 nitions apply:

3 (1) ELIGIBLE CONSORTIUM.—The term “eligi-
4 ble consortium” means a consortium that is com-
5 prised of 2 or more of the following entities:

6 (A) Businesses incorporated in the United
7 States.

8 (B) Public or private educational or re-
9 search organizations located in the United
10 States.

11 (C) Entities of State or local governments
12 in the United States.

13 (D) Federal laboratories.

14 (2) ENVIRONMENTAL MITIGATION PROJECT.—
15 The term “environmental mitigation project” means
16 a project that—

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

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

23 (C) will demonstrate whether new tech-
24 niques or technologies for environmental mitiga-
25 tion are—

- 1 (i) practical to implement at or near
2 multiple public-use airports; and
3 (ii) capable of reducing noise, airport
4 emissions, or water quality impacts in
5 measurably significant amounts.

6 (k) AUTHORIZATION FOR THE TRANSFER OF FUNDS
7 FROM DEPARTMENT OF DEFENSE.—

8 (1) IN GENERAL.—The Administrator of the
9 Federal Aviation Administration may accept funds
10 from the Secretary of Defense to increase the au-
11 thorized funding for this section by the amount of
12 such transfer only to carry out projects designed for
13 environmental mitigation at a site previously, but
14 not currently, managed by the Department of De-
15 fense.

16 (2) ADDITIONAL GRANTEES.—If additional
17 funds are made available by the Secretary of De-
18 fense under paragraph (1), the Administrator may
19 increase the number of grantees under subsection
20 (a).

21 **SEC. 159. AIRCRAFT NOISE EXPOSURE.**

22 (a) REVIEW.—The Administrator of the Federal
23 Aviation Administration shall conduct a review of the rela-
24 tionship between aircraft noise exposure and its effects on
25 communities around airports.

1 (b) REPORT.—

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

6 (2) PRELIMINARY RECOMMENDATIONS.—The
7 report shall contain such preliminary recommenda-
8 tions as the Administrator determines appropriate
9 for revising the land use compatibility guidelines in
10 part 150 of title 14, Code of Federal Regulations,
11 based on the results of the review and in coordina-
12 tion with other agencies.

13 **SEC. 160. COMMUNITY INVOLVEMENT IN FAA NEXTGEN**
14 **PROJECTS LOCATED IN METROPLEXES.**

15 (a) COMMUNITY INVOLVEMENT POLICY.—Not later
16 than 180 days after the date of enactment of this Act,
17 the Administrator of the Federal Aviation Administration
18 shall complete a review of the Federal Aviation Adminis-
19 tration’s community involvement practices for Next Gen-
20 eration Air Transportation System (NextGen) projects lo-
21 cated in metroplexes identified by the Administration. The
22 review shall include, at a minimum, a determination of
23 how and when to engage airports and communities in per-
24 formance-based navigation proposals.

1 (b) REPORT.—Not later than 60 days after comple-
2 tion of the review, the Administrator shall submit to the
3 Committee on Transportation and Infrastructure of the
4 House of Representatives and the Committee on Com-
5 merce, Science, and Transportation of the Senate a report
6 on—

7 (1) how the Administration will improve com-
8 munity involvement practices for NextGen projects
9 located in metroplexes;

10 (2) how and when the Administration will en-
11 gage airports and communities in performance-based
12 navigation proposals; and

13 (3) lessons learned from NextGen projects and
14 pilot programs and how those lessons learned are
15 being integrated into community involvement prac-
16 tices for future NextGen projects located in
17 metroplexes.

18 **SEC. 161. CRITICAL HABITAT ON OR NEAR AIRPORT PROP-**
19 **ERTY.**

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

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

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

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

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

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

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

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

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

1 **SEC. 162. CLARIFICATION OF REIMBURSABLE ALLOWED**
2 **COSTS OF FAA MEMORANDA OF AGREEMENT.**

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

5 (1) in subparagraph (D) by striking “and” at
6 the end;

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

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

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

14 “(i) consists of—

15 “(I) replacement windows, doors, and
16 the installation of through-the-wall air-con-
17 ditioning units; or

18 “(II) a contribution of the equivalent
19 costs to be used for reconstruction, if re-
20 construction is the preferred local solution;

21 “(ii) is located at a school near the airport;

22 and

23 “(iii) is included in a memorandum of
24 agreement entered into before September 30,
25 2002, even if the airport has not met the re-
26 quirements of part 150 of title 14, Code of Fed-

1 eral Regulations, and only if the financial limi-
2 tations of the memorandum are applied.”.

3 **SEC. 163. LEAD EMISSIONS.**

4 (a) STUDY.—The Secretary of Transportation shall
5 enter into appropriate arrangements with the National
6 Academies of Sciences, Engineering, and Medicine under
7 which the National Research Council will conduct a study
8 and develop a report on aviation gasoline.

9 (b) CONTENTS.—The study shall include an assess-
10 ment of—

11 (1) existing non-leaded fuel alternatives to the
12 aviation gasoline used by piston-powered general
13 aviation aircraft;

14 (2) ambient Pb concentrations at and around
15 airports where piston-powered general aviation air-
16 craft are used; and

17 (3) mitigation measures to reduce ambient Pb
18 concentrations, including increasing the size of run-
19 up areas, relocating run-up areas, imposing restric-
20 tions on aircraft using aviation gasoline, and in-
21 creasing the use of motor gasoline in piston-powered
22 general aviation aircraft.

23 (c) REPORT TO CONGRESS.—Not later than 1 year
24 after the date of enactment of this Act, the Secretary shall

1 submit to Congress the report developed by the National
2 Research Council pursuant to this section.

3 **SEC. 164. AIRCRAFT NOISE, EMISSION, AND FUEL BURN RE-**
4 **DUCTION PROGRAM.**

5 (a) IN GENERAL.—The Secretary of Transportation
6 may carry out an aircraft noise, emission, and fuel burn
7 reduction research and development program.

8 (b) ELEMENTS.—In carrying out the program under
9 subsection (a), the Secretary may—

10 (1) support efforts to accelerate the develop-
11 ment of new aircraft, engine technologies, and jet
12 fuels;

13 (2) pursue lighter and more efficient turbine
14 engine components, advanced aircraft wing designs,
15 fuselage structures for innovative aircraft architec-
16 tures, and smart aircraft and engine control sys-
17 tems; and

18 (3) partner with private industry to accomplish
19 the goals of the program.

20 **SEC. 165. TERMINAL SEQUENCING AND SPACING.**

21 Not later than 60 days after the date of enactment
22 of this Act, the Administrator of the Federal Aviation Ad-
23 ministration shall report to the appropriate committees of
24 Congress on the status of Terminal Sequencing and Spac-
25 ing (TSAS) implementation across all completed NextGen

1 Metroplexes with specific information provided by airline
2 regarding the adoption and equipping of aircraft and the
3 training of pilots in its use.

4 **SEC. 166. NOISE AND HEALTH IMPACT TRAINING.**

5 (a) STUDY.—The Comptroller General of the United
6 States shall conduct a study on—

7 (1) while maintaining safety as the top priority,
8 whether air traffic controllers and airspace designers
9 are trained on noise and health impact mitigation in
10 addition to efficiency; and

11 (2) the prevalence of vectoring flights due to
12 over-crowded departure and arrival paths and alter-
13 natives to this practice.

14 (b) REPORT.—The Comptroller General shall submit
15 to Congress a report on the results of the study.

16 **SEC. 167. AIRPORT NOISE MITIGATION AND SAFETY STUDY.**

17 (a) STUDY.—Not later than 180 days after the date
18 of enactment of this Act, the Administrator of the Federal
19 Aviation Administration shall initiate a study to review
20 and evaluate existing studies and analyses of the relation-
21 ship between jet aircraft approach and takeoff speeds and
22 corresponding noise impacts on communities surrounding
23 airports.

1 (b) CONSIDERATIONS.—In conducting the study initi-
2 ated under subsection (a), the Administrator shall deter-
3 mine—

4 (1) whether a decrease in jet aircraft approach
5 or takeoff speeds results in significant aircraft noise
6 reductions;

7 (2) whether the jet aircraft approach or takeoff
8 speed reduction necessary to achieve significant
9 noise reductions—

10 (A) jeopardizes aviation safety; or

11 (B) decreases the efficiency of the National
12 Airspace System, including lowering airport ca-
13 pacity, increasing travel times, or increasing
14 fuel burn;

15 (3) the advisability of using jet aircraft ap-
16 proach or takeoff speeds as a noise mitigation tech-
17 nique; and

18 (4) if the Administrator determines that using
19 jet aircraft approach or takeoff speeds as a noise
20 mitigation technique is advisable, whether any of the
21 metropolitan areas specifically identified in section
22 157(b)(2) would benefit from such a noise mitiga-
23 tion technique without a significant impact to avia-
24 tion safety or the efficiency of the National Airspace
25 System.

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 the results of the study initiated under sub-
 7 section (a).

8 **SEC. 168. JUDICIAL REVIEW FOR PROPOSED ALTERNATIVE**
 9 **ENVIRONMENTAL REVIEW AND APPROVAL**
 10 **PROCEDURES.**

11 Section 330(e) of title 23, United States Code, is
 12 amended—

13 (1) in paragraph (2)(A) by striking “2 years”
 14 and inserting “150 days as set forth in section
 15 139(l)”; and

16 (2) in paragraph (3)(B)(i) by striking “2
 17 years” and inserting “150 days as set forth in sec-
 18 tion 139(l)”.

19 **TITLE II—FAA SAFETY**
 20 **CERTIFICATION REFORM**
 21 **Subtitle A—General Provisions**

22 **SEC. 201. DEFINITIONS.**

23 In this title, the following definitions apply:

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

1 (2) SAFETY OVERSIGHT AND CERTIFICATION
2 ADVISORY COMMITTEE.—The term “Safety Over-
3 sight and Certification Advisory Committee” means
4 the Safety Oversight and Certification Advisory
5 Committee established under section 202.

6 (3) SYSTEMS SAFETY APPROACH.—The term
7 “systems safety approach” means the application of
8 specialized technical and managerial skills to the
9 systematic, forward-looking identification and con-
10 trol of hazards throughout the lifecycle of a project,
11 program, or activity.

12 **SEC. 202. SAFETY OVERSIGHT AND CERTIFICATION ADVI-**
13 **SORY COMMITTEE.**

14 (a) IN GENERAL.—Not later than 60 days after the
15 date of enactment of this Act, the Secretary of Transpor-
16 tation shall establish a Safety Oversight and Certification
17 Advisory Committee (in this section referred to as the
18 “Advisory Committee”).

19 (b) DUTIES.—The Advisory Committee shall provide
20 advice to the Secretary on policy-level issues facing the
21 aviation community that are related to FAA certification
22 and safety oversight programs and activities, including, at
23 a minimum, the following:

1 (1) Aircraft and flight standards certification
2 processes, including efforts to streamline those proc-
3 esses.

4 (2) Implementation and oversight of safety
5 management systems.

6 (3) Risk-based oversight efforts.

7 (4) Utilization of delegation and designation au-
8 thorities.

9 (5) Regulatory interpretation standardization
10 efforts.

11 (6) Training programs.

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

14 (c) FUNCTIONS.—The Advisory Committee shall
15 carry out the following functions (as the functions relate
16 to FAA certification and safety oversight programs and
17 activities):

18 (1) Foster industry collaboration in an open
19 and transparent manner.

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

21 (A) the private sector, including represent-
22 atives of—

23 (i) general aviation;

24 (ii) commercial aviation;

25 (iii) aviation labor;

- 1 (iv) aviation maintenance;
- 2 (v) aviation, aerospace, and avionics
- 3 manufacturing;
- 4 (vi) unmanned aircraft systems opera-
- 5 tors and manufacturers; and
- 6 (vii) the commercial space transpor-
- 7 tation industry;
- 8 (B) members of the public; and
- 9 (C) other interested parties.

10 (3) Establish consensus national goals, strategic
11 objectives, and priorities for the most efficient,
12 streamlined, and cost-effective certification and over-
13 sight processes in order to maintain the safety of the
14 aviation system and, at the same time, allow the
15 FAA to meet future needs and ensure that aviation
16 stakeholders remain competitive in the global mar-
17 ketplace.

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

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

22 (6) Make appropriate legislative, regulatory,
23 and guidance recommendations for the air transpor-
24 tation system and the aviation safety regulatory en-
25 vironment.

1 (7) Establish performance objectives for the
2 FAA and industry.

3 (8) Establish performance metrics and goals for
4 the FAA and the regulated aviation industry to be
5 tracked and reviewed as streamlining and certifi-
6 cation reform and regulation standardization efforts
7 progress.

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

11 (10) Develop recruiting, hiring, training, and
12 continuing education objectives for FAA aviation
13 safety engineers and aviation safety inspectors.

14 (11) Provide advice and recommendations to
15 the FAA on how to prioritize safety rulemaking
16 projects.

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

20 (13) Facilitate the validation of United States
21 products abroad.

22 (d) MEMBERSHIP.—

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

1 (A) The Administrator of the FAA (or the
2 Administrator's designee).

3 (B) Individuals appointed by the Secretary
4 to represent the following interests:

5 (i) Aircraft and engine manufacturers.

6 (ii) Avionics and equipment manufac-
7 turers.

8 (iii) Labor organizations, including
9 collective bargaining representatives of
10 FAA aviation safety inspectors and avia-
11 tion safety engineers.

12 (iv) General aviation operators.

13 (v) Air carriers.

14 (vi) Business aviation operators.

15 (vii) Unmanned aircraft systems man-
16 ufacturers and operators.

17 (viii) Aviation safety management ex-
18 pertise.

19 (ix) Aviation maintenance.

20 (x) Airport owners and operators.

21 (2) NONVOTING MEMBERS.—

22 (A) IN GENERAL.—In addition to the
23 members appointed under paragraph (1), the
24 Advisory Committee shall be composed of non-
25 voting members appointed by the Secretary

1 from among individuals representing FAA safe-
2 ty oversight program offices.

3 (B) DUTIES.—The nonvoting members
4 shall—

5 (i) take part in deliberations of the
6 Advisory Committee; and

7 (ii) provide input with respect to any
8 final reports or recommendations of the
9 Advisory Committee.

10 (C) LIMITATION.—The nonvoting members
11 may not represent any stakeholder interest
12 other than FAA safety oversight program of-
13 fices.

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

17 (4) COMMITTEE CHARACTERISTICS.—The Advi-
18 sory Committee shall have the following characteris-
19 tics:

20 (A) An executive-level membership, with
21 members who can represent and enter into com-
22 mitments for their organizations.

23 (B) The ability to obtain necessary infor-
24 mation from experts in the aviation and aero-
25 space communities.

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

4 (D) Appropriate expertise, including exper-
5 tise in certification and risk-based safety
6 oversight processes, operations, policy, tech-
7 nology, labor relations, training, and finance.

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

13 (e) CHAIRPERSON.—

14 (1) IN GENERAL.—The Chairperson of the Ad-
15 visory Committee shall be appointed by the Sec-
16 retary from among those members of the Advisory
17 Committee that are executive-level members of the
18 aviation industry.

19 (2) TERM.—Each member appointed under
20 paragraph (1) shall serve a term of 1 year as Chair-
21 person.

22 (f) MEETINGS.—

23 (1) FREQUENCY.—The Advisory Committee
24 shall meet at least twice each year at the call of the
25 Chairperson.

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

3 (g) SPECIAL COMMITTEES.—

4 (1) ESTABLISHMENT.—The Advisory Com-
5 mittee may establish special committees composed of
6 private sector representatives, members of the pub-
7 lic, labor representatives, and other interested par-
8 ties in complying with consultation and participation
9 requirements under this section.

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

12 (A) provide rulemaking advice and rec-
13 ommendations to the Administrator with re-
14 spect to aviation-related issues;

15 (B) afford the FAA additional opportuni-
16 ties to obtain firsthand information and insight
17 from those parties that are most affected by ex-
18 isting and proposed regulations; and

19 (C) expedite the development, revision, or
20 elimination of rules without circumventing pub-
21 lic rulemaking processes and procedures.

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

1 (h) SUNSET.—The Advisory Committee shall termi-
2 nate on the last day of the 6-year period beginning on
3 the date of the initial appointment of the members of the
4 Advisory Committee.

5 (i) TERMINATION OF AIR TRAFFIC PROCEDURES AD-
6 VISORY COMMITTEE.—The Air Traffic Procedures Advi-
7 sory Committee established by the FAA shall terminate
8 on the date of the initial appointment of the members of
9 the Advisory Committee.

10 **SEC. 203. PERFORMANCE STANDARDS FOR FIREFIGHTING**
11 **FOAMS.**

12 Not later than 2 years after the date of enactment
13 of this Act, the Administrator of the FAA, using the latest
14 version of National Fire Protection Association 403,
15 “Standard for Aircraft Rescue and Fire-Fighting Services
16 at Airports”, and in coordination with the Administrator
17 of the Environmental Protection Agency, aircraft manu-
18 facturers and airports, shall not require the use of
19 fluorinated chemicals to meet the performance standards
20 referenced in chapter 6 of AC No: 150/5210–6D and ac-
21 ceptable under 139.319(l) of title 14, Code of Federal
22 Regulations.

1 **Subtitle B—Aircraft Certification**
2 **Reform**

3 **SEC. 211. AIRCRAFT CERTIFICATION PERFORMANCE OB-**
4 **JECTIVES AND METRICS.**

5 (a) IN GENERAL.—Not later than 120 days after the
6 date on which the Safety Oversight and Certification Advi-
7 sory Committee is established under section 202, the Ad-
8 ministrators of the FAA shall establish performance objec-
9 tives and apply and track metrics for the FAA and the
10 aviation industry relating to aircraft certification in ac-
11 cordance with this section.

12 (b) COLLABORATION.—The Administrator shall carry
13 out this section in collaboration with the Safety Oversight
14 and Certification Advisory Committee.

15 (c) PERFORMANCE OBJECTIVES.—In carrying out
16 subsection (a), the Administrator shall establish perform-
17 ance objectives for the FAA and the aviation industry to
18 ensure that, with respect to aircraft certification, progress
19 is made toward, at a minimum—

20 (1) eliminating certification delays and improv-
21 ing cycle times;

22 (2) increasing accountability for both FAA and
23 industry entities;

24 (3) achieving full utilization of FAA delegation
25 and designation authorities;

- 1 (4) fully implementing risk management prin-
2 ciples and a systems safety approach;
- 3 (5) reducing duplication of effort;
- 4 (6) increasing transparency;
- 5 (7) establishing and providing training, includ-
6 ing recurrent training, in auditing and a systems
7 safety approach to certification oversight;
- 8 (8) improving the process for approving or ac-
9 cepting certification actions between the FAA and
10 bilateral partners;
- 11 (9) maintaining and improving safety;
- 12 (10) streamlining the hiring process for—
 - 13 (A) qualified systems safety engineers to
14 support FAA efforts to implement a systems
15 safety approach; and
 - 16 (B) qualified systems engineers to guide
17 the engineering of complex systems within the
18 FAA; and
- 19 (11) maintaining the leadership of the United
20 States in international aviation and aerospace.
- 21 (d) PERFORMANCE METRICS.—In carrying out sub-
22 section (a), the Administrator shall apply and track per-
23 formance metrics for the FAA and the regulated aviation
24 industry established by the Safety Oversight and Certifi-
25 cation Advisory Committee.

1 (e) DATA GENERATION.—

2 (1) BASELINES.—Not later than 1 year after
3 the date on which the Safety Oversight and Certifi-
4 cation Advisory Committee establishes initial per-
5 formance metrics for the FAA and the regulated
6 aviation industry under section 202, the Adminis-
7 trator shall generate initial data with respect to each
8 of the metrics applied and tracked under this sec-
9 tion.

10 (2) MEASURING PROGRESS TOWARD GOALS.—

11 The Administrator shall use the metrics applied and
12 tracked under this section to generate data on an
13 ongoing basis and to measure progress toward the
14 achievement of national goals established by the
15 Safety Oversight and Certification Advisory Com-
16 mittee.

17 (f) PUBLICATION.—The Administrator shall make
18 data generated using the metrics applied and tracked
19 under this section available to the public in a searchable,
20 sortable, and downloadable format through the internet
21 website of the FAA and other appropriate methods and
22 shall ensure that the data is made available in a manner
23 that—

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

1 (2) protects proprietary information.

2 **SEC. 212. ORGANIZATION DESIGNATION AUTHORIZATIONS.**

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

6 **“§ 44736. Organization designation authorizations**

7 “(a) DELEGATIONS OF FUNCTIONS.—

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

11 “(A) require, based on an application sub-
12 mitted by the ODA holder and approved by the
13 Administrator (or the Administrator’s des-
14 ignee), a procedures manual that addresses all
15 procedures and limitations regarding the func-
16 tions to be performed by the ODA holder;

17 “(B) delegate fully to the ODA holder each
18 of the functions to be performed as specified in
19 the procedures manual, unless the Adminis-
20 trator determines, after the date of the delega-
21 tion and as a result of an inspection or other
22 investigation, that the public interest and safety
23 of air commerce requires a limitation with re-
24 spect to 1 or more of the functions; and

1 “(C) conduct regular oversight activities by
2 inspecting the ODA holder’s delegated functions
3 and taking action based on validated inspection
4 findings.

5 “(2) DUTIES OF ODA HOLDERS.—An ODA
6 holder shall—

7 “(A) perform each function delegated to
8 the ODA holder in accordance with the ap-
9 proved procedures manual for the delegation;

10 “(B) make the procedures manual avail-
11 able to each member of the appropriate ODA
12 unit; and

13 “(C) cooperate fully with oversight activi-
14 ties conducted by the Administrator in connec-
15 tion with the delegation.

16 “(3) EXISTING ODA HOLDERS.—With regard to
17 an ODA holder operating under a procedures man-
18 ual approved by the Administrator before the date of
19 enactment of this section, the Administrator shall—

20 “(A) at the request of the ODA holder and
21 in an expeditious manner, approve revisions to
22 the ODA holder’s procedures manual;

23 “(B) delegate fully to the ODA holder each
24 of the functions to be performed as specified in
25 the procedures manual, unless the Adminis-

1 trator determines, after the date of the delega-
2 tion and as a result of an inspection or other
3 investigation, that the public interest and safety
4 of air commerce requires a limitation with re-
5 spect to one or more of the functions; and

6 “(C) conduct regular oversight activities by
7 inspecting the ODA holder delegated functions
8 and taking action based on validated inspection
9 findings.

10 “(b) ODA OFFICE.—

11 “(1) ESTABLISHMENT.—Not later than 90 days
12 after the date of enactment of this section, the Ad-
13 ministrator of the FAA shall identify, within the
14 FAA Office of Aviation Safety, a centralized policy
15 office to be known as the Organization Designation
16 Authorization Office or the ODA Office.

17 “(2) PURPOSE.—The purpose of the ODA Of-
18 fice shall be to oversee and ensure the consistency of
19 the FAA’s audit functions under the ODA program
20 across the FAA.

21 “(3) FUNCTIONS.—The ODA Office shall—

22 “(A) improve performance and ensure full
23 utilization of the authorities delegated under
24 the ODA program;

1 “(B) create a more consistent approach to
2 audit priorities, procedures, and training under
3 the ODA program;

4 “(C) review, in a timely fashion, a random
5 sample of limitations on delegated authorities
6 under the ODA program to determine if the
7 limitations are appropriate;

8 “(D) ensure national consistency in the in-
9 terpretation and application of the requirements
10 of the ODA program, including any limitations,
11 and in the performance of the ODA program;
12 and

13 “(E) at the request of an ODA holder, re-
14 view and approve new limitations to ODA func-
15 tions.

16 “(c) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) FAA.—The term ‘FAA’ means the Fed-
19 eral Aviation Administration.

20 “(2) ODA HOLDER.—The term ‘ODA holder’
21 means an entity authorized to perform functions
22 pursuant to a delegation made by the Administrator
23 of the FAA under section 44702(d).

24 “(3) ODA UNIT.—The term “ODA unit”
25 means a group of 2 or more individuals who per-

1 form, under the supervision of an ODA holder, au-
 2 thorized functions under an ODA.

3 “(4) ORGANIZATION.—The term “organization”
 4 means a firm, partnership, corporation, company,
 5 association, joint-stock association, or governmental
 6 entity.

7 “(5) ORGANIZATION DESIGNATION AUTHORIZA-
 8 TION; ODA.—The term ‘Organization Designation
 9 Authorization’ or ‘ODA’ means an authorization by
 10 the FAA under section 44702(d) for an organization
 11 comprised of 1 or more ODA units to perform ap-
 12 proved functions on behalf of the FAA.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
 14 ter 447 of title 49, United States Code, is amended by
 15 adding at the end the following:

“44736. Organization designation authorizations.”.

16 **SEC. 213. ODA REVIEW.**

17 (a) ESTABLISHMENT OF EXPERT REVIEW PANEL.—

18 (1) EXPERT PANEL.—Not later than 60 days
 19 after the date of enactment of this Act, the Adminis-
 20 trator of the FAA shall convene a multidisciplinary
 21 expert review panel (in this section referred to as the
 22 “Panel”).

23 (2) COMPOSITION OF PANEL.—

1 (A) APPOINTMENT OF MEMBERS.—The
2 Panel shall be composed of not more than 20
3 members appointed by the Administrator.

4 (B) QUALIFICATIONS.—The members ap-
5 pointed to the Panel shall—

6 (i) each have a minimum of 5 years of
7 experience in processes and procedures
8 under the ODA program; and

9 (ii) represent, at a minimum, ODA
10 holders, aviation manufacturers, safety ex-
11 perts, and FAA labor organizations, in-
12 cluding labor representatives of FAA avia-
13 tion safety inspectors and aviation safety
14 engineers.

15 (b) SURVEY.—The Panel shall conduct a survey of
16 ODA holders and ODA program applicants to document
17 and assess FAA certification and oversight activities, in-
18 cluding use of the ODA program and the timeliness and
19 efficiency of the certification process.

20 (c) ASSESSMENT AND RECOMMENDATIONS.—The
21 Panel shall assess and make recommendations con-
22 cerning—

23 (1) the FAA's processes and procedures under
24 the ODA program and whether the processes and
25 procedures function as intended;

1 (2) the best practices of and lessons learned by
2 ODA holders and individuals who provide oversight
3 of ODA holders;

4 (3) performance incentive policies related to the
5 ODA program for FAA personnel;

6 (4) training activities related to the ODA pro-
7 gram for FAA personnel and ODA holders;

8 (5) the impact, if any, that oversight of the
9 ODA program has on FAA resources and the FAA's
10 ability to process applications for certifications out-
11 side of the ODA program; and

12 (6) the results of the survey conducted under
13 subsection (b).

14 (d) REPORT.—Not later than 180 days after the date
15 the Panel is convened under subsection (a), the Panel shall
16 submit to the Administrator, the Safety Oversight and
17 Certification Advisory Committee, the Committee on
18 Transportation and Infrastructure of the House of Rep-
19 resentatives, and the Committee on Commerce, Science,
20 and Transportation of the Senate a report on the findings
21 and recommendations of the Panel.

22 (e) DEFINITIONS.—The definitions contained in sec-
23 tion 44736 of title 49, United States Code, as added by
24 this Act, apply to this section.

1 (f) APPLICABLE LAW.—Public Law 92–463 shall not
2 apply to the Panel.

3 (g) SUNSET.—The Panel shall terminate on the date
4 of submission of the report under subsection (d), or on
5 the date that is 1 year after the Panel is convened under
6 subsection (a), whichever occurs first.

7 **SEC. 214. TYPE CERTIFICATION RESOLUTION PROCESS.**

8 (a) IN GENERAL.—Section 44704(a) of title 49,
9 United States Code, is amended by adding at the end the
10 following:

11 “(6) TYPE CERTIFICATION RESOLUTION PROC-
12 ESS.—

13 “(A) IN GENERAL.—Not later than 15
14 months after the date of enactment of this
15 paragraph, the Administrator shall establish an
16 effective, timely, and milestone-based issue reso-
17 lution process for type certification activities
18 under this subsection.

19 “(B) PROCESS REQUIREMENTS.—The res-
20 olution process shall provide for—

21 “(i) resolution of technical issues at
22 pre-established stages of the certification
23 process, as agreed to by the Administrator
24 and the type certificate applicant;

“(ii) automatic elevation to appropriate management personnel of the Federal Aviation Administration and the type certificate applicant of any major certification process milestone that is not completed or resolved within a specific period of time agreed to by the Administrator and the type certificate applicant; and

“(iii) resolution of a major certification process milestone elevated pursuant to clause (ii) within a specific period of time agreed to by the Administrator and the type certificate applicant.

“(C) MAJOR CERTIFICATION PROCESS MILESTONE DEFINED.—In this paragraph, the term ‘major certification process milestone’ means a milestone related to a type certification basis, type certification plan, type inspection authorization, issue paper, or other major type certification activity agreed to by the Administrator and the type certificate applicant.”.

(b) TECHNICAL AMENDMENT.—Section 44704 of title 49, United States Code, is amended in the section heading by striking “**airworthiness certificates,**” and inserting “**airworthiness certificates,**”.

1 **SEC. 215. REVIEW OF CERTIFICATION PROCESS FOR SMALL**
2 **GENERAL AVIATION AIRPLANES.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Inspector General of
5 the Department of Transportation shall initiate a review
6 of the Federal Aviation Administration’s implementation
7 of the final rule titled “Revision of Airworthiness Stand-
8 ards for Normal, Utility, Acrobatic, and Commuter Cat-
9 egory Airplanes” (81 Fed. Reg. 96572).

10 (b) CONSIDERATIONS.—In carrying out the review,
11 the Inspector General shall assess—

1 (1) how the rule puts into practice the Adminis-
 2 tration's efforts to implement performance and risk-
 3 based safety standards;

4 (2) whether the Administration's implementa-
 5 tion of the rule has improved safety and reduced the
 6 regulatory cost burden for the Administration and
 7 the aviation industry; and

8 (3) if there are lessons learned from, and best
 9 practices developed as a result of, the rule that could
 10 be applied to airworthiness standards for other cat-
 11 egories of aircraft.

12 (c) REPORT.—Not later than 180 days after the date
 13 of initiation of the review, the Inspector General shall sub-
 14 mit to the Committee on Transportation and Infrastruc-
 15 ture of the House of Representatives and the Committee
 16 on Commerce, Science, and Transportation of the Senate
 17 a report on the results of the review, including findings
 18 and recommendations.

19 **Subtitle C—Flight Standards** 20 **Reform**

21 **SEC. 231. FLIGHT STANDARDS PERFORMANCE OBJECTIVES** 22 **AND METRICS.**

23 (a) IN GENERAL.—Not later than 120 days after the
 24 date on which the Safety Oversight and Certification Advi-
 25 sory Committee is established under section 202, the Ad-

1 ministrator of the FAA shall establish performance objec-
2 tives and apply and track metrics for the FAA and the
3 aviation industry relating to flight standards activities in
4 accordance with this section.

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

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

13 (1) eliminating delays with respect to such ac-
14 tivities;

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

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

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

21 (5) reducing duplication of effort;

22 (6) eliminating inconsistent regulatory interpre-
23 tations and inconsistent enforcement activities;

1 (7) improving and providing greater opportuni-
2 ties for training, including recurrent training, in au-
3 diting and a systems safety approach to oversight;

4 (8) developing and allowing utilization of a sin-
5 gle master source for guidance;

6 (9) providing and utilizing a streamlined appeal
7 process for the resolution of regulatory interpreta-
8 tion questions;

9 (10) maintaining and improving safety; and

10 (11) increasing transparency.

11 (d) METRICS.—In carrying out subsection (a), the
12 Administrator shall apply and track performance metrics
13 for the FAA and the regulated aviation industry estab-
14 lished by the Safety Oversight and Certification Advisory
15 Committee.

16 (e) DATA GENERATION.—

17 (1) BASELINES.—Not later than 1 year after
18 the date on which the Safety Oversight and Certifi-
19 cation Advisory Committee establishes initial per-
20 formance metrics for the FAA and the regulated
21 aviation industry under section 202, the Adminis-
22 trator shall generate initial data with respect to each
23 of the metrics applied and tracked under this sec-
24 tion.

1 (2) MEASURING PROGRESS TOWARD GOALS.—

2 The Administrator shall use the metrics applied and
3 tracked under this section to generate data on an
4 ongoing basis and to measure progress toward the
5 achievement of national goals established by the
6 Safety Oversight and Certification Advisory Com-
7 mittee.

8 (f) PUBLICATION.—The Administrator shall make
9 data generated using the metrics applied and tracked
10 under this section available to the public in a searchable,
11 sortable, and downloadable format through the internet
12 website of the FAA and other appropriate methods and
13 shall ensure that the data is made available in a manner
14 that—

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

17 (2) protects proprietary information.

18 **SEC. 232. FAA TASK FORCE ON FLIGHT STANDARDS RE-**
19 **FORM.**

20 (a) ESTABLISHMENT.—Not later than 90 days after
21 the date of enactment of this Act, the Administrator of
22 the FAA shall establish the FAA Task Force on Flight
23 Standards Reform (in this section referred to as the “Task
24 Force”).

25 (b) MEMBERSHIP.—

1 (1) APPOINTMENT.—The membership of the
2 Task Force shall be appointed by the Administrator.

3 (2) NUMBER.—The Task Force shall be com-
4 posed of not more than 20 members.

5 (3) REPRESENTATION REQUIREMENTS.—The
6 membership of the Task Force shall include rep-
7 resentatives, with knowledge of flight standards reg-
8 ulatory processes and requirements, of—

9 (A) air carriers;

10 (B) general aviation;

11 (C) business aviation;

12 (D) repair stations;

13 (E) unmanned aircraft systems operators;

14 (F) flight schools;

15 (G) labor unions, including those rep-
16 resenting FAA aviation safety inspectors;

17 (H) aircraft manufacturers; and

18 (I) aviation safety experts.

19 (c) DUTIES.—The duties of the Task Force shall in-
20 clude, at a minimum, identifying best practices and pro-
21 viding recommendations, for current and anticipated
22 budgetary environments, with respect to—

23 (1) simplifying and streamlining flight stand-
24 ards regulatory processes;

1 (2) reorganizing Flight Standards Services to
2 establish an entity organized by function rather than
3 geographic region, if appropriate;

4 (3) FAA aviation safety inspector training op-
5 portunities;

6 (4) ensuring adequate and timely provision of
7 Flight Standards activities and responses necessary
8 for type certification, operational evaluation, and
9 entry into service of newly manufactured aircraft;

10 (5) FAA aviation safety inspector standards
11 and performance; and

12 (6) achieving, across the FAA, consistent—

13 (A) regulatory interpretations; and

14 (B) application of oversight activities.

15 (d) REPORT.—Not later than 1 year after the date
16 of the establishment of the Task Force, the Task Force
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report detailing—

21 (1) the best practices identified and rec-
22 ommendations provided by the Task Force under
23 subsection (c); and

24 (2) any recommendations of the Task Force for
25 additional regulatory, policy, or cost-effective legisla-

1 tive action to improve the efficiency of agency activi-
2 ties.

3 (e) APPLICABLE LAW.—Public Law 92–463 shall not
4 apply to the Task Force.

5 (f) TERMINATION.—The Task Force shall terminate
6 on the earlier of—

7 (1) the date on which the Task Force submits
8 the report required under subsection (d); or

9 (2) the date that is 18 months after the date
10 on which the Task Force is established under sub-
11 section (a).

12 **SEC. 233. CENTRALIZED SAFETY GUIDANCE DATABASE.**

13 (a) ESTABLISHMENT.—Not later than 1 year after
14 the date of enactment of this Act, the Administrator of
15 the FAA shall establish a centralized safety guidance data-
16 base that will—

17 (1) encompass all of the regulatory guidance
18 documents of the FAA Office of Aviation Safety;

19 (2) contain, for each such guidance document,
20 a link to the Code of Federal Regulations provision
21 to which the document relates; and

22 (3) be publicly available in a manner that—

23 (A) does not provide identifying informa-
24 tion regarding an individual or entity; and

25 (B) protects proprietary information.

1 (b) DATA ENTRY TIMING.—

2 (1) EXISTING DOCUMENTS.—Not later than 14
3 months after the date of enactment of this Act, the
4 Administrator shall begin entering into the database
5 established under subsection (a) all of the regulatory
6 guidance documents of the Office of Aviation Safety
7 that are in effect and were issued before the date on
8 which the Administrator begins such entry process.

9 (2) NEW DOCUMENTS AND CHANGES.—On and
10 after the date on which the Administrator begins the
11 document entry process under paragraph (1), the
12 Administrator shall ensure that all new regulatory
13 guidance documents of the Office of Aviation Safety
14 and any changes to existing documents are included
15 in the database established under subsection (a).

16 (c) CONSULTATION REQUIREMENT.—In establishing
17 the database under subsection (a), the Administrator shall
18 consult and collaborate with appropriate stakeholders, in-
19 cluding labor organizations (including those representing
20 aviation workers and FAA aviation safety inspectors) and
21 industry stakeholders.

22 (d) REGULATORY GUIDANCE DOCUMENTS DE-
23 FINED.—In this section, the term “regulatory guidance
24 documents” means all forms of written information issued
25 by the FAA that an individual or entity may use to inter-

1 pret or apply FAA regulations and requirements, includ-
 2 ing information an individual or entity may use to deter-
 3 mine acceptable means of compliance with such regula-
 4 tions and requirements.

5 **SEC. 234. REGULATORY CONSISTENCY COMMUNICATIONS**
 6 **BOARD.**

7 (a) ESTABLISHMENT.—Not later than 180 days after
 8 the date of enactment of this Act, the Administrator of
 9 the FAA shall establish a Regulatory Consistency Commu-
 10 nications Board (in this section referred to as the
 11 “Board”).

12 (b) CONSULTATION REQUIREMENT.—In establishing
 13 the Board, the Administrator shall consult and collaborate
 14 with appropriate stakeholders, including FAA labor orga-
 15 nizations (including labor organizations representing FAA
 16 aviation safety inspectors) and industry stakeholders.

17 (c) MEMBERSHIP.—The Board shall be composed of
 18 FAA representatives, appointed by the Administrator,
 19 from—

- 20 (1) the Flight Standards Service;
- 21 (2) the Aircraft Certification Service; and
- 22 (3) the Office of the Chief Counsel.

23 (d) FUNCTIONS.—The Board shall carry out the fol-
 24 lowing functions:

1 (1) Establish, at a minimum, processes by
2 which—

3 (A) FAA personnel and regulated entities
4 may submit anonymous regulatory interpreta-
5 tion questions without fear of retaliation; and

6 (B) FAA personnel may submit written
7 questions, and receive written responses, as to
8 whether a previous approval or regulatory inter-
9 pretation issued by FAA personnel in another
10 office or region is correct or incorrect.

11 (2) Meet on a regular basis to discuss and re-
12 solve questions submitted pursuant to paragraph (1)
13 and the appropriate application of regulations and
14 policy with respect to each question.

15 (3) Provide to an individual or entity that sub-
16 mitted a question pursuant to paragraph (1) a time-
17 ly response to the question.

18 (4) Establish a process to make resolutions of
19 common regulatory interpretation questions publicly
20 available to FAA personnel and regulated entities
21 without providing any identifying data of the indi-
22 viduals or entities that submitted the questions and
23 in a manner that protects any proprietary informa-
24 tion.

1 (5) Ensure the incorporation of resolutions of
 2 questions submitted pursuant to paragraph (1) into
 3 regulatory guidance documents.

4 (e) PERFORMANCE METRICS, TIMELINES, AND
 5 GOALS.—Not later than 180 days after the date on which
 6 the Safety Oversight and Certification Advisory Com-
 7 mittee establishes performance metrics for the FAA and
 8 the regulated aviation industry under section 202, the Ad-
 9 ministrator, in collaboration with the Advisory Committee,
 10 shall—

11 (1) establish performance metrics, timelines,
 12 and goals to measure the progress of the Board in
 13 resolving regulatory interpretation questions sub-
 14 mitted pursuant to subsection (d)(1); and

15 (2) implement a process for tracking the
 16 progress of the Board in meeting the metrics,
 17 timelines, and goals established under paragraph
 18 (1).

19 **Subtitle D—Safety Workforce**

20 **SEC. 241. SAFETY WORKFORCE TRAINING STRATEGY.**

21 (a) SAFETY WORKFORCE TRAINING STRATEGY.—
 22 Not later than 60 days after the date of enactment of this
 23 Act, the Administrator of the FAA shall establish a safety
 24 workforce training strategy that—

1 (1) allows employees participating in organiza-
2 tion management teams or conducting ODA pro-
3 gram audits to complete, in a timely fashion, appro-
4 priate training, including recurrent training, in au-
5 diting and a systems safety approach to oversight;

6 (2) seeks knowledge-sharing opportunities be-
7 tween the FAA and the aviation industry regarding
8 new equipment and systems, best practices, and
9 other areas of interest;

10 (3) functions within the current and anticipated
11 budgetary environments; and

12 (4) includes milestones and metrics for meeting
13 the requirements of paragraphs (1), (2), and (3).

14 (b) REPORT.—Not later than 270 days after the date
15 of establishment of the strategy required under subsection
16 (a), the Administrator shall submit to the Committee on
17 Transportation and Infrastructure of the House of Rep-
18 resentatives and the Committee on Commerce, Science,
19 and Transportation of the Senate a report on the imple-
20 mentation of the strategy and progress in meeting any
21 milestones and metrics included in the strategy.

22 (c) DEFINITIONS.—In this section, the following defi-
23 nitions apply:

24 (1) ODA; ODA HOLDER.—The terms “ODA”
25 and “ODA holder” have the meanings given those

1 terms in section 44736 of title 49, United States
2 Code, as added by this Act.

3 (2) ORGANIZATION MANAGEMENT TEAM.—The
4 term “organization management team” means a
5 team consisting of FAA aviation safety engineers,
6 flight test pilots, and aviation safety inspectors over-
7 seeing an ODA holder and its certification activity.

8 **SEC. 242. WORKFORCE REVIEW.**

9 (a) WORKFORCE REVIEW.—Not later than 90 days
10 after the date of enactment of this Act, the Comptroller
11 General of the United States shall conduct a review to as-
12 sess the workforce and training needs of the FAA Office
13 of Aviation Safety in the anticipated budgetary environ-
14 ment.

15 (b) CONTENTS.—The review required under sub-
16 section (a) shall include—

17 (1) a review of current aviation safety inspector
18 and aviation safety engineer hiring, training, and re-
19 current training requirements;

20 (2) an analysis of the skills and qualifications
21 required of aviation safety inspectors and aviation
22 safety engineers for successful performance in the
23 current and future projected aviation safety regu-
24 latory environment, including the need for a systems
25 engineering discipline within the FAA to guide the

1 engineering of complex systems, with an emphasis
2 on auditing designated authorities;

3 (3) a review of current performance incentive
4 policies of the FAA, as applied to the Office of Avia-
5 tion Safety, including awards for performance;

6 (4) an analysis of ways the FAA can work with
7 industry and labor, including labor groups rep-
8 resenting FAA aviation safety inspectors and avia-
9 tion safety engineers, to establish knowledge-sharing
10 opportunities between the FAA and the aviation in-
11 dustry regarding new equipment and systems, best
12 practices, and other areas of interest; and

13 (5) recommendations on the most effective
14 qualifications, training programs (including e-learn-
15 ing training), and performance incentive approaches
16 to address the needs of the future projected aviation
17 safety regulatory system in the anticipated budg-
18 etary environment.

19 (c) REPORT.—Not later than 270 days after the date
20 of enactment of this Act, the Comptroller General shall
21 submit to the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a report on the results of the review required under
25 subsection (a).

1 **Subtitle E—International Aviation**

2 **SEC. 251. PROMOTION OF UNITED STATES AEROSPACE**
3 **STANDARDS, PRODUCTS, AND SERVICES**
4 **ABROAD.**

5 Section 40104 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(d) PROMOTION OF UNITED STATES AEROSPACE
8 STANDARDS, PRODUCTS, AND SERVICES ABROAD.—The
9 Administrator shall take appropriate actions to—

10 “(1) promote United States aerospace safety
11 standards abroad;

12 “(2) facilitate and vigorously defend approvals
13 of United States aerospace products and services
14 abroad;

15 “(3) with respect to bilateral partners, utilize
16 bilateral safety agreements and other mechanisms to
17 improve validation of United States type certificated
18 aeronautical products and appliances and enhance
19 mutual acceptance in order to eliminate
20 redundancies and unnecessary costs; and

21 “(4) with respect to foreign safety authorities,
22 streamline validation and coordination processes.”.

1 **SEC. 252. BILATERAL EXCHANGES OF SAFETY OVERSIGHT**
2 **RESPONSIBILITIES.**

3 Section 44701(e) of title 49, United States Code, is
4 amended by adding at the end the following:

5 “(5) FOREIGN AIRWORTHINESS DIRECTIVES.—

6 “(A) ACCEPTANCE.—The Administrator
7 may accept an airworthiness directive issued by
8 an aeronautical safety authority of a foreign
9 country, and leverage that authority’s regu-
10 latory process, if—

11 “(i) the country is the state of design
12 for the product that is the subject of the
13 airworthiness directive;

14 “(ii) the United States has a bilateral
15 safety agreement relating to aircraft cer-
16 tification with the country;

17 “(iii) as part of the bilateral safety
18 agreement with the country, the Adminis-
19 trator has determined that such aero-
20 nautical safety authority has a certification
21 system relating to safety that produces a
22 level of safety equivalent to the level pro-
23 duced by the system of the Federal Avia-
24 tion Administration;

25 “(iv) the aeronautical safety authority
26 of the country utilizes an open and trans-

parent notice and comment process in the issuance of airworthiness directives; and

“(v) the airworthiness directive is necessary to provide for the safe operation of the aircraft subject to the directive.

“(B) ALTERNATIVE APPROVAL PROCESS.—

Notwithstanding subparagraph (A), the Administrator may issue a Federal Aviation Administration airworthiness directive instead of accepting an airworthiness directive otherwise eligible for acceptance under such subparagraph, if the Administrator determines that such issuance is necessary for safety or operational reasons due to the complexity or unique features of the Federal Aviation Administration airworthiness directive or the United States aviation system.

“(C) ALTERNATIVE MEANS OF COMPLIANCE.—The Administrator may—

“(i) accept an alternative means of compliance, with respect to an airworthiness directive accepted under subparagraph (A), that was approved by the aeronautical safety authority of the foreign country that issued the airworthiness directive; or

1 “(ii) notwithstanding subparagraph
2 (A), and at the request of any person af-
3 fected by an airworthiness directive accept-
4 ed under such subparagraph, approve an
5 alternative means of compliance with re-
6 spect to the airworthiness directive.

7 “(D) LIMITATION.—The Administrator
8 may not accept an airworthiness directive
9 issued by an aeronautical safety authority of a
10 foreign country if the airworthiness directive
11 addresses matters other than those involving
12 the safe operation of an aircraft.”.

13 **SEC. 253. FAA LEADERSHIP ABROAD.**

14 (a) IN GENERAL.—To promote United States aero-
15 space safety standards, reduce redundant regulatory activ-
16 ity, and facilitate acceptance of FAA design and produc-
17 tion approvals abroad, the Administrator of the FAA
18 shall—

19 (1) attain greater expertise in issues related to
20 dispute resolution, intellectual property, and export
21 control laws to better support FAA certification and
22 other aerospace regulatory activities abroad;

23 (2) work with United States companies to more
24 accurately track the amount of time it takes foreign
25 authorities, including bilateral partners, to validate

1 United States type certificated aeronautical prod-
2 ucts;

3 (3) provide assistance to United States compa-
4 nies that have experienced significantly long foreign
5 validation wait times;

6 (4) work with foreign authorities, including bi-
7 lateral partners, to collect and analyze data to deter-
8 mine the timeliness of the acceptance and validation
9 of FAA design and production approvals by foreign
10 authorities and the acceptance and validation of for-
11 eign-certified products by the FAA;

12 (5) establish appropriate benchmarks and
13 metrics to measure the success of bilateral aviation
14 safety agreements and to reduce the validation time
15 for United States type certificated aeronautical
16 products abroad; and

17 (6) work with foreign authorities, including bi-
18 lateral partners, to improve the timeliness of the ac-
19 ceptance and validation of FAA design and produc-
20 tion approvals by foreign authorities and the accept-
21 ance and validation of foreign-certified products by
22 the FAA.

23 (b) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Administrator of the FAA
25 shall submit to the Committee on Transportation and In-

1 frastructure of the House of Representatives and the Com-
2 mittee on Commerce, Science, and Transportation of the
3 Senate a report that—

4 (1) describes the FAA’s strategic plan for inter-
5 national engagement;

6 (2) describes the structure and responsibilities
7 of all FAA offices that have international respon-
8 sibilities, including the Aircraft Certification Office,
9 and all the activities conducted by those offices re-
10 lated to certification and production;

11 (3) describes current and forecasted staffing
12 and travel needs for the FAA’s international engage-
13 ment activities, including the needs of the Aircraft
14 Certification Office in the current and forecasted
15 budgetary environment;

16 (4) provides recommendations, if appropriate,
17 to improve the existing structure and personnel and
18 travel policies supporting the FAA’s international
19 engagement activities, including the activities of the
20 Aviation Certification Office, to better support the
21 growth of United States aerospace exports; and

22 (5) identifies cost-effective policy initiatives,
23 regulatory initiatives, or legislative initiatives needed
24 to improve and enhance the timely acceptance of
25 United States aerospace 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. 254. 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 III—SAFETY**
6 **Subtitle A—General Provisions**

7 **SEC. 301. FAA TECHNICAL TRAINING.**

8 (a) E-LEARNING TRAINING PILOT PROGRAM.—Not
9 later than 90 days after the date of enactment of this Act,
10 the Administrator of the Federal Aviation Administration,
11 in collaboration with the exclusive bargaining representa-
12 tives of covered FAA personnel, shall establish an e-learn-
13 ing training pilot program in accordance with the require-
14 ments of this section.

15 (b) CURRICULUM.—The pilot program shall—

16 (1) include a recurrent training curriculum for
17 covered FAA personnel to ensure that the personnel
18 receive instruction on the latest aviation tech-
19 nologies, processes, and procedures;

20 (2) focus on providing specialized technical
21 training for covered FAA personnel, as determined
22 necessary by the Administrator;

23 (3) include training courses on applicable regu-
24 lations of the Federal Aviation Administration; and

1 (4) consider the efficacy of instructor-led online
2 training.

3 (c) PILOT PROGRAM TERMINATION.—The pilot pro-
4 gram shall terminate 1 year after the date of establish-
5 ment of the pilot program.

6 (d) E-LEARNING TRAINING PROGRAM.—Upon termi-
7 nation of the pilot program, the Administrator shall estab-
8 lish an e-learning training program that incorporates les-
9 sons learned for covered FAA personnel as a result of the
10 pilot program.

11 (e) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) COVERED FAA PERSONNEL.—The term
14 “covered FAA personnel” means airway transpor-
15 tation systems specialists and aviation safety inspec-
16 tors of the Federal Aviation Administration.

17 (2) E-LEARNING TRAINING.—The term “e-
18 learning training” means learning utilizing electronic
19 technologies to access educational curriculum outside
20 of a traditional classroom.

21 **SEC. 302. SAFETY CRITICAL STAFFING.**

22 (a) UPDATE OF FAA’S SAFETY CRITICAL STAFFING
23 MODEL.—Not later than 270 days after the date of enact-
24 ment of this Act, the Administrator of the Federal Avia-
25 tion Administration shall update the safety critical staff-

1 ing model of the Administration to determine the number
2 of aviation safety inspectors that will be needed to fulfill
3 the safety oversight mission of the Administration.

4 (b) AUDIT BY DOT INSPECTOR GENERAL.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date on which the Administrator has updated
7 the safety critical staffing model under subsection
8 (a), the Inspector General of the Department of
9 Transportation shall conduct an audit of the staffing
10 model.

11 (2) CONTENTS.—The audit shall include, at a
12 minimum—

13 (A) a review of the assumptions and meth-
14 odologies used in devising and implementing the
15 staffing model to assess the adequacy of the
16 staffing model in predicting the number of avia-
17 tion safety inspectors needed—

18 (i) to properly fulfill the mission of
19 the Administration; and

20 (ii) to meet the future growth of the
21 aviation industry; and

22 (B) a determination on whether the staff-
23 ing model takes into account the Administra-
24 tion's authority to fully utilize designees.

25 (3) REPORT ON AUDIT.—

1 (A) REPORT TO SECRETARY.—Not later
2 than 30 days after the date of completion of the
3 audit, the Inspector General shall submit to the
4 Secretary a report on the results of the audit.

5 (B) REPORT TO CONGRESS.—Not later
6 than 60 days after the date of receipt of the re-
7 port, the Secretary shall submit to the Com-
8 mittee on Transportation and Infrastructure of
9 the House of Representatives and the Com-
10 mittee on Commerce, Science, and Transpor-
11 tation of the Senate a copy of the report, to-
12 gether with, if appropriate, a description of any
13 actions taken or to be taken to address the re-
14 sults of the audit.

15 **SEC. 303. INTERNATIONAL EFFORTS REGARDING TRACK-**
16 **ING OF CIVIL AIRCRAFT.**

17 The Administrator of the Federal Aviation Adminis-
18 tration shall exercise leadership on creating a global ap-
19 proach to improving aircraft tracking by working with—

- 20 (1) foreign counterparts of the Administrator in
21 the International Civil Aviation Organization and its
22 subsidiary organizations;
23 (2) other international organizations and fora;
24 and
25 (3) the private sector.

1 **SEC. 304. 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) emergency locator transmitters; and
19 (3) satellite-based solutions.

20 (c) REPORT.—Not later than 1 year after the date
21 of initiation of the assessment, the Administrator shall
22 submit to the Committee on Transportation and Infra-
23 structure of the House of Representatives and the Com-
24 mittee on Commerce, Science, and Transportation of the
25 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. 305. ADVANCED COCKPIT DISPLAYS.**

6 (a) IN GENERAL.—Not later than 180 days after the
7 date of enactment of this Act, the Administrator of the
8 Federal Aviation Administration shall initiate a review of
9 heads-up display systems, heads-down display systems em-
10 ploying synthetic vision systems, and enhanced vision sys-
11 tems (in this section referred to as “HUD systems”,
12 “SVS”, and “EVS”, respectively).

13 (b) CONTENTS.—The review shall—

14 (1) evaluate the impacts of single- and dual-in-
15 stalled HUD systems, SVS, and EVS on the safety
16 and efficiency of aircraft operations within the na-
17 tional airspace system; and

18 (2) review a sufficient quantity of commercial
19 aviation accidents or incidents in order to evaluate
20 if HUD systems, SVS, and EVS would have pro-
21 duced a better outcome in that accident or incident.

22 (c) CONSULTATION.—In conducting the review, the
23 Administrator shall consult with aviation manufacturers,
24 representatives of pilot groups, aviation safety organiza-

1 tions, and any government agencies the Administrator
2 considers appropriate.

3 (d) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the Committee on Transportation and Infrastructure
6 of the House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Senate a
8 report containing the results of the review, the actions the
9 Administrator plans to take with respect to the systems
10 reviewed, and the associated timeline for such actions.

11 **SEC. 306. MARKING OF TOWERS.**

12 Section 2110 of the FAA Extension, Safety, and Se-
13 curity Act of 2016 (49 U.S.C. 44718 note) is amended—

14 (1) by striking subsections (a) through (c) and
15 inserting the following:

16 “(a) APPLICATION.—

17 “(1) IN GENERAL.—Except as provided by
18 paragraph (2), not later than 1 year after the date
19 of enactment of the FAA Reauthorization Act of
20 2018 or the availability of the database developed by
21 the Administrator of the Federal Aviation Adminis-
22 tration pursuant to subsection (c), whichever is
23 later, all covered towers shall be either—

24 “(A) clearly marked consistent with appli-
25 cable guidance in the advisory circular of the

1 Federal Aviation Administration issued Decem-
2 ber 4, 2015 (AC 70/7460–IL); or

3 “(B) included in the database described in
4 subsection (c).

5 “(2) METEOROLOGICAL EVALUATION TOWER.—
6 A covered tower that is a meteorological evaluation
7 tower shall be subject to the requirements of para-
8 graphs (1)(A) and (1)(B).”;

9 (2) by redesignating subsections (d) and (e) as
10 subsections (b) and (c), respectively;

11 (3) in subsection (b)(1)(A) (as so redesign-
12 ated)—

13 (A) in clause (i)(I) by striking “self-stand-
14 ing or” and inserting “a meteorological evalua-
15 tion tower or tower”; and

16 (B) in clause (ii)—

17 (i) in subclause (IV) by striking “or”
18 at the end;

19 (ii) in subclause (V) by striking the
20 period at the end and inserting a semi-
21 colon; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(VI) is located within the right-
25 of-way of a rail carrier, including

1 within the boundaries of a rail yard,
2 and is used for a railroad purpose;

3 “(VII) is determined by the Ad-
4 ministrator to pose no hazard to air
5 navigation; or

6 “(VIII) has already mitigated
7 any hazard to aviation safety in ac-
8 cordance with Federal Aviation Ad-
9 ministration guidance or as otherwise
10 approved by the Administrator.”; and

11 (4) in subsection (c) (as so redesignated)—

12 (A) by striking paragraph (1) and insert-
13 ing the following:

14 “(1) develop a database that contains the loca-
15 tion and height of each covered tower that, pursuant
16 to subsection (a), the owner or operator of such
17 tower elects not to mark, except that meteorological
18 evaluation towers shall be marked and contained in
19 the database;”;

20 (B) in paragraph (3) by striking “and” at
21 the end;

22 (C) in paragraph (4) by striking the period
23 at the end and inserting a semicolon; and

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

1 “(5) ensure that the tower information in the
2 database is de-identified and that the information
3 only includes the location and height of covered tow-
4 ers; and

5 “(6) make the database available for use not
6 later than 1 year after the date of enactment of the
7 FAA Reauthorization Act of 2018.”.

8 **SEC. 307. CABIN EVACUATION.**

9 (a) REVIEW.—The Administrator of the Federal
10 Aviation Administration shall review—

11 (1) evacuation certification of transport-cat-
12 egory aircraft used in air transportation, with regard
13 to—

14 (A) emergency conditions, including im-
15 pacts into water;

16 (B) crew procedures used for evacuations
17 under actual emergency conditions; and

18 (C) any relevant changes to passenger de-
19 mographics and legal requirements (including
20 the Americans with Disabilities Act of 1990)
21 that affect emergency evacuations; and

22 (2) recent accidents and incidents where pas-
23 sengers evacuated such aircraft.

24 (b) CONSULTATION; REVIEW OF DATA.—In con-
25 ducting the review, the Administrator shall—

1 (1) consult with the National Transportation
2 Safety Board, transport-category aircraft manufac-
3 turers, air carriers, and other relevant experts and
4 Federal agencies, including groups representing pas-
5 sengers, airline crewmembers, maintenance employ-
6 ees, and emergency responders; and

7 (2) review relevant data with respect to evacu-
8 ation certification of transport-category aircraft.

9 (c) REPORT TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this Act, the Administrator
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report on the results of the review and related
15 recommendations, if any, including any recommendations
16 for revisions to the assumptions and methods used for as-
17 sessing evacuation certification of transport-category air-
18 craft.

19 **SEC. 308. ODA STAFFING AND OVERSIGHT.**

20 (a) REPORT TO CONGRESS.—Not later than 270 days
21 after the date of enactment of this Act, the Administrator
22 of the Federal Aviation Administration shall submit to the
23 Committee on Transportation and Infrastructure of the
24 House of Representatives and the Committee on Com-

merce, Science, and Transportation of the Senate a report
on the Administration’s progress with respect to—

(1) determining what additional model inputs
and labor distribution codes are needed to identify
ODA oversight staffing needs;

(2) developing and implementing system-based
evaluation criteria and risk-based tools to aid ODA
team members in targeting their oversight activities;

(3) developing agreements and processes for
sharing resources to ensure adequate oversight of
ODA personnel performing certification and inspec-
tion work at supplier and company facilities; and

(4) ensuring full utilization of ODA authority.

(b) ODA DEFINED.—In this section, the term
“ODA” has the meaning given that term in section 44736
of title 49, United States Code, as added by this Act.

**SEC. 309. EMERGENCY MEDICAL EQUIPMENT ON PAS-
SENGER AIRCRAFT.**

(a) IN GENERAL.—Not later than 1 year after the
date of enactment of this Act, the Administrator of the
Federal Aviation Administration shall evaluate and revise,
as appropriate, regulations in part 121 of title 14, Code
of Federal Regulations, regarding emergency medical
equipment, including the contents of first-aid kits, applica-

1 ble to all certificate holders operating passenger aircraft
2 under that part.

3 (b) CONSIDERATION.—In carrying out subsection (a),
4 the Administrator shall consider whether the minimum
5 contents of approved emergency medical kits, including
6 approved first-aid kits, include appropriate medications
7 and equipment to meet the emergency medical needs of
8 children and pregnant women.

9 **SEC. 310. HIMS PROGRAM.**

10 Not later than 180 days after the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall conduct a human intervention motiva-
13 tion study (HIMS) program for flight crewmembers em-
14 ployed by commercial air carriers operating in United
15 States airspace.

16 **SEC. 311. ACCEPTANCE OF VOLUNTARILY PROVIDED SAFE-**
17 **TY INFORMATION.**

18 (a) IN GENERAL.—There shall be a presumption that
19 an individual’s voluntary disclosure of an operational or
20 maintenance issue related to aviation safety under an avia-
21 tion safety action program meets the criteria for accept-
22 ance as a valid disclosure under such program.

23 (b) DISCLAIMER REQUIRED.—Any dissemination of
24 a disclosure that was submitted and accepted under an
25 aviation safety action program pursuant to the presump-

1 tion under subsection (a), but that has not undergone re-
2 view by an event review committee, shall be accompanied
3 by a disclaimer stating that the disclosure—

4 (1) has not been reviewed by an event review
5 committee tasked with reviewing such disclosures;
6 and

7 (2) may subsequently be determined to be ineli-
8 gible for inclusion in the aviation safety action pro-
9 gram.

10 (c) REJECTION OF DISCLOSURE.—A disclosure de-
11 scribed under subsection (a) shall be rejected from an
12 aviation safety action program if, after a review of the dis-
13 closure, an event review committee tasked with reviewing
14 such disclosures determines that the disclosure fails to
15 meet the criteria for acceptance under such program.

16 (d) AVIATION SAFETY ACTION PROGRAM DE-
17 FINED.—In this section, the term “aviation safety action
18 program” means a program established in accordance with
19 Federal Aviation Administration Advisory Circular 120–
20 66B, issued November 15, 2002 (including any similar
21 successor advisory circular), to allow an individual to vol-
22 untarily disclose operational or maintenance issues related
23 to aviation safety.

1 **SEC. 312. FLIGHT ATTENDANT DUTY PERIOD LIMITATIONS**
2 **AND REST REQUIREMENTS.**

3 (a) MODIFICATION OF FINAL RULE.—

4 (1) IN GENERAL.—Not later than 30 days after
5 the date of enactment of this Act, the Secretary of
6 Transportation shall modify the final rule of the
7 Federal Aviation Administration published in the
8 Federal Register on August 19, 1994 (59 Fed. Reg.
9 42974; relating to flight attendant duty period limi-
10 tations and rest requirements) in accordance with
11 the requirements of this subsection.

12 (2) CONTENTS.—The final rule, as modified
13 under paragraph (1), shall ensure that—

14 (A) a flight attendant scheduled to a duty
15 period of 14 hours or less is given a scheduled
16 rest period of at least 10 consecutive hours; and

17 (B) the rest period is not reduced under
18 any circumstances.

19 (b) FATIGUE RISK MANAGEMENT PLAN.—

20 (1) SUBMISSION OF PLAN BY PART 121 AIR CAR-
21 RIERS.—Not later than 90 days after the date of en-
22 actment of this Act, each air carrier operating under
23 part 121 of title 14, Code of Federal Regulations (in
24 this section referred to as a “part 121 air carrier”),
25 shall submit to the Administrator of the Federal
26 Aviation Administration for review and acceptance a

1 fatigue risk management plan for the carrier's flight
2 attendants.

3 (2) CONTENTS OF PLAN.—A fatigue risk man-
4 agement plan submitted by a part 121 air carrier
5 under paragraph (1) shall include the following:

6 (A) Current flight time and duty period
7 limitations.

8 (B) A rest scheme consistent with such
9 limitations that enables the management of
10 flight attendant fatigue, including annual train-
11 ing to increase awareness of—

12 (i) fatigue;

13 (ii) the effects of fatigue on flight at-
14 tendants; and

15 (iii) fatigue countermeasures.

16 (C) Development and use of a methodology
17 that continually assesses the effectiveness of im-
18 plementation of the plan, including the ability
19 of the plan—

20 (i) to improve alertness; and

21 (ii) to mitigate performance errors.

22 (3) REVIEW.—Not later than 1 year after the
23 date of enactment of this Act, the Administrator
24 shall review and accept or reject each fatigue risk
25 management plan submitted under this subsection.

1 If the Administrator rejects a plan, the Adminis-
2 trator shall provide suggested modifications for re-
3 submission of the plan.

4 (4) PLAN UPDATES.—

5 (A) IN GENERAL.—A part 121 air carrier
6 shall update its fatigue risk management plan
7 under paragraph (1) every 2 years and submit
8 the update to the Administrator for review and
9 acceptance.

10 (B) REVIEW.—Not later than 1 year after
11 the date of submission of a plan update under
12 subparagraph (A), the Administrator shall re-
13 view and accept or reject the update. If the Ad-
14 ministrator rejects an update, the Adminis-
15 trator shall provide suggested modifications for
16 resubmission of the update.

17 (5) COMPLIANCE.—A part 121 air carrier shall
18 comply with the fatigue risk management plan of the
19 air carrier that is accepted by the Administrator
20 under this subsection.

21 (6) CIVIL PENALTIES.—A violation of this sub-
22 section by a part 121 air carrier shall be treated as
23 a violation of chapter 447 of title 49, United States
24 Code, for purposes of the application of civil pen-
25 alties under chapter 463 of that title.

1 **SEC. 313. SECONDARY COCKPIT BARRIERS.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Administrator of the Federal Aviation Ad-
4 ministration shall issue an order requiring the installation
5 of a secondary cockpit barrier on each aircraft that is
6 manufactured for delivery to a passenger air carrier in the
7 United States operating under the provisions of part 121
8 of title 14, Code of Federal Regulations.

9 **SEC. 314. AVIATION MAINTENANCE INDUSTRY TECHNICAL**
10 **WORKFORCE.**

11 (a) WORKFORCE READINESS.—The Administrator of
12 the Federal Aviation Administration shall coordinate with
13 government, educational institutions, labor organizations
14 representing aviation maintenance workers, and busi-
15 nesses to develop guidance or model curricula for aviation
16 maintenance technician schools certificated under part
17 147 of title 14 of the Code of Federal Regulations to en-
18 sure workforce readiness for industry needs, including cur-
19 ricula related to training in avionics, troubleshooting, and
20 other areas of industry needs.

21 (1) Not later than 1 year after the date of en-
22 actment of this Act, the Administrator shall publish
23 the guidance or model curricula.

24 (2) The Administrator shall publish updates to
25 the guidance or model curricula at least once every
26 2 years from the date of initial publication.

1 (b) STUDY.—The Comptroller General of the United
2 States shall conduct a study on technical workers in the
3 aviation maintenance industry.

4 (c) CONTENTS.—In conducting the study, the Comp-
5 troller General shall—

6 (1) analyze the current Standard Occupational
7 Classification system with regard to the aviation
8 profession, particularly technical workers in the avia-
9 tion maintenance industry;

10 (2) analyze how changes to the Federal employ-
11 ment classification of aviation maintenance industry
12 workers might affect government data on unemploy-
13 ment rates and wages;

14 (3) analyze how changes to the Federal employ-
15 ment classification of aviation maintenance industry
16 workers might affect projections for future aviation
17 maintenance industry workforce needs and project
18 technical worker shortfalls;

19 (4) analyze the impact of Federal regulation,
20 including Federal Aviation Administration oversight
21 of certification, testing, and education programs, on
22 employment of technical workers in the aviation
23 maintenance industry;

24 (5) develop recommendations on how Federal
25 Aviation Administration regulations and policies

1 could be improved to address aviation maintenance
2 industry needs for technical workers;

3 (6) develop recommendations for better coordi-
4 nating actions by government, educational institu-
5 tions, and businesses to support workforce growth in
6 the aviation maintenance industry; and

7 (7) develop recommendations for addressing the
8 needs for government funding, private investment,
9 equipment for training purposes, and other re-
10 sources necessary to strengthen existing training
11 programs or develop new training programs to sup-
12 port workforce growth in the aviation industry.

13 (d) REPORT.—Not later than 1 year after the date
14 of enactment of this Act, the Comptroller General shall
15 submit to the Committee on Transportation and Infra-
16 structure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report on the results of the study.

19 (e) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) AVIATION MAINTENANCE INDUSTRY.—The
22 term “aviation maintenance industry” means repair
23 stations certificated under part 145 of title 14, Code
24 of Federal Regulations.

1 (2) TECHNICAL WORKER.—The term “technical
2 worker” means an individual authorized under part
3 43 of title 14, Code of Federal Regulations, to main-
4 tain, rebuild, alter, or perform preventive mainte-
5 nance on an aircraft, airframe, aircraft engine, pro-
6 peller, appliance, or component part or employed by
7 an entity so authorized to perform such a function.

8 **SEC. 315. CRITICAL AIRFIELD MARKINGS.**

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall issue a request for proposal for a study
12 that includes—

13 (1) an independent, third party study to assess
14 the durability of Type III and Type I glass beads
15 applied to critical markings over a 2-year period at
16 not fewer than 2 primary airports in varying weath-
17 er conditions to measure the retroreflectivity levels
18 of such markings on a quarterly basis; and

19 (2) a study at 2 other airports carried out by
20 applying Type III beads on half of the centerline
21 and Type I beads to the other half and providing for
22 assessments from pilots through surveys adminis-
23 tered by a third party as to the visibility and per-
24 formance of the Type III glass beads as compared
25 to the Type I glass beads over a 1-year period.

1 **SEC. 316. REGULATORY REFORM.**

2 Section 106(p)(5) of title 49, United States Code, is
3 amended by inserting “or aerospace” after “aviation”.

4 **SEC. 317. FAA AND NTSB REVIEW OF GENERAL AVIATION**
5 **SAFETY.**

6 (a) STUDY REQUIRED.—Not later than 30 days after
7 the date of enactment of this Act, the Administrator of
8 the Federal Aviation Administration, in coordination with
9 the Chairman of the National Transportation Safety
10 Board, shall initiate a study of general aviation safety.

11 (b) STUDY CONTENTS.—The study required under
12 subsection (a) shall include—

13 (1) a review of all general aviation accidents
14 since 2000, including a review of—

15 (A) the number of such accidents;

16 (B) the number of injuries and fatalities,
17 including with respect to both occupants of air-
18 craft and individuals on the ground, as a result
19 of such accidents;

20 (C) the number of such accidents inves-
21 tigated by the National Transportation Safety
22 Board;

23 (D) the number of such accidents inves-
24 tigated by the Federal Aviation Administration;
25 and

1 (E) a summary of the factual findings and
2 probable cause determinations with respect to
3 such accidents;

4 (2) an assessment of the most common prob-
5 able cause determinations issued for general aviation
6 accidents since 2000;

7 (3) an assessment of the most common facts
8 analyzed by the Federal Aviation Administration and
9 the National Transportation Safety Board in the
10 course of investigations of general aviation accidents
11 since 2000, including operational details;

12 (4) a review of the safety recommendations of
13 the National Transportation Safety Board related to
14 general aviation accidents since 2000;

15 (5) an assessment of the responses of the Fed-
16 eral Aviation Administration and the general avia-
17 tion community to the safety recommendations of
18 the National Transportation Safety Board related to
19 general aviation accidents since 2000;

20 (6) an assessment of the most common general
21 aviation safety issues;

22 (7) a review of the total costs to the Federal
23 Government to conduct investigations of general
24 aviation accidents over the last 10 years; and

1 (8) other matters the Administrator or the
2 Chairman considers appropriate.

3 (c) RECOMMENDATIONS AND ACTIONS TO ADDRESS
4 GENERAL AVIATION SAFETY.—Based on the results of the
5 study required under subsection (a), the Administrator, in
6 consultation with the Chairman, shall make such rec-
7 ommendations, including with respect to regulations and
8 enforcement activities, as the Administrator considers nec-
9 essary to—

10 (1) address general aviation safety issues identi-
11 fied under the study;

12 (2) protect persons and property on the ground;
13 and

14 (3) improve the safety of general aviation oper-
15 ators in the United States.

16 (d) AUTHORITY.—Notwithstanding any other provi-
17 sion of law, the Administrator shall have the authority to
18 undertake actions to address the recommendations made
19 under subsection (c).

20 (e) REPORT.—Not later than 1 year after the date
21 of enactment of this Act, the Administrator shall submit
22 to the Committee on Transportation and Infrastructure
23 of the House of Representatives and the Committee on
24 Commerce, Science, and Transportation of the Senate a
25 report on the results of the study required under sub-

1 section (a), including the recommendations described in
2 subsection (c).

3 (f) GENERAL AVIATION DEFINED.—In this section,
4 the term “general aviation” means aircraft operation for
5 personal, recreational, or other noncommercial purposes.

6 **SEC. 318. CALL TO ACTION AIRLINE ENGINE SAFETY RE-**
7 **VIEW.**

8 (a) CALL TO ACTION AIRLINE ENGINE SAFETY RE-
9 VIEW.—Not later than 90 days after the date of enact-
10 ment of this Act, the Administrator of the Federal Avia-
11 tion Administration shall initiate a Call to Action safety
12 review on airline engine safety in order to bring stake-
13 holders together to share best practices and implement ac-
14 tions to address airline engine safety.

15 (b) CONTENTS.—The Call to Action safety review re-
16 quired pursuant to subsection (a) shall include—

17 (1) a review of Administration regulations,
18 guidance, and directives related to airline engines
19 during design and production, including the over-
20 sight of those processes;

21 (2) a review of Administration regulations,
22 guidance, and directives related to airline engine op-
23 eration and maintenance and the oversight of those
24 processes;

1 (3) a review of reportable accidents and inci-
2 dents involving airline engines during calendar years
3 2014 through 2018, including any identified contrib-
4 uting factors to the reportable accident or incident;
5 and

6 (4) a process for stakeholders, including inspec-
7 tors, manufacturers, maintenance providers, airlines,
8 and aviation safety experts, to provide feedback and
9 share best practices.

10 (c) **REPORT AND RECOMMENDATIONS.**—Not later
11 than 90 days after the conclusion of the Call to Action
12 safety review pursuant to subsection (a), the Adminis-
13 trator shall submit to the Committee on Transportation
14 and Infrastructure of the House of Representatives and
15 the Committee on Commerce, Science, and Transportation
16 of the Senate a report on the results of the review and
17 any recommendations for actions or best practices to im-
18 prove airline engine safety.

19 **SEC. 319. SPECIAL RULE FOR CERTAIN AIRCRAFT OPER-**
20 **ATIONS.**

21 (a) **IN GENERAL.**—Chapter 447 of title 49, United
22 States Code, as amended by this Act, is further amended
23 by adding at the end the following:

1 **“§ 44737. Special rule for certain aircraft operations**

2 “(a) IN GENERAL.—The operator of an aircraft with
3 a special airworthiness certificate in the experimental cat-
4 egory may—

5 “(1) operate the aircraft for the purpose of con-
6 ducting a commercial space transportation support
7 flight; and

8 “(2) conduct such flight under such certificate
9 carrying persons or property for compensation or
10 hire notwithstanding any rule or term of a certificate
11 issued by the Administrator of the Federal Aviation
12 Administration that would prohibit flight for com-
13 pensation or hire.

14 “(b) LIMITED APPLICABILITY.—Subsection (a) shall
15 apply only to a commercial space transportation support
16 flight that satisfies each of the following:

17 “(1) The aircraft conducting the commercial
18 space transportation support flight—

19 “(A) takes flight and lands at a single site
20 that is licensed for operation under chapter 509
21 of title 51; and

22 “(B) is used only to simulate space flight
23 conditions in support of—

24 “(i) training for potential space flight
25 participants or crew (as those terms are
26 defined in chapter 509 of title 51); or

1 “(ii) the testing of hardware to be
2 used in space flight.

3 “(2) The operator of the commercial space
4 transportation support flight—

5 “(A) informs, in writing, any individual
6 serving as crew of the aircraft that the United
7 States Government has not certified the aircraft
8 as safe for carrying crew or passengers prior to
9 executing any contract or other arrangement to
10 employ that individual (or, in the case of an in-
11 dividual already employed as of the date of en-
12 actment of this section, prior to any commercial
13 space transportation support flight in which the
14 individual will participate as crew);

15 “(B) prior to receiving any compensation
16 for carrying any passengers on the aircraft—

17 “(i) informs, in writing, the pas-
18 sengers about the risks of the aircraft and
19 commercial space transportation support
20 flight, including the safety record for the
21 operator’s fleet of similar vehicle types and
22 information sufficient to adequately de-
23 scribe the safety record for the vehicle type
24 regardless of operator; and

1 “(ii) informs, in writing, any pas-
2 senger that the United States Government
3 has not certified the aircraft as safe for
4 carrying crew or passengers;

5 “(C) provides any passenger an oppor-
6 tunity to ask questions orally to acquire a bet-
7 ter understanding of the safety record of the
8 aircraft and commercial space transportation
9 support flight; and

10 “(D) obtains written informed consent
11 from any individual serving as crew and all pas-
12 sengers of the commercial space transportation
13 support flight that—

14 “(i) identifies the specific aircraft the
15 consent covers;

16 “(ii) states that the individual under-
17 stands the risk and that the presence of
18 the individual on board the aircraft is vol-
19 untary; and

20 “(iii) is signed and dated by the indi-
21 vidual.

22 “(3) When the aircraft is also a launch vehicle,
23 reentry vehicle, or component of a launch or reentry
24 vehicle, the operator of the aircraft holds a license

1 or permit issued under chapter 509 of title 51 for
2 that vehicle or vehicle component.

3 “(4) Any other requirements that the Adminis-
4 trator may prescribe to permit a commercial space
5 transportation support flight under this section.

6 “(c) RULES OF CONSTRUCTION.—

7 “(1) Section 44711(a)(1) shall not apply to a
8 person conducting a commercial space transpor-
9 tation support flight under this section only to the
10 extent that a term of the experimental certificate
11 under which the person is operating the aircraft pro-
12 hibits the carriage of persons or property for com-
13 pensation or hire.

14 “(2) Nothing in this section shall be construed
15 to limit the authority of the Administrator to exempt
16 a person from a regulatory prohibition on the car-
17 riage of persons or property for compensation or
18 hire subject to terms and conditions other than
19 those described in this section.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-
21 ter 447 of title 49, United States Code, as amended by
22 this Act, is further amended by adding at the end the fol-
23 lowing:

“44737. Special rule for certain aircraft operations.”.

1 **SEC. 320. EXIT ROWS.**

2 (a) REVIEW.—The Administrator of the Federal
3 Aviation Administration shall conduct a review of current
4 safety procedures regarding unoccupied exit rows on a cov-
5 ered aircraft in passenger air transportation during all
6 stages of flight.

7 (b) CONSULTATION.—In carrying out the review, the
8 Administrator shall consult with air carriers, aviation
9 manufacturers, and labor stakeholders.

10 (c) REPORT.—Not later than 1 year after the date
11 of enactment of this Act, the Administrator shall submit
12 to the Committee on Transportation and Infrastructure
13 of the House of Representatives and the Committee on
14 Commerce, Science, and Transportation of the Senate a
15 report on the results of the review.

16 (d) COVERED AIRCRAFT DEFINED.—In this section,
17 the term “covered aircraft” means an aircraft operating
18 under part 121 of title 14, Code of Federal Regulations.

19 **SEC. 321. COMPTROLLER GENERAL REPORT ON FAA EN-**
20 **FORCEMENT POLICY.**

21 Not later than 1 year after the date of enactment
22 of this Act, the Comptroller General of the United States
23 shall complete a study, and report to the Committee on
24 Transportation and Infrastructure of the House of Rep-
25 resentatives and the Committee on Commerce, Science,
26 and Transportation of the United States Senate on the

1 results thereof, on the effectiveness of Order 8000.373,
2 Federal Aviation Administration Compliance Philosophy,
3 announced on June 26, 2015. Such study shall include
4 information about—

5 (1) whether reports of safety incidents in-
6 creased following the order;

7 (2) whether reduced enforcement penalties in-
8 creased the overall number of safety incidents that
9 occurred; and

10 (3) whether FAA enforcement staff registered
11 complaints about reduced enforcement reducing
12 compliance with safety regulations.

13 **Subtitle B—Unmanned Aircraft** 14 **Systems**

15 **SEC. 331. DEFINITIONS.**

16 Except as otherwise provided, the definitions con-
17 tained in section 45501 of title 49, United States Code
18 (as added by this Act), shall apply to this subtitle.

19 **SEC. 332. CODIFICATION OF EXISTING LAW; ADDITIONAL** 20 **PROVISIONS.**

21 (a) IN GENERAL.—Subtitle VII of title 49, United
22 States Code, is amended by inserting after chapter 453
23 the following:

1 **“CHAPTER 455—UNMANNED AIRCRAFT**

2 **SYSTEMS**

“45501. Definitions.

“45502. Integration of civil unmanned aircraft systems into national airspace system.

“45503. Risk-based permitting of unmanned aircraft systems.

“45504. Public unmanned aircraft systems.

“45505. Special rules for certain unmanned aircraft systems.

“45506. Certification of new air navigation facilities for unmanned aircraft and other aircraft.

“45507. Special rules for certain UTM and low-altitude CNS.

“45508. Operation of small unmanned aircraft.

“45509. Exception for limited recreational operations of unmanned aircraft.

“45510. Carriage of property for compensation or hire.

“45511. Micro UAS operations.

3 **“§ 45501. Definitions**

4 “‘In this chapter, the following definitions apply:

5 “(1) AERIAL DATA COLLECTION.—The term

6 ‘aerial data collection’ means the gathering of data

7 by a device aboard an unmanned aircraft during

8 flight, including imagery, sensing, and measurement

9 by such device.

10 “(2) ARCTIC.—The term ‘Arctic’ means the

11 United States zone of the Chukchi Sea, Beaufort

12 Sea, and Bering Sea north of the Aleutian chain.

13 “(3) CERTIFICATE OF WAIVER; CERTIFICATE

14 OF AUTHORIZATION.—The terms ‘certificate of waiv-

15 er’ and ‘certificate of authorization’ mean a Federal

16 Aviation Administration grant of approval for a spe-

17 cific flight operation.

1 “(4) CNS.—The term ‘CNS’ means a commu-
2 nication, navigation, or surveillance system or serv-
3 ice.

4 “(5) MODEL AIRCRAFT.—the term ‘model air-
5 craft’ means an unmanned aircraft that is—

6 “(A) capable of sustained flight in the at-
7 mosphere;

8 “(B) flown within visual line of sight of the
9 person operating the aircraft; and

10 “(C) flown for hobby or recreational pur-
11 poses.

12 “(6) PERMANENT AREAS.—The term ‘perma-
13 nent areas’ means areas on land or water that pro-
14 vide for launch, recovery, and operation of small un-
15 manned aircraft.

16 “(7) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
17 The term ‘public unmanned aircraft system’ means
18 an unmanned aircraft system that meets the quali-
19 fications and conditions required for operation of a
20 public aircraft (as defined in section 40102(a)).

21 “(8) SENSE-AND-AVOID CAPABILITY.—The term
22 ‘sense-and-avoid capability’ means the capability of
23 an unmanned aircraft to remain a safe distance
24 from and to avoid collisions with other airborne air-
25 craft.

1 “(9) SMALL UNMANNED AIRCRAFT.—The term
2 ‘small unmanned aircraft’ means an unmanned air-
3 craft weighing less than 55 pounds, including every-
4 thing that is on board or otherwise attached to the
5 aircraft.

6 “(10) UNMANNED AIRCRAFT.—The term ‘un-
7 manned aircraft’ means an aircraft that is operated
8 without the possibility of direct human intervention
9 from within or on the aircraft.

10 “(11) UNMANNED AIRCRAFT SYSTEM.—The
11 term ‘unmanned aircraft system’ means an un-
12 manned aircraft and associated elements (including
13 communication links and the components that con-
14 trol the unmanned aircraft) that are required for the
15 pilot in command to operate safely and efficiently in
16 the national airspace system.

17 “(12) UTM.—The term ‘UTM’ means an un-
18 manned aircraft traffic management system or serv-
19 ice.

20 **“§ 45502. Integration of civil unmanned aircraft sys-**
21 **tems into national airspace system**

22 “(a) REQUIRED PLANNING FOR INTEGRATION.—

23 “(1) COMPREHENSIVE PLAN.—Not later than
24 November 10, 2012, the Secretary of Transpor-
25 tation, in consultation with representatives of the

1 aviation industry, Federal agencies that employ un-
2 manned aircraft systems technology in the national
3 airspace system, and the unmanned aircraft systems
4 industry, shall develop a comprehensive plan to safe-
5 ly accelerate the integration of civil unmanned air-
6 craft systems into the national airspace system.

7 “(2) CONTENTS OF PLAN.—The plan required
8 under paragraph (1) shall contain, at a minimum,
9 recommendations or projections on—

10 “(A) the rulemaking to be conducted under
11 subsection (b), with specific recommendations
12 on how the rulemaking will—

13 “(i) define the acceptable standards
14 for operation and certification of civil un-
15 manned aircraft systems;

16 “(ii) ensure that any civil unmanned
17 aircraft system includes a sense-and-avoid
18 capability; and

19 “(iii) establish standards and require-
20 ments for the operator and pilot of a civil
21 unmanned aircraft system, including
22 standards and requirements for registra-
23 tion and licensing;

24 “(B) the best methods to enhance the tech-
25 nologies and subsystems necessary to achieve

1 the safe and routine operation of civil un-
2 manned aircraft systems in the national air-
3 space system;

4 “(C) a phased-in approach to the integra-
5 tion of civil unmanned aircraft systems into the
6 national airspace system;

7 “(D) a timeline for the phased-in approach
8 described under subparagraph (C);

9 “(E) creation of a safe airspace designa-
10 tion for cooperative manned and unmanned
11 flight operations in the national airspace sys-
12 tem;

13 “(F) establishment of a process to develop
14 certification, flight standards, and air traffic re-
15 quirements for civil unmanned aircraft systems
16 at test ranges where such systems are subject
17 to testing;

18 “(G) the best methods to ensure the safe
19 operation of civil unmanned aircraft systems
20 and public unmanned aircraft systems simulta-
21 neously in the national airspace system; and

22 “(H) incorporation of the plan into the an-
23 nual NextGen Implementation Plan document
24 (or any successor document) of the Federal
25 Aviation Administration.

1 “(3) DEADLINE.—The plan required under
2 paragraph (1) shall provide for the safe integration
3 of civil unmanned aircraft systems into the national
4 airspace system as soon as practicable, but not later
5 than September 30, 2015.

6 “(4) REPORT TO CONGRESS.—Not later than
7 February 14, 2013, the Secretary shall submit to
8 Congress a copy of the plan required under para-
9 graph (1).

10 “(5) ROADMAP.—Not later than February 14,
11 2013, the Secretary shall approve and make avail-
12 able in print and on the Administration’s internet
13 website a 5-year roadmap for the introduction of
14 civil unmanned aircraft systems into the national
15 airspace system, as coordinated by the Unmanned
16 Aircraft Program Office of the Administration. The
17 Secretary shall update, in coordination with the Ad-
18 ministrator of the National Aeronautics and Space
19 Administration (NASA) and relevant stakeholders,
20 including those in industry and academia, the road-
21 map annually. The roadmap shall include, at a min-
22 imum—

23 “(A) cost estimates, planned schedules,
24 and performance benchmarks, including specific
25 tasks, milestones, and timelines, for unmanned

1 aircraft systems integration into the national
2 airspace system, including an identification of—

3 “(i) the role of the unmanned aircraft
4 systems test ranges established under sub-
5 section (c) and the Unmanned Aircraft
6 Systems Center of Excellence;

7 “(ii) performance objectives for un-
8 manned aircraft systems that operate in
9 the national airspace system; and

10 “(iii) research and development prior-
11 ities for tools that could assist air traffic
12 controllers as unmanned aircraft systems
13 are integrated into the national airspace
14 system, as appropriate;

15 “(B) a description of how the Administra-
16 tion plans to use research and development, in-
17 cluding research and development conducted
18 through NASA’s Unmanned Aircraft Systems
19 Traffic Management initiatives, to accommo-
20 date, integrate, and provide for the evolution of
21 unmanned aircraft systems in the national air-
22 space system;

23 “(C) an assessment of critical performance
24 abilities necessary to integrate unmanned air-
25 craft systems into the national airspace system,

1 and how these performance abilities can be
2 demonstrated; and

3 “(D) an update on the advancement of
4 technologies needed to integrate unmanned air-
5 craft systems into the national airspace system,
6 including decisionmaking by adaptive systems,
7 such as sense-and-avoid capabilities and cyber
8 physical systems security.

9 “(b) RULEMAKING.—Not later than 18 months after
10 the date on which the plan required under subsection
11 (a)(1) is submitted to Congress under subsection (a)(4),
12 the Secretary shall publish in the Federal Register—

13 “(1) a final rule on small unmanned aircraft
14 systems that will allow for civil operation of such
15 systems in the national airspace system, to the ex-
16 tent the systems do not meet the requirements for
17 expedited operational authorization under section
18 45508;

19 “(2) a notice of proposed rulemaking to imple-
20 ment the recommendations of the plan required
21 under subsection (a)(1), with the final rule to be
22 published not later than 16 months after the date of
23 publication of the notice; and

1 “(3) an update to the Administration’s most re-
2 cent policy statement on unmanned aircraft systems,
3 contained in Docket No. FAA–2006–25714.

4 “(c) EXPANDING USE OF UNMANNED AIRCRAFT
5 SYSTEMS IN ARCTIC.—

6 “(1) IN GENERAL.—Not later than August 12,
7 2012, the Secretary shall develop a plan and initiate
8 a process to work with relevant Federal agencies and
9 national and international communities to designate
10 permanent areas in the Arctic where small un-
11 manned aircraft may operate 24 hours per day for
12 research and commercial purposes. The plan for op-
13 erations in these permanent areas shall include the
14 development of processes to facilitate the safe oper-
15 ation of unmanned aircraft beyond line of sight.
16 Such areas shall enable over-water flights from the
17 surface to at least 2,000 feet in altitude, with in-
18 gress and egress routes from selected coastal launch
19 sites.

20 “(2) AGREEMENTS.—To implement the plan
21 under paragraph (1), the Secretary may enter into
22 an agreement with relevant national and inter-
23 national communities.

24 “(3) AIRCRAFT APPROVAL.—Not later than 1
25 year after the entry into force of an agreement nec-

1 essary to effectuate the purposes of this subsection,
2 the Secretary shall work with relevant national and
3 international communities to establish and imple-
4 ment a process, or may apply an applicable process
5 already established, for approving the use of un-
6 manned aircraft in the designated permanent areas
7 in the Arctic without regard to whether an un-
8 manned aircraft is used as a public aircraft, a civil
9 aircraft, or a model aircraft.

10 **“§ 45503. Risk-based permitting of unmanned aircraft**
11 **systems**

12 “(a) IN GENERAL.—Not later than 120 days after
13 the date of enactment of this section, the Administrator
14 of the Federal Aviation Administration shall establish pro-
15 cedures for issuing permits under this section with respect
16 to certain unmanned aircraft systems and operations
17 thereof.

18 “(b) PERMITTING STANDARDS.—Upon the submis-
19 sion of an application in accordance with subsection (d),
20 the Administrator shall issue a permit with respect to the
21 proposed operation of an unmanned aircraft system if the
22 Administrator determines that the unmanned aircraft sys-
23 tem and the proposed operation achieve a level of safety
24 that is equivalent to—

1 “(1) other unmanned aircraft systems and op-
2 erations permitted under regulation, exemption, or
3 other authority granted by the Administrator; or

4 “(2) any other aircraft operation approved by
5 the Administrator with similar risk characteristics or
6 profiles.

7 “(c) SAFETY CRITERIA FOR CONSIDERATION.—In
8 determining whether a proposed operation meets the
9 standards described in subsection (b), the Administrator
10 shall consider the following safety criteria:

11 “(1) The kinetic energy of the unmanned air-
12 craft system.

13 “(2) The location of the proposed operation, in-
14 cluding the proximity to—

15 “(A) structures;

16 “(B) congested areas;

17 “(C) special-use airspace; and

18 “(D) persons on the ground.

19 “(3) The nature of the operation, including any
20 proposed risk mitigation.

21 “(4) Any known hazard of the proposed oper-
22 ation and the severity and likelihood of such hazard.

23 “(5) Any known failure modes of the unmanned
24 aircraft system, failure mode effects and criticality,
25 and any mitigating features or capabilities.

1 “(6) The operational history of relevant tech-
2 nologies, if available.

3 “(7) Any history of civil penalties or certificate
4 actions by the Administrator against the applicant
5 seeking the permit.

6 “(8) Any other safety criteria the Administrator
7 considers appropriate.

8 “(d) APPLICATION.—An application under this sec-
9 tion shall include evidence that the unmanned aircraft sys-
10 tem and the proposed operation thereof meet the stand-
11 ards described in subsection (b) based on the criteria de-
12 scribed in subsection (c).

13 “(e) SCOPE OF PERMIT.—A permit issued under this
14 section shall—

15 “(1) be valid for 5 years;

16 “(2) constitute approval of both the airworthi-
17 ness of the unmanned aircraft system and the pro-
18 posed operation of such system;

19 “(3) be renewable for additional 5-year periods;
20 and

21 “(4) contain any terms necessary to ensure
22 aviation safety.

23 “(f) NOTICE.—Not later than 120 days after the Ad-
24 ministrator receives a complete application under sub-
25 section (d), the Administrator shall provide the applicant

1 written notice of a decision to approve or disapprove of
2 the application or to request a modification of the applica-
3 tion that is necessary for approval of the application.

4 “(g) PERMITTING PROCESS.—The Administrator
5 shall issue a permit under this section without regard to
6 subsections (b) through (d) of section 553 of title 5 and
7 chapter 35 of title 44 if the Administrator determines that
8 the operation permitted will not occur near a congested
9 area.

10 “(h) EXEMPTION FROM CERTAIN REQUIREMENTS.—
11 To the extent consistent with aviation safety, the Adminis-
12 trator may exempt applicants under this section from
13 paragraphs (1) through (3) of section 44711(a).

14 “(i) WITHDRAWAL.—The Administrator may, at any
15 time, modify or withdraw a permit issued under this sec-
16 tion.

17 “(j) APPLICABILITY.—This section shall not apply to
18 small unmanned aircraft systems and operations author-
19 ized by the final rule on small unmanned aircraft systems
20 issued pursuant to section 45502(b)(1).

21 “(k) EXPEDITED REVIEW.—The Administrator shall
22 review and act upon applications under this section on an
23 expedited basis for unmanned aircraft systems and oper-
24 ations thereof to be used primarily in, or primarily in di-
25 rect support of, emergency preparedness, emergency re-

1 sponse, or disaster recovery efforts, including efforts in
2 connection with natural disasters and severe weather
3 events.

4 **“§ 45504. Public unmanned aircraft systems**

5 “(a) GUIDANCE.—Not later than November 10,
6 2012, the Secretary of Transportation shall issue guidance
7 regarding the operation of public unmanned aircraft sys-
8 tems to—

9 “(1) expedite the issuance of a certificate of au-
10 thorization process;

11 “(2) provide for a collaborative process with
12 public agencies to allow for an incremental expan-
13 sion of access to the national airspace system as
14 technology matures and the necessary safety anal-
15 ysis and data become available, and until standards
16 are completed and technology issues are resolved;

17 “(3) facilitate the capability of public agencies
18 to develop and use test ranges, subject to operating
19 restrictions required by the Federal Aviation Admin-
20 istration, to test and operate unmanned aircraft sys-
21 tems; and

22 “(4) provide guidance on a public entity’s re-
23 sponsibility when operating an unmanned aircraft
24 without a civil airworthiness certificate issued by the
25 Administration.

1 “(b) STANDARDS FOR OPERATION AND CERTIFI-
2 CATION.—Not later than December 31, 2015, the Admin-
3 istrator shall develop and implement operational and cer-
4 tification requirements for the operation of public un-
5 manned aircraft systems in the national airspace system.

6 “(c) AGREEMENTS WITH GOVERNMENT AGEN-
7 CIES.—

8 “(1) IN GENERAL.—Not later than May 14,
9 2012, the Secretary shall enter into agreements with
10 appropriate government agencies to simplify the
11 process for issuing certificates of waiver or author-
12 ization with respect to applications seeking author-
13 ization to operate public unmanned aircraft systems
14 in the national airspace system.

15 “(2) CONTENTS.—The agreements shall—

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

18 “(i) provide for an expedited review of
19 the application;

20 “(ii) require a decision by the Admin-
21 istrator on approval or disapproval within
22 60 business days of the date of submission
23 of the application; and

24 “(iii) allow for an expedited appeal if
25 the application is disapproved;

1 “(B) allow for a one-time approval of simi-
2 lar operations carried out during a fixed period
3 of time; and

4 “(C) allow a government public safety
5 agency to operate unmanned aircraft weighing
6 4.4 pounds or less, if operated—

7 “(i) within the line of sight of the op-
8 erator;

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

11 “(iii) during daylight conditions;

12 “(iv) within Class G airspace; and

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

17 **“§ 45505. Special rules for certain unmanned aircraft**
18 **systems**

19 “(a) IN GENERAL.—Notwithstanding any other re-
20 quirement of this subtitle, and not later than August 12,
21 2012, the Secretary of Transportation shall determine if
22 certain unmanned aircraft systems may operate safely in
23 the national airspace system before completion of the plan
24 and rulemaking required by section 45502 or the guidance
25 required under section 45504.

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

4 “(1) which types of unmanned aircraft systems,
5 if any, as a result of their size, weight, speed, oper-
6 ational capability, proximity to airports and popu-
7 lated areas, and operation within visual line of sight
8 do not create a hazard to users of the national air-
9 space system or the public or pose a threat to na-
10 tional security; and

11 “(2) whether a certificate of waiver, certificate
12 of authorization, or airworthiness certification under
13 section 44704 is required for the operation of un-
14 manned aircraft systems identified under paragraph
15 (1).

16 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
17 Secretary determines under this section that certain un-
18 manned aircraft systems may operate safely in the na-
19 tional airspace system, the Secretary shall establish re-
20 quirements for the safe operation of such aircraft systems
21 in the national airspace system.

22 **“§ 45506. Certification of new air navigation facilities**
23 **for unmanned aircraft and other aircraft**

24 “(a) IN GENERAL.—Not later than 18 months after
25 the date of enactment of this section, and notwithstanding

1 section 2208 of the FAA Extension, Safety, and Security
2 Act of 2016 (49 U.S.C. 40101 note), the Administrator
3 of the Federal Aviation Administration shall initiate a
4 rulemaking to establish procedures for issuing air naviga-
5 tion facility certificates pursuant to section 44702 to oper-
6 ators of—

7 “(1) UTM for unmanned aircraft operations
8 that occur primarily or exclusively in airspace 400
9 feet above ground level and below; and

10 “(2) low-altitude CNS for aircraft operations
11 that occur primarily or exclusively in airspace 400
12 feet above ground level and below.

13 “(b) MINIMUM REQUIREMENTS.—In issuing a final
14 rule pursuant to subsection (a), the Administrator, at a
15 minimum, shall provide for the following:

16 “(1) CERTIFICATION STANDARDS.—The Admin-
17 istrator shall issue an air navigation facility certifi-
18 cate under the final rule if the Administrator deter-
19 mines that a UTM or low-altitude CNS facilitates or
20 improves the safety of unmanned aircraft or other
21 aircraft operations that occur primarily or exclu-
22 sively in airspace 400 feet above ground level and
23 below, including operations conducted under a waiv-
24 er issued pursuant to subpart D of part 107 of title
25 14, Code of Federal Regulations.

1 “(2) CRITERIA FOR CONSIDERATION.—In deter-
2 mining whether a UTM or low-altitude CNS meets
3 the standard described in paragraph (1), the Admin-
4 istrator shall, as appropriate, consider—

5 “(A) protection of persons and property on
6 the ground;

7 “(B) remote identification of aircraft;

8 “(C) collision avoidance with respect to ob-
9 stacles and aircraft;

10 “(D) deconfliction of aircraft trajectories;

11 “(E) safe and reliable interoperability or
12 noninterference with air traffic control and
13 other systems operated in the national airspace
14 system;

15 “(F) detection of noncooperative aircraft;

16 “(G) geographic and local factors;

17 “(H) aircraft equipage; and

18 “(I) qualifications, if any, necessary to op-
19 erate the UTM or low-altitude CNS.

20 “(3) APPLICATION.—An application for an air
21 navigation facility certificate under the final rule
22 shall include evidence that the UTM or low-altitude
23 CNS meets the standard described in paragraph (1)
24 based on the criteria described in paragraph (2).

1 “(4) SCOPE OF CERTIFICATE.—The Adminis-
2 trator shall ensure that an air navigation facility
3 certificate issued under the final rule—

4 “(A) constitutes approval of the UTM or
5 low-altitude CNS for the duration of the term
6 of the certificate;

7 “(B) constitutes authorization to operate
8 the UTM or low-altitude CNS for the duration
9 of the term of the certificate; and

10 “(C) contains such limitations and condi-
11 tions as may be necessary to ensure aviation
12 safety.

13 “(5) NOTICE.—Not later than 120 days after
14 the Administrator receives a complete application
15 under the final rule, the Administrator shall provide
16 the applicant with a written approval, disapproval,
17 or request to modify the application.

18 “(6) LOW RISK AREAS.—Under the final rule,
19 the Administrator shall establish expedited proce-
20 dures for approval of UTM or low-altitude CNS op-
21 erated in—

22 “(A) airspace away from congested areas;
23 or

1 “(B) other airspace above areas in which
2 operations of unmanned aircraft pose very low
3 risk.

4 “(7) EXEMPTION FROM CERTAIN REQUIRE-
5 MENTS.—To the extent consistent with aviation safe-
6 ty, the Administrator may exempt applicants under
7 the final rule from requirements under sections
8 44702, 44703, and 44711.

9 “(8) CERTIFICATE MODIFICATIONS AND REV-
10 OCATIONS.—A certificate issued under the final rule
11 may, at any time, be modified or revoked by the Ad-
12 ministrator.

13 “(c) CONSULTATION.—In carrying out this section,
14 the Administrator shall consult with other Federal agen-
15 cies, as appropriate.

16 **“§ 45507. Special rules for certain UTM and low-alti-**
17 **tude CNS**

18 “(a) IN GENERAL.—Notwithstanding any other re-
19 quirement of this chapter, and not later than 120 days
20 after the date of enactment of this section, the Secretary
21 of Transportation shall determine if certain UTM and low-
22 altitude CNS may operate safely in the national airspace
23 system before completion of the rulemaking required by
24 section 45506.

1 “(b) ASSESSMENT OF UTM AND LOW-ALTITUDE
2 CNS.—In making the determination under subsection (a),
3 the Secretary shall determine, at a minimum, which types
4 of UTM and low-altitude CNS, if any, as a result of their
5 operational capabilities, reliability, intended use, and areas
6 of operation, and the characteristics of the aircraft in-
7 volved, do not create a hazard to users of the national
8 airspace system or the public.

9 “(c) REQUIREMENTS FOR SAFE OPERATION.—If the
10 Secretary determines that certain UTM and low-altitude
11 CNS may operate safely in the national airspace system,
12 the Secretary shall establish requirements for their safe
13 operation in the national airspace system.

14 “(d) EXPEDITED PROCEDURES.—The Secretary shall
15 provide expedited procedures for reviewing and approving
16 UTM or low-altitude CNS operated to monitor or control
17 aircraft operated primarily or exclusively in airspace
18 above—

19 “(1) croplands;

20 “(2) areas other than congested areas; and

21 “(3) other areas in which the operation of un-
22 manned aircraft poses very low risk.

23 “(e) CONSULTATION.—In carrying out this section,
24 the Administrator shall consult with other Federal agen-
25 cies, as appropriate.

1 **“§ 45508. Operation of small unmanned aircraft**

2 “(a) EXEMPTION AND CERTIFICATE OF WAIVER OR
3 AUTHORIZATION FOR CERTAIN OPERATIONS.—Not later
4 than 270 days after the date of enactment of this section,
5 the Administrator of the Federal Aviation Administration
6 shall establish a procedure for granting an exemption and
7 issuing a certificate of waiver or authorization for the op-
8 eration of a small unmanned aircraft system in United
9 States airspace for the purposes described in section
10 45501(1).

11 “(b) OPERATION OF EXEMPTION AND CERTIFICATE
12 OF WAIVER OR AUTHORIZATION.—

13 “(1) EXEMPTION.—An exemption granted
14 under this section shall—

15 “(A) exempt the operator of a small un-
16 manned aircraft from the provisions of title 14,
17 Code of Federal Regulations, that are exempted
18 in Exemption No. 11687, issued on May 26,
19 2015, Regulatory Docket Number FAA–2015–
20 0117, or in a subsequent exemption; and

21 “(B) contain conditions and limitations de-
22 scribed in paragraphs 3 through 31 of such Ex-
23 emption No. 11687, or conditions and limita-
24 tions of a subsequent exemption.

25 “(2) CERTIFICATE OF WAIVER OR AUTHORIZA-
26 TION.—A certificate of waiver or authorization

1 issued under this section shall allow the operation of
2 small unmanned aircraft according to—

3 “(A) the standard provisions and air traf-
4 fic control special provisions of the certificate of
5 waiver or authorization FAA Form 7711–1 (7–
6 74); or

7 “(B) the standard and special provisions of
8 a subsequent certificate of waiver or authoriza-
9 tion.

10 “(c) NOTICE TO ADMINISTRATOR.—Before operating
11 a small unmanned aircraft pursuant to a certificate of
12 waiver or authorization granted under this section, the op-
13 erator shall provide written notice to the Administrator,
14 in a form and manner specified by the Administrator, that
15 contains such information and assurances as the Adminis-
16 trator determines necessary in the interest of aviation
17 safety and the efficiency of the national airspace system,
18 including a certification that the operator has read, under-
19 stands, and will comply with all terms, conditions, and lim-
20 itations of the certificate of waiver or authorization.

21 “(d) WAIVER OF AIRWORTHINESS CERTIFICATE.—
22 Notwithstanding section 44711(a)(1), the holder of a cer-
23 tificate of waiver or authorization granted under this sec-
24 tion may operate a small unmanned aircraft under the

1 terms, conditions, and limitations of such certificate with-
2 out an airworthiness certificate.

3 “(e) PROCEDURE.—The granting of an exemption or
4 the issuance of a certificate of waiver or authorization, or
5 any other action authorized by this section, shall be made
6 without regard to—

7 “(1) section 553 of title 5; or

8 “(2) chapter 35 of title 44.

9 “(f) STATUTORY CONSTRUCTION.—Nothing in this
10 section may be construed to—

11 “(1) affect the issuance of a rule by or any
12 other activity of the Secretary of Transportation or
13 the Administrator under any other provision of law;
14 or

15 “(2) invalidate an exemption or certificate of
16 waiver or authorization issued by the Administrator
17 before the date of enactment of this section.

18 “(g) EFFECTIVE PERIODS.—An exemption or certifi-
19 cate of waiver or authorization issued under this section,
20 or an amendment of such exemption or certificate, shall
21 cease to be valid on the effective date of a final rule on
22 small unmanned aircraft systems issued under section
23 45502(b)(1).

1 **“§ 45509. Exception for limited recreational oper-**
2 **ations of unmanned aircraft**

3 “(a) IN GENERAL.—Except as provided in subsection
4 (e), and notwithstanding chapter 447 of title 49, United
5 States Code, a person may operate a small unmanned air-
6 craft without specific certification or operating authority
7 from the Federal Aviation Administration if the operation
8 adheres to all of the following limitations:

9 “(1) The aircraft is flown strictly for rec-
10 reational purposes.

11 “(2) The aircraft is operated in accordance with
12 or within the programming of a community-based
13 set of safety guidelines that conform with published
14 Federal Aviation Administration advisory materials.

15 “(3) The aircraft is flown within the visual line
16 of sight of the person operating the aircraft or a vis-
17 ual observer co-located and in direct communication
18 with the operator.

19 “(4) The aircraft is operated in a manner that
20 does not interfere with and gives way to any manned
21 aircraft.

22 “(5) In Class B, Class C, or Class D airspace
23 or within the lateral boundaries of the surface area
24 of Class E airspace designated for an airport, the
25 operator obtains prior authorization from the Ad-

1 ministrator or designee before operating and com-
2 plies with all airspace restrictions and prohibitions.

3 “(6) In Class G airspace, the aircraft is flown
4 from the surface to not more than 400 feet above
5 ground level and complies with all airspace restric-
6 tions and prohibitions.

7 “(7) The operator has passed an aeronautical
8 knowledge and safety test described in subsection (g)
9 and administered by the Federal Aviation Adminis-
10 tration online for the operation of unmanned aircraft
11 systems and maintains proof of test passage to be
12 made available to the Administrator or law enforce-
13 ment upon request.

14 “(8) The aircraft is registered and marked in
15 accordance with chapter 441 of this title and proof
16 of registration is made available to the Adminis-
17 trator or a designee of the Administrator or law en-
18 forcement upon request.

19 “(b) OTHER OPERATIONS.—Unmanned aircraft op-
20 erations that do not conform to the limitations in sub-
21 section (a) must comply with all statutes and regulations
22 generally applicable to unmanned aircraft and unmanned
23 aircraft systems.

24 “(c) OPERATIONS AT FIXED SITES.—

1 “(1) OPERATING PROCEDURE REQUIRED.—Per-
2 sons operating unmanned aircraft under subsection
3 (a) from a fixed site within Class B, Class C, or
4 Class D airspace or within the lateral boundaries of
5 the surface area of Class E airspace designated for
6 an airport, or a community-based organization con-
7 ducting a sanctioned event within such airspace,
8 shall establish a mutually agreed upon operating
9 procedure with the air traffic control facility.

10 “(2) UNMANNED AIRCRAFT WEIGHING MORE
11 THAN 55 POUNDS.—A person may operate an un-
12 manned aircraft weighing more than 55 pounds, in-
13 cluding the weight of anything attached to or carried
14 by the aircraft, under subsection (a) if—

15 “(A) the unmanned aircraft complies with
16 standards and limitations developed by a com-
17 munity-based organization and approved by the
18 Administrator; and

19 “(B) the aircraft is operated from a fixed
20 site as described in paragraph (1).

21 “(d) UPDATES.—

22 “(1) IN GENERAL.—The Administrator, in con-
23 sultation with government and industry stake-
24 holders, including community-based organizations,
25 shall initiate a process to periodically update the

1 operational parameters under subsection (a), as ap-
2 propriate.

3 “(2) CONSIDERATIONS.—In updating an oper-
4 ational parameter under paragraph (1), the Admin-
5 istrator shall consider—

6 “(A) appropriate operational limitations to
7 mitigate risks to aviation safety and national
8 security, including risk to the uninvolved public
9 and critical infrastructure;

10 “(B) operations outside the membership,
11 guidelines, and programming of a community-
12 based organization;

13 “(C) physical characteristics, technical
14 standards, and classes of aircraft operating
15 under this section;

16 “(D) trends in use, enforcement, or inci-
17 dents involving unmanned aircraft systems;

18 “(E) ensuring, to the greatest extent prac-
19 ticable, that updates to the operational param-
20 eters correspond to, and leverage, advances in
21 technology; and

22 “(F) equipage requirements that facilitate
23 safe, efficient, and secure operations and fur-
24 ther integrate all unmanned aircraft into the
25 National Airspace System.

1 “(3) SAVINGS CLAUSE.—Nothing in this sub-
2 section shall be construed as expanding the author-
3 ity of the Administrator to require a person oper-
4 ating an unmanned aircraft under this section to
5 seek permissive authority of the Administrator, be-
6 yond that required in subsection (a) of this section,
7 prior to operation in the National Airspace System.

8 “(e) STATUTORY CONSTRUCTION.—Nothing in this
9 section shall be construed to limit the authority of the Ad-
10 ministrator to pursue an enforcement action against a per-
11 son operating any unmanned aircraft who endangers the
12 safety of the National Airspace System.

13 “(f) EXCEPTIONS.—Nothing in this section prohibits
14 the Administrator from promulgating rules generally ap-
15 plicable to unmanned aircraft, including those unmanned
16 aircraft eligible for the exception set forth in this section,
17 relating to—

18 “(1) updates to the operational parameters for
19 unmanned aircraft in subsection (a);

20 “(2) the registration and marking of unmanned
21 aircraft;

22 “(3) the standards for remotely identifying
23 owners and operators of unmanned aircraft systems
24 and associated unmanned aircraft; and

1 “(4) other standards consistent with maintain-
2 ing the safety and security of the National Airspace
3 System.

4 “(g) AERONAUTICAL KNOWLEDGE AND SAFETY
5 TEST.—

6 “(1) IN GENERAL.—Not later than 180 days
7 after the date of enactment of this section, the Ad-
8 ministrator, in consultation with manufacturers of
9 unmanned aircraft systems, other industry stake-
10 holders, and community-based aviation organiza-
11 tions, shall develop an aeronautical knowledge and
12 safety test that can be administered electronically.

13 “(2) REQUIREMENTS.—The Administrator shall
14 ensure the aeronautical knowledge and safety test is
15 designed to adequately demonstrate an operator’s—

16 “(A) understanding of aeronautical safety
17 knowledge; and

18 “(B) knowledge of Federal Aviation Ad-
19 ministration regulations and requirements per-
20 taining to the operation of an unmanned air-
21 craft system in the National Airspace System.

22 **“§ 45510. Carriage of property for compensation or**
23 **hire**

24 “(a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this section, the Secretary of Trans-

1 portation shall issue a final rule authorizing the carriage
2 of property by operators of small unmanned aircraft sys-
3 tems for compensation or hire within the United States.

4 “(b) CONTENTS.—The final rule required under sub-
5 section (a) shall provide for the following:

6 “(1) SMALL UAS AIR CARRIER CERTIFICATE.—

7 The Administrator of the Federal Aviation Adminis-
8 tration, at the direction of the Secretary, shall estab-
9 lish a small UAS air carrier certificate for persons
10 that undertake directly, or by lease or other arrange-
11 ment, the operation of small unmanned aircraft sys-
12 tems to carry property in air transportation, includ-
13 ing commercial fleet operations with highly auto-
14 mated unmanned aircraft systems. The requirements
15 to obtain a small UAS air carrier certificate shall—

16 “(A) account for the unique characteristics
17 of highly automated small unmanned aircraft
18 systems; and

19 “(B) include only those obligations nec-
20 essary for the safe operation of small unmanned
21 aircraft systems.

22 “(2) SMALL UAS AIR CARRIER CERTIFICATION
23 PROCESS.—The Administrator, at the direction of
24 the Secretary, shall establish a process for the
25 issuance of a small UAS air carrier certificate de-

1 scribed in paragraph (1) that is streamlined, simple,
2 performance-based, and risk-based. Such certifi-
3 cation process shall consider—

4 “(A) safety and the mitigation of oper-
5 ational risks from highly automated small un-
6 manned aircraft systems to the safety of other
7 aircraft, and persons and property on the
8 ground;

9 “(B) the safety and reliability of highly
10 automated small unmanned aircraft system de-
11 sign, including technological capabilities and
12 operational limitations to mitigate such risks;
13 and

14 “(C) the competencies and compliance pro-
15 grams of manufacturers, operators, and compa-
16 nies that both manufacture and operate small
17 unmanned aircraft systems and components.

18 “(3) SMALL UAS AIR CARRIER CLASSIFICA-
19 TION.—The Secretary shall develop a classification
20 system for small unmanned aircraft systems air car-
21 riers to establish economic authority for the carriage
22 of property by small unmanned aircraft systems for
23 compensation or hire. Such classification shall only
24 require—

1 “(A) registration with the Department of
2 Transportation; and

3 “(B) a valid small UAS air carrier certifi-
4 cate as described in paragraph (1).

5 **“§ 45511. Micro UAS operations**

6 “(a) IN GENERAL.—Not later than 60 days after the
7 date of enactment of this section, the Administrator of the
8 Federal Aviation Administration shall charter an aviation
9 rulemaking advisory committee to develop recommenda-
10 tions for regulations under which any person may operate
11 a micro unmanned aircraft system, the aircraft component
12 of which weighs 4.4 pounds or less, including payload,
13 without the person operating the system being required
14 to pass any airman certification requirement, including
15 any requirements under section 44703, part 61 of title 14,
16 Code of Federal Regulations, or any other rule or regula-
17 tion relating to airman certification.

18 “(b) CONSIDERATIONS.—In developing recommenda-
19 tions for the operation of micro unmanned aircraft sys-
20 tems under subsection (a), the members of the aviation
21 rulemaking advisory committee shall consider rules for op-
22 eration of such systems—

23 “(1) at an altitude of less than 400 feet above
24 ground level;

1 “(2) with an airspeed of not greater than 40
2 knots;

3 “(3) within the visual line of sight of the oper-
4 ator;

5 “(4) during the hours between sunrise and sun-
6 set;

7 “(5) by an operator who has passed an aero-
8 nautical knowledge and safety test administered by
9 the Federal Aviation Administration online specifi-
10 cally for the operation of micro unmanned aircraft
11 systems, with such test being of a length and dif-
12 ficulty that acknowledges the reduced operational
13 complexity and low risk of micro unmanned aircraft
14 systems;

15 “(6) not over unprotected persons uninvolved in
16 its operation; and

17 “(7) at least 5 statute miles from the geo-
18 graphic center of a tower-controlled airport or air-
19 port denoted on a current Federal Aviation Adminis-
20 tration-published aeronautical chart, except that a
21 micro unmanned aircraft system may be operated
22 closer than 5 statute miles to the airport if the oper-
23 ator—

24 “(A) provides prior notice to the airport
25 operator; and

1 “(B) receives, for a tower-controlled air-
2 port, prior approval from the air traffic control
3 facility located at the airport.

4 “(c) CONSULTATION.—

5 “(1) IN GENERAL.—In developing recommenda-
6 tions for recommended regulations under subsection
7 (a), the aviation rulemaking advisory committee
8 shall consult with—

9 “(A) unmanned aircraft systems stake-
10 holders, including manufacturers of micro un-
11 manned aircraft systems;

12 “(B) community-based aviation organiza-
13 tions;

14 “(C) the Center of Excellence for Un-
15 manned Aircraft Systems; and

16 “(D) appropriate Federal agencies.

17 “(2) FACA.—The Federal Advisory Committee
18 Act (5 U.S.C. App.) shall not apply to an aviation
19 rulemaking advisory committee chartered under this
20 section.

21 “(d) RULEMAKING.—Not later than 180 days after
22 the date of receipt of the recommendations under sub-
23 section (a), the Administrator shall issue regulations in-
24 corporating recommendations of the aviation rulemaking

1 advisory committee that provide for the operation of micro
2 unmanned aircraft systems in the United States—

3 “(1) without an airman certificate; and

4 “(2) without an airworthiness certificate for the
5 associated unmanned aircraft.

6 “(e) SCOPE OF REGULATIONS.—

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

15 “(2) LIMITATION.—The Administrator may
16 only issue regulations under this section for un-
17 manned aircraft systems that the Administrator de-
18 termines may be operated safely in the national air-
19 space system pursuant to those regulations.

20 “(f) RULES OF CONSTRUCTION.—Nothing in this
21 section may be construed—

22 “(1) to prohibit a person from operating an un-
23 manned aircraft system under a circumstance de-
24 scribed under paragraphs (1) through (3) of sub-
25 section (b) if—

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

3 “(B) the person operates the unmanned
4 aircraft system in a manner prescribed by the
5 regulations; or

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

11 (b) CONFORMING AMENDMENTS.—

12 (1) REPEALS.—

13 (A) IN GENERAL.—Sections 332(a),
14 332(b), 332(d), 333, 334, and 336 of the FAA
15 Modernization and Reform Act of 2012 (49
16 U.S.C. 40101 note) are repealed.

17 (B) CLERICAL AMENDMENT.—The items
18 relating to sections 333, 334, and 336 of the
19 FAA Modernization and Reform Act of 2012
20 (49 U.S.C. 40101 note) in the table of contents
21 contained in section 1(b) of that Act are re-
22 pealed.

23 (2) PENALTIES.—Section 46301 of title 49,
24 United States Code, is amended—

25 (A) in subsection (a)—

1 (i) in paragraph (1)(A) by inserting
 2 “chapter 455,” after “chapter 451,”; and

3 (ii) in paragraph (5)(A)(i) by striking
 4 “or chapter 451,” and inserting “chapter
 5 451, chapter 455,”;

6 (B) in subsection (d)(2) by inserting
 7 “chapter 455,” after “chapter 451,”; and

8 (C) in subsection (f)(1)(A)(i) by striking
 9 “or chapter 451” and inserting “chapter 451,
 10 or chapter 455”.

11 (3) CLERICAL AMENDMENT.—The analysis for
 12 subtitle VII of title 49, United States Code, is
 13 amended by inserting after the item relating to
 14 chapter 453 the following:

“455. Unmanned aircraft systems45501”.

15 **SEC. 333. UNMANNED AIRCRAFT TEST RANGES.**

16 (a) EXTENSION OF PROGRAM.—Section 332(c)(1) of
 17 the FAA Modernization and Reform Act of 2012 (49
 18 U.S.C. 40101 note) is amended by striking “September
 19 30, 2019” and inserting “the date that is 6 years after
 20 the date of enactment of the FAA Reauthorization Act
 21 of 2018”.

22 (b) SENSE-AND-AVOID AND BEYOND LINE OF SIGHT
 23 SYSTEMS AT TEST RANGES.—

24 (1) IN GENERAL.—To the extent consistent
 25 with aviation safety, the Administrator of the Fed-

1 eral Aviation Administration shall permit and en-
2 courage flights of unmanned aircraft equipped with
3 sense-and-avoid and beyond line of sight systems at
4 the 6 test ranges designated under section 332(c) of
5 the FAA Modernization and Reform Act of 2012.

6 (2) WAIVERS.—In carrying out paragraph (1),
7 the Administrator may waive the requirements of
8 section 44711 of title 49, United States Code, in-
9 cluding related regulations, to the extent consistent
10 with aviation safety.

11 (c) TEST RANGE DEFINED.—

12 (1) IN GENERAL.—In this section, the term
13 “test range” means a defined geographic area where
14 research and development are conducted as author-
15 ized by the Administrator of the Federal Aviation
16 Administration.

17 (2) INCLUSIONS.—Such term includes any of
18 the 6 test ranges established by the Administrator of
19 the Federal Aviation Administration under section
20 332(c) of the FAA Modernization and Reform Act
21 of 2012, as in effect on the day before the date of
22 enactment of this subsection, and any public entity
23 authorized by the Federal Aviation Administration
24 as an unmanned aircraft system flight test center
25 before January 1, 2009.

1 **SEC. 334. SENSE OF CONGRESS REGARDING UNMANNED**
2 **AIRCRAFT SAFETY.**

3 It is the sense of Congress that—

4 (1) the unauthorized operation of unmanned
5 aircraft near airports presents a serious hazard to
6 aviation safety;

7 (2) a collision between an unmanned aircraft
8 and a conventional aircraft in flight could jeopardize
9 the safety of persons aboard the aircraft and on the
10 ground;

11 (3) Federal aviation regulations, including sec-
12 tions 91.126 through 91.131 of title 14, Code of
13 Federal Regulations, prohibit unauthorized operation
14 of an aircraft in controlled airspace near an airport;

15 (4) Federal aviation regulations, including sec-
16 tion 91.13 of title 14, Code of Federal Regulations,
17 prohibit the operation of an aircraft in a careless or
18 reckless manner so as to endanger the life or prop-
19 erty of another;

20 (5) the Administrator of the Federal Aviation
21 Administration should pursue all available civil and
22 administrative remedies available to the Adminis-
23 trator, including referrals to other government agen-
24 cies for criminal investigations, with respect to per-
25 sons who operate unmanned aircraft in an unauthor-
26 ized manner;

1 (6) the Administrator should—

2 (A) place particular priority in continuing
3 measures, including partnering with nongovern-
4 mental organizations and State and local agen-
5 cies, to educate the public about the dangers to
6 public safety of operating unmanned aircraft
7 over areas that have temporary flight restric-
8 tions in place, for purposes such as wildfires,
9 without appropriate approval or authorization
10 from the Forest Service; and

11 (B) partner with State and local agencies
12 to effectively enforce relevant laws so that un-
13 manned aircrafts do not interfere with the ef-
14 forts of emergency responders;

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. 335. 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 the inte-
9 gration of unmanned aircraft systems into the national
10 airspace 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. 336. 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. 337. EVALUATION OF AIRCRAFT REGISTRATION FOR**
17 **SMALL UNMANNED AIRCRAFT.**

18 (a) METRICS.—Beginning not later than 180 days
19 after the date of enactment of this Act, the Administrator
20 of the Federal Aviation Administration shall develop and
21 track metrics to assess compliance with and effectiveness
22 of the registration of small unmanned aircraft systems by
23 the Federal Aviation Administration pursuant to the in-
24 terim final rule issued on December 16, 2015, entitled
25 “Registration and Marking Requirements for Small Un-

1 manned Aircraft” (80 Fed. Reg. 78593) and any subse-
2 quent final rule, including metrics with respect to—

3 (1) the levels of compliance with the interim
4 final rule and any subsequent final rule;

5 (2) the number of enforcement actions taken by
6 the Administration for violations of or noncompli-
7 ance with the interim final rule and any subsequent
8 final rule, together with a description of the actions;
9 and

10 (3) the effect of the interim final rule and any
11 subsequent final rule on compliance with any fees
12 associated with the use of small unmanned aircraft
13 systems.

14 (b) EVALUATION.—The Inspector General of the De-
15 partment of Transportation shall evaluate—

16 (1) the Administration’s progress in developing
17 and tracking the metrics set forth in subsection (a);
18 and

19 (2) the reliability, effectiveness, and efficiency
20 of the Administration’s registration program for
21 small unmanned aircraft.

22 (c) REPORT.—Not later than 1 year after the date
23 of enactment of this Act, the Inspector General of the De-
24 partment of Transportation shall submit to the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a report con-
3 taining—

4 (1) the results of the evaluation required under
5 subsection (b); and

6 (2) recommendations to the Administrator and
7 Congress for improvements to the registration proc-
8 ess for small unmanned aircraft.

9 **SEC. 338. STUDY ON ROLES OF GOVERNMENTS RELATING**
10 **TO LOW-ALTITUDE OPERATION OF SMALL**
11 **UNMANNED AIRCRAFT.**

12 (a) IN GENERAL.—Not later than 60 days after the
13 date of enactment of this Act, the Inspector General of
14 the Department of Transportation shall initiate a study
15 on—

16 (1) the regulation and oversight of the low-alti-
17 tude operations of small unmanned aircraft and
18 small unmanned aircraft systems; and

19 (2) the appropriate roles and responsibilities of
20 Federal, State, local, and Tribal governments in reg-
21 ulating and overseeing the operations of small un-
22 manned aircraft in airspace 400 feet above ground
23 level and below.

24 (b) CONSIDERATIONS.—In carrying out the study,
25 the Inspector General shall consider, at a minimum—

1 (1) the recommendations of Task Group 1 of
2 the Drone Advisory Committee chartered by the
3 Federal Aviation Administration on August 31,
4 2016;

5 (2) the legal and policy requirements necessary
6 for the safe and financially viable development and
7 growth of the unmanned aircraft industry;

8 (3) the interests of Federal, State, local, and
9 Tribal governments affected by low-altitude oper-
10 ations of small unmanned aircraft;

11 (4) the existing authorities of Federal, State,
12 local, and Tribal governments to protect the inter-
13 ests referenced in paragraph (3);

14 (5) the degree of regulatory consistency re-
15 quired for the safe and financially viable growth and
16 development of the unmanned aircraft industry;

17 (6) the degree of local variance possible among
18 regulations consistent with the safe and financially
19 viable growth and development of the unmanned air-
20 craft industry;

21 (7) the appropriate roles of State, local, and
22 Tribal governments in regulating the operations of
23 small unmanned aircraft within the lateral bound-
24 aries of their jurisdiction in the categories of air-
25 space described in subsection (a)(2), including dur-

1 ing emergency situations that may threaten public
2 safety;

3 (8) the subjects and types of regulatory author-
4 ity that should remain with the Federal Government;

5 (9) the infrastructure requirements necessary
6 for monitoring the low-altitude operations of small
7 unmanned aircraft and enforcing applicable laws;

8 (10) the number of small businesses involved in
9 the various sectors of the unmanned aircraft indus-
10 try and operating as primary users of small un-
11 manned aircraft; and

12 (11) any best practices, lessons learned, or poli-
13 cies of jurisdictions outside the United States relat-
14 ing to local or regional regulation and oversight of
15 small unmanned aircraft and other emergent tech-
16 nologies.

17 (c) REPORT TO CONGRESS.—Not later than 180 days
18 after initiating the study, the Inspector General shall sub-
19 mit to the Committee on Transportation and Infrastruc-
20 ture of the House of Representatives and the Committee
21 on Commerce, Science, and Transportation of the Senate
22 a report on the results of the study.

1 **SEC. 339. STUDY ON FINANCING OF UNMANNED AIRCRAFT**
2 **SERVICES.**

3 (a) IN GENERAL.—Not later than 60 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall initiate a study on appropriate
6 fee mechanisms to recover the costs of—

7 (1) the regulation and safety oversight of un-
8 manned aircraft and unmanned aircraft systems;
9 and

10 (2) the provision of air navigation services to
11 unmanned aircraft and unmanned aircraft systems.

12 (b) CONSIDERATIONS.—In carrying out the study,
13 the Comptroller General shall consider, at a minimum—

14 (1) the recommendations of Task Group 3 of
15 the Drone Advisory Committee chartered by the
16 Federal Aviation Administration on August 31,
17 2016;

18 (2) the total annual costs incurred by the Fed-
19 eral Aviation Administration for the regulation and
20 safety oversight of activities related to unmanned
21 aircraft;

22 (3) the annual costs attributable to various
23 types, classes, and categories of unmanned aircraft
24 activities;

1 (4) air traffic services provided to unmanned
2 aircraft operating under instrument flight rules, ex-
3 cluding public aircraft;

4 (5) the number of full-time Federal Aviation
5 Administration employees dedicated to unmanned
6 aircraft programs;

7 (6) the use of privately operated UTM and
8 other privately operated unmanned aircraft systems;

9 (7) the projected growth of unmanned aircraft
10 operations for various applications and the estimated
11 need for regulation, oversight, and other services;

12 (8) the number of small businesses involved in
13 the various sectors of the unmanned aircraft indus-
14 try and operating as primary users of unmanned air-
15 craft; and

16 (9) any best practices or policies utilized by ju-
17 risdictions outside the United States relating to par-
18 tial or total recovery of regulation and safety over-
19 sight costs related to unmanned aircraft and other
20 emergent technologies.

21 (c) REPORT TO CONGRESS.—Not later than 180 days
22 after initiating the study, the Comptroller General 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 a report containing recommendations on appro-
2 priate fee mechanisms to recover the costs of regulating
3 and providing air navigation services to unmanned aircraft
4 and unmanned aircraft systems.

5 **SEC. 340. UPDATE OF FAA COMPREHENSIVE PLAN.**

6 (a) IN GENERAL.—Not later than 270 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall update the comprehensive plan developed pur-
9 suant to section 332 of the FAA Modernization and Re-
10 form Act of 2012 (49 U.S.C. 40101 note) to develop a
11 concept of operations for the integration of unmanned air-
12 craft into the national airspace system.

13 (b) CONSIDERATIONS.—In carrying out the update,
14 the Secretary shall consider, at a minimum—

15 (1) the potential use of UTM and other tech-
16 nologies to ensure the safe and lawful operation of
17 unmanned aircraft in the national airspace system;

18 (2) the appropriate roles, responsibilities, and
19 authorities of government agencies and the private
20 sector in identifying and reporting unlawful or
21 harmful operations and operators of unmanned air-
22 craft;

23 (3) the use of models, threat assessments, prob-
24 abilities, and other methods to distinguish between

1 lawful and unlawful operations of unmanned air-
2 craft; and

3 (4) appropriate systems, training, intergovern-
4 mental processes, protocols, and procedures to miti-
5 gate risks and hazards posed by unlawful or harmful
6 operations of unmanned aircraft systems.

7 (c) CONSULTATION.—The Secretary shall carry out
8 the update in consultation with representatives of the avia-
9 tion industry, Federal agencies that employ unmanned air-
10 craft systems technology in the national airspace system,
11 and the unmanned aircraft systems industry.

12 (d) PROGRAM ALIGNMENT.—The Secretary shall
13 submit a report to the House Committee on Transpor-
14 tation and Infrastructure and the Senate Committee on
15 Commerce, Science, and Transportation within 90 days
16 after enactment of this Act that describes how each of the
17 following programs will be executed or implemented in a
18 systematic and timely manner to avoid duplication, lever-
19 age capabilities learned across programs, and support the
20 safe integration of UAS into the national airspace:

21 (1) Commercially-operated Low Altitude Au-
22 thorization and Notification Capability.

23 (2) The Unmanned Aircraft System Integration
24 Pilot Program.

1 (3) The Unmanned Traffic Management Pilot
2 Program.

3 **SEC. 341. COOPERATION RELATED TO CERTAIN COUNTER-**
4 **UAS TECHNOLOGY.**

5 In matters relating to the use of systems in the na-
6 tional airspace system intended to mitigate threats posed
7 by errant or hostile unmanned aircraft system operations,
8 the Secretary of Transportation shall consult with the Sec-
9 retary of Defense to streamline deployment of such sys-
10 tems by drawing upon the expertise and experience of the
11 Department of Defense in acquiring and operating such
12 systems consistent with the safe and efficient operation
13 of the national airspace system.

14 **SEC. 342. DEFINITIONS.**

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

17 “(48) ‘counter-UAS system’ means a system or
18 device capable of lawfully and safely disabling, dis-
19 rupting, or seizing control of an unmanned aircraft
20 or unmanned aircraft system.

21 “(49) ‘public unmanned aircraft system’ means
22 an unmanned aircraft system that meets the quali-
23 fications and conditions required for operation of a
24 public aircraft.

1 “(50) ‘small unmanned aircraft’ means an un-
2 manned aircraft weighing less than 55 pounds, in-
3 cluding everything that is on board or otherwise at-
4 tached to the aircraft.

5 “(51) ‘unmanned aircraft’ means an aircraft
6 that is operated without the possibility of direct
7 human intervention from within or on the aircraft.

8 “(52) ‘unmanned aircraft system’ means an un-
9 manned aircraft and associated elements (including
10 communication links and the components that con-
11 trol the unmanned aircraft) that are required for the
12 pilot in command to operate safely and efficiently in
13 the national airspace system.

14 “(53) ‘UTM’ means an unmanned aircraft traf-
15 fic management system or service.”.

16 **SEC. 343. SPECIAL RULES FOR MODEL AIRCRAFT.**

17 (a) IN GENERAL.—Notwithstanding any other provi-
18 sion of law relating to the incorporation of unmanned air-
19 craft systems into Federal Aviation Administration plans
20 and policies, including this subtitle, the Administrator of
21 the Federal Aviation Administration may not promulgate
22 any rule or regulation regarding a model aircraft or an
23 aircraft being developed as a model aircraft, except for—

24 (1) rules regarding the registration of certain
25 model aircraft pursuant to section 44103; and

1 (2) rules regarding unmanned aircraft that by
2 design provide advanced flight capabilities enabling
3 active, sustained, and controlled navigation of the
4 aircraft beyond the visual line of sight of the oper-
5 ator, if—

6 (A) the aircraft is flown strictly for hobby
7 or recreational use;

8 (B) the model aircraft operator is a cur-
9 rent member of a community-based organiza-
10 tion and whose aircraft is operated in accord-
11 ance with the organization's safety rules;

12 (C) the aircraft is limited to not more than
13 55 pounds unless otherwise certified through a
14 design, construction, inspection, flight test, and
15 operational safety program administered by a
16 community-based organization;

17 (D) the aircraft is operated in a manner
18 that does not interfere with and gives way to
19 any manned aircraft;

20 (E) the aircraft is not operated over or
21 within the property of a fixed site facility that
22 operates amusement rides available for use by
23 the general public or the property extending
24 500 lateral feet beyond the perimeter of such

1 facility unless the operation is authorized by the
2 owner of the amusement facility; and

3 (F) when flown within 5 miles of an air-
4 port, the operator of the aircraft provides the
5 airport operator and the airport air traffic con-
6 trol tower (when an air traffic facility is located
7 at the airport) with prior notice of the oper-
8 ation (model aircraft operators flying from a
9 permanent location within 5 miles of an airport
10 should establish a mutually agreed upon oper-
11 ating procedure with the airport operator and
12 the airport air traffic control tower (when an
13 air traffic facility is located at the airport)).

14 (b) AUTOMATED INSTANT AUTHORIZATION.—When
15 the FAA has developed and implemented an automated
16 airspace authorization system for the airspace in which the
17 operator wants to operate, the model aircraft operator
18 shall use this system for authorization to controlled air-
19 space unless flown—

20 (1) at a permanent location agreed to by the
21 Administrator; and

22 (2) in accordance with a mutually agreed upon
23 operating procedure established with the airport op-
24 erator and the airport air traffic control tower (when
25 an air traffic facility is located at the airport).

1 (d) COMMERCIAL OPERATION FOR INSTRUCTIONAL
2 OR EDUCATIONAL PURPOSES.—A flight of an unmanned
3 aircraft shall be treated as a flight of a model aircraft
4 for purposes of subsection (a) (regardless of any com-
5 pensation, reimbursement, or other consideration ex-
6 changed or incidental economic benefit gained in the
7 course of planning, operating, or supervising the flight),
8 if the flight is—

9 (1) conducted for instructional or educational
10 purposes; and

11 (2) operated or supervised by a member of a
12 community-based organization recognized pursuant
13 to subsection (e).

14 (e) STATUTORY CONSTRUCTION.—Nothing in this
15 section may be construed to limit the authority of the Ad-
16 ministrator to pursue enforcement action against persons
17 operating model aircraft who endanger the safety of the
18 national airspace system.

19 (f) COMMUNITY-BASED ORGANIZATION DEFINED.—
20 In this section, the term “community-based organization”
21 means a nationwide membership-based association entity
22 that—

23 (1) is described in section 501(c)(3) of the In-
24 ternal Revenue Code of 1986;

1 (2) is exempt from tax under section 501(a) of
2 the Internal Revenue Code of 1986;

3 (3) the mission of which is demonstrably the
4 furtherance of model aviation;

5 (4) provides a comprehensive set of safety
6 guidelines for all aspects of model aviation address-
7 ing the assembly and operation of model aircraft and
8 that emphasize safe aeromodeling operations within
9 the national airspace system and the protection and
10 safety of individuals and property on the ground,
11 and may provide a comprehensive set of safety rules
12 and programming for the operation of unmanned
13 aircraft that have the advanced flight capabilities en-
14 abling active, sustained, and controlled navigation of
15 the aircraft beyond visual line of sight of the oper-
16 ator;

17 (5) provides programming and support for any
18 local charter organizations, affiliates, or clubs; and

19 (6) provides assistance and support in the de-
20 velopment and operation of locally designated model
21 aircraft flying sites.

22 (g) RECOGNITION OF COMMUNITY-BASED ORGANIZA-
23 TIONS.—In collaboration with aeromodelling stakeholders,
24 the Administrator shall publish an advisory circular within
25 180 days of enactment that identifies the criteria and

1 process required for recognition of nationwide community-
2 based organizations. This recognition shall be in the form
3 of a memorandum of agreement between the FAA and
4 each community-based organization and does not require
5 regulatory action to implement.

6 (h) EFFECTIVE DATE.—Except for rules to imple-
7 ment remote identification for unmanned aircraft that by
8 design provide advanced flight capabilities enabling active,
9 sustained, and controlled navigation of the aircraft beyond
10 the visual line of sight of the operator and for rules re-
11 garding the registration of certain model aircraft pursuant
12 to section 44103, this section shall become effective when
13 the rule, referred to in section 532 of the FAA Reauthor-
14 ization Act of 2018, regarding revisions to part 107 of
15 title 14, Code of Federal Regulations, becomes final.

16 **SEC. 344. RECREATIONAL UAS.**

17 (a) IN GENERAL .—Not later than 120 days after
18 the date of enactment of this Act, the Administrator of
19 the Federal Aviation Administration shall issue rules and
20 regulations relating to small UAS flown for recreational
21 or educational use, and that are not operated within all
22 of the criteria outlined in the special rule for model air-
23 craft in section 45505 of title 49, United States Code, or
24 the requirements of part 107 of title 14, Code of Federal
25 Regulations.

1 (b) REGULATORY AUTHORITY.—When issuing the
2 rules and regulation pursuant to this section, the Adminis-
3 trator shall—

4 (1) require the completion of an online or elec-
5 tronic educational tutorial that is focused on knowl-
6 edge of the primary rules necessary for the safe op-
7 eration of such UAS and whose completion time is
8 of reasonable length and limited duration;

9 (2) include provisions that enable the operation
10 of such UAS by individuals under the age of 16
11 without a certificated pilot;

12 (3) require UAS operators within Class B, C, D
13 and E airspace to obtain authorization, as the Ad-
14 ministrator may determine to be necessary within
15 that airspace, but only after the Federal Aviation
16 Administration has developed and implemented an
17 automated airspace authorization system for the air-
18 space in which the operator wants to operate; and

19 (4) include provisions that provide specific oper-
20 ational rules for UAS operating in close proximity to
21 airports in class G airspace.

22 (c) MAINTAINING BROAD ACCESS TO UAS TECH-
23 NOLOGY.—When issuing rules or regulations for the oper-
24 ation of UAS under this section, the Administrator shall
25 not—

13 SEC. 345. UNMANNED AIRCRAFT SYSTEMS INTEGRATION
14 PILOT PROGRAM.

(b) APPLICATIONS.—The Secretary shall accept applications from State, local, and Tribal governments, in partnership with unmanned aircraft system operators and other private-sector stakeholders, to test and evaluate the

1 integration of civil and public UAS operations into the
2 low-altitude national airspace system.

3 (c) OBJECTIVES.—The purpose of the pilot program
4 is to accelerate existing UAS integration plans by working
5 to solve technical, regulatory, and policy challenges, while
6 enabling advanced UAS operations in select areas subject
7 to ongoing safety oversight and cooperation between the
8 Federal Government and applicable State, local, or Tribal
9 jurisdictions, in order to—

10 (1) accelerate the safe integration of UAS into
11 the NAS by testing and validating new concepts of
12 beyond visual line of sight operations in a controlled
13 environment, focusing on detect and avoid tech-
14 nologies, command and control links, navigation,
15 weather, and human factors;

16 (2) address ongoing concerns regarding the po-
17 tential security and safety risks associated with UAS
18 operating in close proximity to human beings and
19 critical infrastructure by ensuring that operators
20 communicate more effectively with Federal, State,
21 local, and Tribal law enforcement to enable law en-
22 forcement to determine if a UAS operation poses
23 such a risk;

24 (3) promote innovation in and development of
25 the United States unmanned aviation industry, espe-

1 cially in sectors such as agriculture, emergency man-
2 agement, inspection, and transportation safety, in
3 which there are significant public benefits to be
4 gained from the deployment of UAS; and

5 (4) identify the most effective models of bal-
6 ancing local and national interests in UAS integra-
7 tion.

8 (d) APPLICATION SUBMISSION.—The Secretary shall
9 establish application requirements and require applicants
10 to include the following information:

11 (1) Identification of the airspace to be used, in-
12 cluding shape files and altitudes.

13 (2) Description of the types of planned oper-
14 ations.

15 (3) Identification of stakeholder partners to test
16 and evaluate planned operations.

17 (4) Identification of available infrastructure to
18 support planned operations.

19 (5) Description of experience with UAS oper-
20 ations and regulations.

21 (6) Description of existing UAS operator and
22 any other stakeholder partnerships and experience.

23 (7) Description of plans to address safety, secu-
24 rity, competition, privacy concerns, and community
25 outreach.

1 (e) REASONABLE TIME, MANNER, AND PLACE LIM-
2 TATIONS.—

3 (1) IN GENERAL.—

4 (A) REQUESTS.—The Lead Applicant may
5 request reasonable time, place and manner limi-
6 tations on low-altitude UAS operations within
7 its jurisdiction to facilitate the proposed devel-
8 opment and testing of new and innovative UAS
9 concepts of operations in addition to other se-
10 lection criteria.

11 (B) SELF-IMPLEMENTING PROVISIONS.—
12 The Secretary shall require jurisdictions to en-
13 sure that any time, place and manner limita-
14 tions, including those adopted through means
15 such as legislation or regulation, include self-
16 implementing provisions that automatically ter-
17minate those restrictions upon the termination
18 of the Memorandum of Agreement.

19 (C) MONITORING AND ENFORCEMENT.—

20 (i) IN GENERAL.—Monitoring and en-
21 forcement of any limitations enacted pur-
22suant to this pilot project shall be the re-
23 sponsibility of the jurisdiction.

1 (ii) SAVINGS PROVISION.—Nothing in
2 clause (i) may be construed to prevent the
3 Secretary from enforcing Federal law.

4 (2) EXAMPLES.—Examples of reasonable time,
5 manner, and place limitations may include—

6 (A) prohibiting flight during specified
7 morning and evening rush hours or only permit-
8 ting flight during specified hours such as day-
9 light hours, sufficient to ensure reasonable air-
10 space access;

11 (B) establishing designated take-off and
12 landing zones, limiting operations over moving
13 locations or fixed site public road and parks,
14 sidewalks or private property based on zoning
15 density, or other land use considerations;

16 (C) requiring notice to public safety or
17 zoning or land use authorities before operating;

18 (D) limiting UAS operations within des-
19 ignated altitudes within airspace over the juris-
20 diction;

21 (E) specifying maximum speed of flight
22 over specified areas;

23 (F) prohibiting operations in connection
24 with community or sporting events that do not

1 remain in one place (for example, parades and
2 running events); and

3 (G) mandating equipage.

4 (f) SELECTION CRITERIA.—In making determina-
5 tions, the Secretary shall evaluate whether applications
6 meet or exceed the following criteria:

7 (1) Overall economic, geographic, and climatic
8 diversity of the selected jurisdictions.

9 (2) Overall diversity of the proposed models of
10 government involvement.

11 (3) Overall diversity of the UAS operations to
12 be conducted.

13 (4) The location of critical infrastructure.

14 (5) The involvement of commercial entities in
15 the proposal and their ability to advance objectives
16 that may serve the public interest as a result of fur-
17 ther integration of UAS into the NAS.

18 (6) The involvement of affected communities in,
19 and their support for, participating in the pilot pro-
20 gram.

21 (7) The commitment of the governments and
22 UAS operators involved in the proposal to comply
23 with requirements related to national defense, home-
24 land security, and public safety and to address com-
25 petition, privacy, and civil liberties concerns.

1 (8) The commitment of the governments and
2 UAS operators involved in the proposal to achieve
3 the following policy objectives:

4 (A) Promoting innovation and economic
5 development.

6 (B) Enhancing transportation safety.

7 (C) Enhancing workplace safety.

8 (D) Improving emergency response and
9 search and rescue functions.

10 (E) Using radio spectrum efficiently and
11 competitively.

12 (g) IMPLEMENTATION.—The Secretary shall use the
13 data collected and experience gained over the course of
14 this pilot program to—

15 (1) identify and resolve technical challenges to
16 UAS integration;

17 (2) address airspace use to safely and efficiently
18 integrate all aircraft;

19 (3) inform operational standards and proce-
20 dures to improve safety (for example, detect and
21 avoid capabilities, navigation and altitude perform-
22 ance, and command and control link);

23 (4) inform FAA standards that reduce the need
24 for waivers (for example, for operations over human

1 beings, night operations, and beyond visual line of
2 sight); and

3 (5) address competing interests regarding UAS
4 operational expansion, safety, security, roles and re-
5 sponsibilities of non-Federal Government entities,
6 and privacy issues.

7 (h) DEFINITIONS.—In this section:

8 (1) The term “Lead Applicant” means an eligi-
9 ble State, local or Tribal government that has sub-
10 mitted a timely application.

11 (2) The term “NAS” means the low-altitude
12 national airspace system.

13 (3) The term “UAS” means unmanned aircraft
14 system.

15 **SEC. 346. ENFORCEMENT.**

16 (a) UAS SAFETY ENFORCEMENT.—The Adminis-
17 trator of the Federal Aviation Administration shall estab-
18 lish a program to utilize available remote detection and
19 identification technologies for safety oversight, including
20 enforcement actions against operators of unmanned air-
21 craft systems that are not in compliance with applicable
22 Federal aviation laws, including regulations.

23 (b) REPORTING.—As part of the program, the Ad-
24 ministrator shall establish and publicize a mechanism for
25 the public and Federal, State, and local law enforcement

1 to report suspected operation of unmanned aircraft in vio-
2 lation of applicable Federal laws and regulations.

3 (c) REPORT TO CONGRESS.—Not later than 1 year
4 after the date of enactment of the FAA Reauthorization
5 Act of 2018, and annually thereafter, the Administrator
6 shall submit to the appropriate committees of Congress
7 a report on the following:

8 (1) The number of unauthorized unmanned air-
9 craft operations detected in restricted airspace, in-
10 cluding in and around airports, together with a de-
11 scription of such operations.

12 (2) The number of enforcement cases brought
13 by the Federal Aviation Administration or other
14 Federal agencies for unauthorized operation of un-
15 manned aircraft detected through the program, to-
16 gether with a description of such cases.

17 (3) Recommendations for safety and operational
18 standards for unmanned aircraft detection and miti-
19 gation systems.

20 (4) Recommendations for any legislative or reg-
21 ulatory changes related to mitigation or detection or
22 identification of unmanned aircraft systems.

23 **SEC. 347. ACTIVELY TETHERED PUBLIC UAS.**

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

1 Federal Aviation Administration shall issue such regula-
2 tions as are necessary to authorize the use of certain ac-
3 tively tethered public unmanned aircraft system by gov-
4 ernment public safety agencies without any requirement
5 to obtain a certificate of waiver, certificate of authoriza-
6 tion, or other approval by the Federal Aviation Adminis-
7 tration.

8 (b) REQUIREMENTS.—The regulations issued pursu-
9 ant to subsection (a) shall establish risk-based operational
10 conditions for operation of actively tethered public un-
11 manned aircraft systems by government public safety
12 agencies that recognize and accommodate the unique oper-
13 ational circumstances of such systems, including the re-
14 quirements that the aircraft component may only be oper-
15 ated—

- 16 (1) within the line of sight of the operator;
17 (2) less than 200 feet above the ground;
18 (3) within class G airspace; and
19 (4) at least 5 statute miles from the geographic
20 center of a tower-controller airport or airport de-
21 noted on a current aeronautical chart published by
22 the Federal Aviation Administration, except that an
23 actively tethered public unmanned aircraft system
24 may be operated closer than 5 statute miles to the
25 airport if—

(A) the operator of the actively tethered public unmanned aircraft system provides prior notice to the airport operator and receives, for a tower-controlled airport, prior approval from the air traffic control facilitate located at the airport; or

(B) the exigent circumstances of an emergency prevent the giving of notice contemplated by clause (i) and the actively tethered public unmanned aircraft system is operated outside the flight path of any manned aircraft.

(c) DEFINITION OF ACTIVELY TETHERED PUBLIC

UNMANNED AIRCRAFT SYSTEM.—The term “actively tethered public unmanned aircraft system” means public unmanned aircraft system in which the unmanned aircraft component—

(1) weighs 4.4 pounds or less, including payload;

(2) is physically attached to a ground station with a taut, appropriately load-rated tether that provides continuous power to the unmanned aircraft; and

(3) is capable of being controlled and retrieved by such ground station through physical manipulation of the tether.

1 **SEC. 348. REPORT ON POSSIBLE UNMANNED AIRCRAFT**
2 **SYSTEMS OPERATION ON SPECTRUM ALLO-**
3 **CATED FOR AVIATION USE.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, and after consultation with
6 relevant stakeholders, the Federal Aviation Administra-
7 tion, the National Telecommunications and Information
8 Administration, and the Federal Communications Com-
9 mission, shall submit to the Committee on Commerce,
10 Science, and Transportation of the Senate, the Committee
11 on Transportation and Infrastructure of the House of
12 Representatives, and the Committee on Energy and Com-
13 merce of the House of Representatives a report—

14 (1) on whether unmanned aircraft systems op-
15 erations should be permitted on spectrum designated
16 for aviation use, on an unlicensed, shared, or exclu-
17 sive basis, for operations within the UTM system or
18 outside of such a system;

19 (2) that addresses any technological, statutory,
20 regulatory, and operational barriers to the use of
21 such spectrum for unmanned aircraft systems oper-
22 ations; and

23 (3) that, if it is determined that spectrum des-
24 ignated for aviation use is not suitable for operations
25 by unmanned aircraft systems, includes rec-

1 ommendations of other spectrum frequencies that
2 may be appropriate for such operations.

3 (b) DEFINITIONS.—In this section:

4 (1) UNMANNED AIRCRAFT SYSTEM.—The term
5 “unmanned aircraft system” means an unmanned
6 aircraft and associated elements (including commu-
7 nication links and the components that control the
8 unmanned aircraft) that are required for the pilot in
9 command to operate safely and efficiently in the na-
10 tional airspace system.

11 (2) UTM.—The term “UTM” means an un-
12 manned aircraft traffic management system or serv-
13 ice.

14 **SEC. 349. U.S. COUNTER-UAS SYSTEM REVIEW OF INTER-**
15 **AGENCY COORDINATION PROCESSES.**

16 (a) IN GENERAL.—Not later than 60 days after that
17 date of enactment of this Act, the Administrator of the
18 Federal Aviation Administration, in consultation with gov-
19 ernment agencies currently authorized to operate Counter-
20 Unmanned Aircraft System (C-UAS) systems within the
21 United States (including the territories and possessions of
22 the United States), shall initiate a review of the following:

23 (1) The process the Administration is utilizing
24 for interagency coordination of C-UAS activity pur-
25 suant to a relevant Federal statute authorizing such

1 activity within the United States (including the ter-
2 ritories and possessions of the United States).

3 (2) The standards the Administration is uti-
4 lizing for operation of a C-UAS systems pursuant to
5 a relevant Federal statute authorizing such activity
6 within the United States (including the territories
7 and possessions of the United States), including
8 whether the following criteria are being taken into
9 consideration in the development of the standards:

10 (A) Safety of the national airspace.

11 (B) Protecting individuals and property on
12 the ground.

13 (C) Non-interference with avionics of
14 manned aircraft, and unmanned aircraft, oper-
15 ating legally in the national airspace.

16 (D) Non-interference with air traffic con-
17 trol systems.

18 (E) Consistent procedures in the operation
19 of C-UAS systems to the maximum extent prac-
20 ticable.

21 (F) Adequate coordination procedures and
22 protocols with the Federal Aviation Administra-
23 tion during the operation of C-UAS systems.

24 (G) Adequate training for personnel oper-
25 ating C-UAS systems.

1 (H) Assessment of the efficiency and effec-
2 tiveness of the coordination and review proc-
3 esses to ensure national airspace safety while
4 minimizing bureaucracy.

5 (I) Such other matters the Administrator
6 deems necessary for the safe and lawful oper-
7 ation of C-UAS systems.

8 (b) REPORT.—Not later than 180 days after the date
9 upon which the review in subsection (a) is initiated, the
10 Administrator shall submit to the Committee on Trans-
11 portation and Infrastructure of the House of Representa-
12 tives, the Committee on Armed Services of the House of
13 Representatives, and the Committee on Commerce,
14 Science, and Transportation in the Senate, and the Com-
15 mittee on Armed Services of the Senate, a report on the
16 Administration’s activities related to C-UAS systems, in-
17 cluding—

18 (1) any coordination with Federal agencies and
19 States, subdivisions and States, political authorities
20 of at least 2 States that operate C-UAS systems;
21 and

22 (2) an assessment of the standards being uti-
23 lized for the operation of a counter-UAS systems
24 within the United States (including the territories
25 and possessions of the United States).

1 **TITLE IV—AIR SERVICE**
2 **IMPROVEMENTS**
3 **Subtitle A—Airline Customer**
4 **Service Improvements**

5 **SEC. 401. RELIABLE AIR SERVICE IN AMERICAN SAMOA.**

6 Section 40109(g) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (2) by striking subparagraph
9 (C) and inserting the following:

10 “(C) review the exemption at least every 30
11 days (or, in the case of an exemption that is nec-
12 essary to provide and sustain air transportation in
13 American Samoa between the islands of Tutuila and
14 Manu’a, at least every 180 days) to ensure that the
15 unusual circumstances that established the need for
16 the exemption still exist.”; and

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

19 “(3) RENEWAL OF EXEMPTIONS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary may renew an
22 exemption (including renewals) under this sub-
23 section for not more than 30 days.

24 “(B) EXCEPTION.—The Secretary may
25 renew an exemption (including renewals) under

10 SEC. 402. CELL PHONE VOICE COMMUNICATION BAN.

14 **“§ 41725. Prohibition on certain cell phone voice com-**
15 **munications**

18 “(1) to prohibit an individual on an aircraft
19 from engaging in voice communications using a mo-
20 bile communications device during a flight of that
21 aircraft in scheduled passenger interstate or intra-
22 state air transportation; and

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1 “(A) member of the flight crew on duty on
2 an aircraft;

3 “(B) flight attendant on duty on an air-
4 craft; and

5 “(C) Federal law enforcement officer act-
6 ing in an official capacity.

7 “(b) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) FLIGHT.—The term ‘flight’ means, with
10 respect to an aircraft, the period beginning when the
11 aircraft takes off and ending when the aircraft
12 lands.

13 “(2) MOBILE COMMUNICATIONS DEVICE.—

14 “(A) IN GENERAL.—The term ‘mobile
15 communications device’ means any portable
16 wireless telecommunications equipment utilized
17 for the transmission or reception of voice data.

18 “(B) LIMITATION.—The term ‘mobile com-
19 munications device’ does not include a phone in-
20 stalled on an aircraft.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 417 of title 49, United States Code, is amended by
23 inserting after the item relating to section 41724 the fol-
24 lowing:

“41725. Prohibition on certain cell phone voice communications.”.

1 **SEC. 403. ADVISORY COMMITTEE FOR AVIATION CON-**
2 **SUMER PROTECTION.**

3 Section 411 of the FAA Modernization and Reform
4 Act of 2012 (49 U.S.C. 42301 prec. note) is amended—

5 (1) in subsection (b)—

6 (A) by redesignating paragraphs (3) and
7 (4) as paragraphs (4) and (5), respectively; and

8 (B) by inserting after paragraph (2) the
9 following:

10 “(3) independent distributors of travel;”;

11 (2) in subsection (g) by striking “first 2 cal-
12 endar years” and inserting “first 6 calendar years”;
13 and

14 (3) in subsection (h) by striking “2018” and in-
15 serting “2023”.

16 **SEC. 404. IMPROVED NOTIFICATION OF INSECTICIDE USE.**

17 Section 42303(b) of title 49, United States Code, is
18 amended to read as follows:

19 “(b) **REQUIRED DISCLOSURES.**—An air carrier, for-
20 eign air carrier, or ticket agent selling, in the United
21 States, a ticket for a flight in foreign air transportation
22 to a country listed on the internet website established
23 under subsection (a) shall—

24 “(1) disclose, on its own internet website or
25 through other means, that the destination country
26 may require the air carrier or foreign air carrier to

1 treat an aircraft passenger cabin with insecticides
2 prior to the flight or to apply an aerosol insecticide
3 in an aircraft cabin used for such a flight when the
4 cabin is occupied with passengers; and

5 “(2) refer the purchaser of the ticket to the
6 internet website established under subsection (a) for
7 additional information.”.

8 **SEC. 405. ADVERTISEMENTS AND DISCLOSURE OF FEES**
9 **FOR PASSENGER AIR TRANSPORTATION.**

10 (a) FULL FARE ADVERTISING.—

11 (1) IN GENERAL.—Section 41712 of title 49,
12 United States Code, is amended by adding at the
13 end the following:

14 “(d) FULL FARE ADVERTISING.—

15 “(1) IN GENERAL.—It shall not be an unfair or
16 deceptive practice under subsection (a) for a covered
17 entity to state in an advertisement or solicitation for
18 passenger air transportation the base airfare for the
19 air transportation if the covered entity clearly and
20 separately discloses—

21 “(A) the government-imposed fees and
22 taxes associated with the air transportation;
23 and

24 “(B) the total cost of the air transpor-
25 tation.

1 “(2) FORM OF DISCLOSURE.—

2 “(A) IN GENERAL.—For purposes of para-
3 graph (1), the information described in para-
4 graphs (1)(A) and (1)(B) shall be disclosed in
5 the advertisement or solicitation in a manner
6 that clearly presents the information to the con-
7 sumer.

8 “(B) INTERNET ADVERTISEMENTS AND
9 SOLICITATIONS.—For purposes of paragraph
10 (1), with respect to an advertisement or solicita-
11 tion for passenger air transportation that ap-
12 pears on an internet website or a mobile appli-
13 cation, the information described in paragraphs
14 (1)(A) and (1)(B) may be disclosed through a
15 link or pop-up, as such terms may be defined
16 by the Secretary, that displays the information
17 in a manner that is easily accessible and
18 viewable by the consumer.

19 “(3) DEFINITIONS.—In this subsection, the fol-
20 lowing definitions apply:

21 “(A) BASE AIRFARE.—The term ‘base air-
22 fare’ means the cost of passenger air transpor-
23 tation, excluding government-imposed fees and
24 taxes.

1 “(B) COVERED ENTITY.—The term ‘cov-
2 ered entity’ means an air carrier, including an
3 indirect air carrier, foreign air carrier, ticket
4 agent, or other person offering to sell tickets for
5 passenger air transportation or a tour or tour
6 component that must be purchased with air
7 transportation.”.

8 (2) LIMITATION ON STATUTORY CONSTRUC-
9 TION.—Nothing in the amendment made by para-
10 graph (1) may be construed to affect any obligation
11 of a person that sells air transportation to disclose
12 the total cost of the air transportation, including
13 government-imposed fees and taxes, prior to pur-
14 chase of the air transportation.

15 (3) REGULATIONS.—Not later than 120 days
16 after the date of enactment of this Act, the Sec-
17 retary of Transportation shall issue final regulations
18 to carry out the amendment made by paragraph (1).

19 (4) EFFECTIVE DATE.—This subsection, and
20 the amendments made by this subsection, shall take
21 effect on the earlier of—

22 (A) the effective date of regulations issued
23 under paragraph (3); and

24 (B) the date that is 180 days after the
25 date of enactment of this Act.

1 (b) DISCLOSURE OF FEES.—Section 41712 of title
2 49, United States Code, as amended by this section, is
3 further amended by adding at the end the following:

4 “(e) DISCLOSURE OF FEES.—

5 “(1) IN GENERAL.—It shall be an unfair or de-
6 ceptive practice under subsection (a) for any air car-
7 rier, foreign air carrier, or ticket agent to fail to in-
8 clude, in an internet fare quotation for a specific
9 itinerary in air transportation selected by a con-
10 sumer—

11 “(A) a clear and prominent statement that
12 additional fees for checked baggage and carry-
13 on baggage may apply; and

14 “(B) a prominent link that connects di-
15 rectly to a list of all such fees.

16 “(2) SAVINGS PROVISION.—Nothing in this sub-
17 section may be construed to derogate or limit any
18 responsibilities of an air carrier, foreign air carrier,
19 or ticket agent under section 399.85 of title 14,
20 Code of Federal Regulations, or any successor provi-
21 sion.”.

1 **SEC. 406. INVOLUNTARILY BUMPING PASSENGERS AFTER**
2 **AIRCRAFT BOARDED.**

3 Section 41712 of title 49, United States Code, as
4 amended by this Act, is further amended by adding at the
5 end the following:

6 “(f) INVOLUNTARILY DENIED BOARDING AFTER
7 AIRCRAFT BOARDED.—

8 “(1) IN GENERAL.—It shall be an unfair or de-
9 ceptive practice under subsection (a) for an air car-
10 rier or foreign air carrier subject to part 250 of title
11 14, Code of Federal Regulations, to involuntarily
12 deplane a revenue passenger onboard an aircraft, if
13 the revenue passenger—

14 “(A) is traveling on a confirmed reserva-
15 tion; and

16 “(B) checked-in for the relevant flight
17 prior to the check-in deadline.

18 “(2) SAVINGS PROVISION.—Nothing in this sub-
19 section may be construed to limit the authority of an
20 air carrier, foreign air carrier, or airman to remove
21 a passenger in accordance with—

22 “(A) section 91.3, 121.533(d), or 121.580
23 of title 14, Code of Federal Regulations, or any
24 successor provision; or

25 “(B) any other applicable Federal, State,
26 or local law.”.

1 **SEC. 407. AVAILABILITY OF CONSUMER RIGHTS INFORMA-**
2 **TION.**

3 Section 42302(b) of title 49, United States Code, is
4 amended—

5 (1) in the matter preceding paragraph (1) by
6 striking “on the” and inserting “in a prominent
7 place on the homepage of the primary”;

8 (2) in paragraph (2) by striking “and” at the
9 end;

10 (3) in paragraph (3) by striking the period at
11 the end and inserting “; and”; and

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

13 “(4) the air carrier’s customer service plan.”.

14 **SEC. 408. CONSUMER COMPLAINTS HOTLINE.**

15 Section 42302 of title 49, United States Code, is
16 amended by adding at the end the following:

17 “(d) USE OF NEW TECHNOLOGIES.—The Secretary
18 shall periodically evaluate the benefits of using mobile
19 phone applications or other widely used technologies to
20 provide new means for air passengers to communicate
21 complaints in addition to the telephone number estab-
22 lished under subsection (a) and shall provide such new
23 means as the Secretary determines appropriate.”.

1 **SEC. 409. WIDESPREAD DISRUPTIONS.**

2 (a) IN GENERAL.—Chapter 423 of title 49, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 42304. Widespread disruptions**

6 “(a) GENERAL REQUIREMENTS.—In the event of a
7 widespread disruption, a covered air carrier shall imme-
8 diately publish, via a prominent link on the air carrier’s
9 public internet website, a clear statement indicating
10 whether, with respect to a passenger of the air carrier
11 whose travel is interrupted as a result of the widespread
12 disruption, the air carrier will—

13 “(1) provide for hotel accommodations;

14 “(2) arrange for ground transportation;

15 “(3) provide meal vouchers;

16 “(4) arrange for air transportation on another
17 air carrier or foreign air carrier to the passenger’s
18 destination; and

19 “(5) provide for sleeping facilities inside the air-
20 port terminal.

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

23 “(1) WIDESPREAD DISRUPTION.—The term
24 ‘widespread disruption’ means, with respect to a cov-
25 ered air carrier, the interruption of all or the over-
26 whelming majority of the air carrier’s systemwide

1 flight operations, including flight delays and can-
2 cellations, as the result of the failure of 1 or more
3 computer systems or computer networks of the air
4 carrier.

5 “(2) COVERED AIR CARRIER.—The term ‘cov-
6 ered air carrier’ means an air carrier that provides
7 scheduled passenger air transportation by operating
8 an aircraft that as originally designed has a pas-
9 senger capacity of 30 or more seats.

10 “(c) SAVINGS PROVISION.—Nothing in this section
11 may be construed to modify, abridge, or repeal any obliga-
12 tion of an air carrier under section 42301.”.

13 (b) CONFORMING AMENDMENT.—The analysis for
14 chapter 423 of title 49, United States Code, is amended
15 by adding at the end the following:

“42304. Widespread disruptions.”.

16 **SEC. 410. INVOLUNTARILY DENIED BOARDING COMPENSA-**
17 **TION.**

18 Not later than 60 days after the date of enactment
19 of this Act, the Secretary of Transportation shall issue a
20 final rule to revise part 250 of title 14, Code of Federal
21 Regulations, to clarify that—

22 (1) there is not a maximum level of compensa-
23 tion an air carrier or foreign air carrier may pay to
24 a passenger who is involuntarily denied boarding as
25 the result of an oversold flight;

1 (2) the compensation levels set forth in that
2 part are the minimum levels of compensation an air
3 carrier or foreign air carrier must pay to a pas-
4 senger who is involuntarily denied boarding as the
5 result of an oversold flight; and

6 (3) an air carrier or foreign air carrier must
7 proactively offer to pay compensation to a passenger
8 who is voluntarily or involuntarily denied boarding
9 on an oversold flight, rather than waiting until the
10 passenger requests the compensation.

11 **SEC. 411. CONSUMER INFORMATION ON ACTUAL FLIGHT**
12 **TIMES.**

13 (a) STUDY.—The Secretary of Transportation shall
14 conduct a study on the feasibility and advisability of modi-
15 fying regulations contained in section 234.11 of title 14,
16 Code of Federal Regulations, to ensure that—

17 (1) a reporting carrier (including its contrac-
18 tors), during the course of a reservation or ticketing
19 discussion or other inquiry, discloses to a consumer
20 upon reasonable request the projected period be-
21 tween the actual wheels-off and wheels-on times for
22 a reportable flight; and

23 (2) a reporting carrier displays, on the public
24 internet website of the carrier, information on the

1 actual wheels-off and wheels-on times during the
2 most recent calendar month for a reportable flight.

3 (b) DEFINITIONS.—In this section, the terms “re-
4 porting carrier” and “reportable flight” have the mean-
5 ings given those terms in section 234.2 of title 14, Code
6 of Federal Regulations (as in effect on the date of enact-
7 ment of this Act).

8 (c) REPORT.—Not later than 1 year after the date
9 of enactment of this Act, the Secretary shall submit to
10 the Committee on Transportation and Infrastructure of
11 the House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate a report
13 on the results of the study.

14 **SEC. 412. ADVISORY COMMITTEE FOR TRANSPARENCY IN**
15 **AIR AMBULANCE INDUSTRY.**

16 (a) IN GENERAL.—Not later than 90 days after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall establish an advisory committee to make rec-
19 ommendations for a rulemaking—

20 (1) to require air ambulance operators to clear-
21 ly disclose charges for air transportation services
22 separately from charges for non-air transportation
23 services within any invoice or bill; and

24 (2) to provide other consumer protections for
25 customers of air ambulance operators.

1 (b) COMPOSITION OF THE ADVISORY COMMITTEE.—

2 The advisory committee shall be composed of the following
3 members:

4 (1) The Secretary of Transportation.

5 (2) One representative, to be appointed by the
6 Secretary, of each of the following:

7 (A) Each relevant Federal agency, as de-
8 termined by the Secretary.

9 (B) State insurance regulators.

10 (C) Health insurance providers.

11 (D) Consumer groups.

12 (3) Three representatives, to be appointed by
13 the Secretary, to represent the various segments of
14 the air ambulance industry.

15 (c) RECOMMENDATIONS.—The advisory committee
16 shall make recommendations with respect to each of the
17 following:

18 (1) Cost-allocation methodologies needed to en-
19 sure that charges for air transportation services are
20 separated from charges for non-air transportation
21 services.

22 (2) Cost- or price-allocation methodologies to
23 prevent commingling of charges for air transpor-
24 tation services and charges for non-air transpor-
25 tation services in bills and invoices.

1 (3) Formats for bills and invoices to ensure
2 that customers and State insurance regulators can
3 clearly distinguish between charges for air transpor-
4 tation services and charges for non-air transpor-
5 tation services.

6 (4) Data or industry references related to air-
7 craft operating costs to be used in determining the
8 proper allocation of charges for air transportation
9 services and charges for non-air transportation serv-
10 ices.

11 (5) Guidance materials to instruct States, polit-
12 ical subdivisions of States, and political authorities
13 of 2 or more States on referring to the Secretary al-
14 legations of unfair or deceptive practices or unfair
15 methods of competition by air ambulance operators.

16 (6) Protections for customers of air ambulance
17 operators, after consideration of the circumstances
18 in which the services of air ambulance operators are
19 used.

20 (7) Protections of proprietary cost data from
21 inappropriate public disclosure.

22 (8) Such other matters as the Secretary deter-
23 mines necessary or appropriate.

24 (d) REPORT.—Not later than 180 days after the date
25 of the first meeting of the advisory committee, the advi-

1 sory committee shall submit to the Secretary, the Com-
2 mittee on Transportation and Infrastructure of the House
3 of Representatives, and the Committee on Commerce,
4 Science, and Transportation of the Senate a report con-
5 taining the recommendations made under subsection (c).

6 (e) RULEMAKING.—Not later than 180 days after the
7 date of receipt of the report under subsection (d), the Sec-
8 retary shall consider the recommendations of the advisory
9 committee and issue a final rule—

10 (1) to require air ambulance operators to clear-
11 ly disclose charges for air transportation services
12 separately from charges for non-air transportation
13 services within any invoice or bill; and

14 (2) to provide other consumer protections for
15 customers of air ambulance operators.

16 (f) DEFINITIONS.—In this section, the following defi-
17 nitions apply:

18 (1) AIR AMBULANCE OPERATOR.—The term
19 “air ambulance operator” means an air carrier oper-
20 ating pursuant to part 135 of title 14, Code of Fed-
21 eral Regulations, that provides medical, ambulance,
22 or related services.

23 (2) NON-AIR TRANSPORTATION SERVICES.—The
24 term “non-air transportation services” means those
25 services provided by air ambulance operators but not

1 other air carriers operating pursuant to part 135 of
2 title 14, Code of Federal Regulations.

3 (g) TERMINATION.—The advisory committee shall
4 terminate on the date of submission of the report under
5 subsection (d).

6 (h) NATURE OF AIR AMBULANCE SERVICES.—The
7 non-air transportation services of air ambulance operators
8 and prices thereof are neither services nor prices of an
9 air carrier for purposes of section 41713 of title 49,
10 United States Code.

11 **SEC. 413. AIR AMBULANCE COMPLAINTS.**

12 (a) CONSUMER COMPLAINTS.—Section 42302 of title
13 49, United States Code, is amended—

14 (1) in subsection (a) by inserting “(including
15 transportation by air ambulance)” after “air trans-
16 portation”;

17 (2) in subsection (b)—

18 (A) in the matter preceding paragraph

19 (1)—

20 (i) by inserting “, and an air ambu-
21 lance operator,” after “passenger seats”;
22 and

23 (ii) by inserting “or operator” after
24 “Internet Web site of the carrier”; and

1 (B) in paragraph (2) by inserting “or op-
2 erator” after “mailing address of the air car-
3 rier”; and

4 (3) by striking subsection (c) and inserting the
5 following:

6 “(c) NOTICE TO PASSENGERS ON BOARDING OR
7 BILLING DOCUMENTATION.—

8 “(1) AIR CARRIERS AND FOREIGN AIR CAR-
9 RIERS.—An air carrier or foreign air carrier pro-
10 viding scheduled air transportation using any air-
11 craft that as originally designed has a passenger ca-
12 pacity of 30 or more passenger seats shall include
13 the hotline telephone number established under sub-
14 section (a) on—

15 “(A) prominently displayed signs of the
16 carrier at the airport ticket counters in the
17 United States where the air carrier operates;
18 and

19 “(B) any electronic confirmation of the
20 purchase of a passenger ticket for air transpor-
21 tation issued by the air carrier.

22 “(2) AIR AMBULANCE OPERATORS.—An air am-
23 bulance operator shall include the hotline telephone
24 number established under subsection (a) on any in-

1 voice, bill, or other communication provided to a
2 passenger or customer of the operator.”.

3 (b) UNFAIR AND DECEPTIVE PRACTICES AND UN-
4 FAIR METHODS OF COMPETITION.—Section 41712(a) of
5 title 49, United States Code, is amended—

6 (1) by inserting “air ambulance customer,”
7 after “foreign air carrier,” the first place it appears;
8 and

9 (2) by adding at the end the following: “In this
10 subsection, the term ‘air carrier’ includes an air am-
11 bulance operator and the term ‘air transportation’
12 includes any transportation provided by an air am-
13 bulance.”.

14 **SEC. 414. PASSENGER RIGHTS.**

15 (a) GUIDELINES.—Not later than 90 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall require each air carrier to submit for approval
18 a 1-page document that accurately describes the rights of
19 passengers in air transportation, including guidelines for
20 the following:

21 (1) Compensation (regarding rebooking options,
22 refunds, meals, and lodging) for flight delays of var-
23 ious lengths.

24 (2) Compensation (regarding rebooking options,
25 refunds, meals, and lodging) for flight diversions.

1 (3) Compensation (regarding rebooking options,
2 refunds, meals, and lodging) for flight cancellations.

3 (4) Compensation for mishandled baggage, in-
4 cluding delayed, damaged, pilfered, or lost baggage.

5 (5) Voluntary relinquishment of a ticketed seat
6 due to overbooking or priority of other passengers.

7 (6) Involuntary denial of boarding and forced
8 removal for whatever reason, including for safety
9 and security reasons.

10 (b) APPROVAL OF GUIDELINES.—Not later than 90
11 days after each air carrier submits its guidelines for ap-
12 proval to the Secretary under subsection (a), the air car-
13 rier shall make available such 1-page document on its
14 website.

15 **SEC. 415. ENHANCED TRAINING OF FLIGHT ATTENDANTS.**

16 Section 44734(a) of title 49, United States Code, is
17 amended—

18 (1) in paragraph (3) by striking “and” at the
19 end;

20 (2) in paragraph (4) by striking the period at
21 the end and inserting “; and”; and

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

23 “(5) dealing with allegations of sexual mis-
24 conduct.”.

1 **SEC. 416. ADDRESSING SEXUAL MISCONDUCT ON FLIGHTS.**

2 (a) ESTABLISHMENT OF WORKING GROUP.—The
3 Secretary of Transportation shall establish a sexual mis-
4 conduct incident working group composed of aviation in-
5 dustry stakeholders, relevant Federal agencies, national
6 organizations that specialize in providing services to vic-
7 tims of sexual misconduct, labor organizations that rep-
8 resent relevant aviation employees, and State and local law
9 enforcement agencies.

10 (b) PURPOSE OF WORKING GROUP.—The purpose of
11 the working group shall be to develop best practices for—

- 12 (1) addressing sexual misconduct on flights;
13 (2) airline employee training; and
14 (3) protocols for law enforcement notification.

15 (c) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the working group shall submit
17 a report describing the best practices developed pursuant
18 to subsection (b) to the Secretary, the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives, and the Committee on Commerce, Science,
21 and Transportation of the Senate.

22 (d) SUNSET.—The working group established pursu-
23 ant to subsection (a) shall terminate 60 days after the
24 submission of the report pursuant to subsection (c).

1 **SEC. 417. OVERBOOKING POLICIES OF AIR CARRIERS.**

2 (a) STUDY.—The Secretary of Transportation shall
3 conduct a study on the overbooking policies of air carriers
4 and how the policies impact the United States economy.

5 (b) CONTENTS.—In conducting the study, the Sec-
6 retary shall assess the effects of the overbooking policies
7 on increasing or decreasing the costs of passenger air
8 transportation.

9 (c) REPORT.—Not later than 1 year after the date
10 of enactment of this Act, the Secretary shall submit to
11 Congress a report on the results of the study.

12 **SEC. 418. TRAINING POLICIES REGARDING RACIAL, ETH-**
13 **NIC, AND RELIGIOUS NONDISCRIMINATION.**

14 (a) IN GENERAL.—Not later than 180 days after the
15 date of the enactment of this Act, the Comptroller General
16 of the United States shall submit to Congress a report
17 describing—

18 (1) each air carrier’s training policy for its em-
19 ployees and contractors regarding racial, ethnic, and
20 religious nondiscrimination; and

21 (2) how frequently an air carrier is required to
22 train new employees and contractors because of
23 turnover in positions that require such training.

24 (b) BEST PRACTICES.—After the date the report is
25 submitted under subsection (1), the Secretary of Trans-
26 portation shall develop and disseminate to air carriers best

1 practices necessary to improve the training policies de-
2 scribed in subsection (a), based on the findings of the re-
3 port and in consultation with—

4 (1) passengers of diverse racial, ethnic, and reli-
5 gious backgrounds;

6 (2) national organizations that represent im-
7 pacted communities;

8 (3) air carrier;

9 (4) airport operators; and

10 (5) contract service providers.

11 **SEC. 419. AVIATION CONSUMER ADVOCATE AND COM-**
12 **PLAINT RESOLUTION IMPROVEMENT.**

13 (a) IN GENERAL.—The Secretary of Transportation
14 shall review aviation consumer complaints received that al-
15 lege a violation of law and, as appropriate, pursue enforce-
16 ment or corrective actions that would be in the public in-
17 terest.

18 (b) CONSIDERATIONS.—In considering which cases to
19 pursue for enforcement or corrective action under sub-
20 section (a), the Secretary shall consider—

21 (1) the requirements of the Air Carrier Access
22 Act of 1986 (Public Law 99–435; 100 Stat. 1080);

23 (2) unfair and deceptive practices by air car-
24 riers, foreign air carriers, and ticket agents;

1 (3) the terms and conditions agreed to between
2 passengers and air carriers, foreign air carriers, or
3 ticket agents;

4 (4) aviation consumer protection and tarmac
5 delay contingency planning requirements for both
6 airports and airlines; and

7 (5) any other applicable law.

8 (c) AVIATION CONSUMER ADVOCATE.—

9 (1) IN GENERAL.—Within the Aviation Con-
10 sumer Protection Division of the Department of
11 Transportation, there shall be established the posi-
12 tion of Aviation Consumer Advocate.

13 (2) FUNCTIONS.—The Aviation Consumer Ad-
14 vocate shall—

15 (A) assist consumers in resolving carrier
16 service complaints filed with the Aviation Con-
17 sumer Protection Division;

18 (B) evaluate the resolution by the Depart-
19 ment of Transportation of carrier service com-
20 plaints;

21 (C) identify and recommend actions the
22 Department can take to improve the enforce-
23 ment of aviation consumer protection rules and
24 resolution of carrier service complaints; and

1 (D) identify and recommend regulations
2 and policies that can be amended to more effec-
3 tively resolve carrier service complaints.

4 (d) ANNUAL REPORTS.—The Secretary, acting
5 through the Aviation Consumer Advocate, shall submit to
6 the Committee on Commerce, Science, and Transportation
7 of the Senate and the Committee on Transportation and
8 Infrastructure of the House of Representatives an annual
9 report summarizing the following:

10 (1) The total number of annual complaints re-
11 ceived by the Secretary, including the number of
12 complaints by the name of each air carrier and for-
13 eign air carrier.

14 (2) The total number of annual complaints by
15 category of complaint.

16 (3) The number of complaints referred in the
17 preceding year for enforcement or correction action
18 by the Secretary.

19 (4) Any recommendations under subparagraphs
20 (C) and (D) of subsection (c)(2).

21 (5) Such other data as the Aviation Consumer
22 Advocate considers appropriate.

Subtitle B—Aviation Consumers With Disabilities

SEC. 441. SELECT SUBCOMMITTEE.

Section 411 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 42301 prec. note), as amended by this Act, is further amended—

(1) by redesignating subsections (g) and (h) as subsections (h) and (i), respectively; and

(2) by inserting after subsection (f) the following:

“(g) SELECT SUBCOMMITTEE FOR AVIATION CONSUMERS WITH DISABILITIES.—

“(1) IN GENERAL.—The Secretary shall establish a select subcommittee of the advisory committee to advise the Secretary and the advisory committee on issues related to the air travel needs of passengers with disabilities.

“(2) DUTIES.—The select subcommittee shall—

“(A) identify the disability-related access barriers encountered by passengers with disabilities;

“(B) determine the extent to which the programs and activities of the Department of Transportation are addressing the barriers identified under subparagraph (A);

1 “(C) recommend consumer protection im-
2 provements related to the air travel experience
3 of passengers with disabilities;

4 “(D) advise the Secretary with regard to
5 the implementation of section 41705 of title 49,
6 United States Code; and

7 “(E) conduct such other activities as the
8 Secretary considers necessary to carry out this
9 subsection.

10 “(3) MEMBERSHIP.—

11 “(A) COMPOSITION.—The select sub-
12 committee shall be composed of members ap-
13 pointed by the Secretary, including at least 1
14 individual representing each of the following:

15 “(i) National disability organizations.

16 “(ii) Air carriers and foreign air car-
17 riers with flights in air transportation.

18 “(iii) Airport operators.

19 “(iv) Contractor service providers.

20 “(B) INCLUSION.—A member of the select
21 subcommittee may also be a member of the ad-
22 visory committee.

23 “(4) REPORTS.—

24 “(A) IN GENERAL.—Not later than 1 year
25 after the date of establishment of the select

1 subcommittee, the select subcommittee shall
2 submit to the advisory committee and the Sec-
3 retary a report on the air travel needs of pas-
4 sengers with disabilities that includes—

5 “(i) an assessment of existing dis-
6 ability-related access barriers and any
7 emerging disability-related access barriers
8 that will likely be an issue in the next 5
9 years;

10 “(ii) an evaluation of the extent to
11 which the programs and activities of the
12 Department of Transportation are elimi-
13 nating disability-related access barriers;

14 “(iii) a description of consumer pro-
15 tection improvements related to the air
16 travel experience of passengers with dis-
17 abilities; and

18 “(iv) any recommendations for legisla-
19 tion, regulations, or other actions that the
20 select subcommittee considers appropriate.

21 “(B) REPORT TO CONGRESS.—Not later
22 than 60 days after the date on which the Sec-
23 retary receives the report under subparagraph
24 (A), the Secretary shall submit to Congress a
25 copy of the report, including any additional

1 findings or recommendations that the Secretary
2 considers appropriate.

3 “(5) CHAIRPERSON.—The Secretary shall des-
4 ignate, from among the individuals appointed under
5 paragraph (3), an individual to serve as chairperson
6 of the select subcommittee.

7 “(6) VACANCIES AND TRAVEL EXPENSES.—
8 Subsections (c) and (d) shall apply to the select sub-
9 committee.

10 “(7) TERMINATION.—The select subcommittee
11 established under this subsection shall terminate
12 upon submission of the report required under para-
13 graph (4)(A).”.

14 **SEC. 442. AVIATION CONSUMERS WITH DISABILITIES**
15 **STUDY.**

16 (a) STUDY.—Not later than 180 days after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall conduct a study that includes—

19 (1) a review of airport accessibility best prac-
20 tices for individuals with disabilities, including best
21 practices that improve infrastructure facilities and
22 communications methods, including those related to
23 wayfinding, amenities, and passenger care;

1 (2) a review of air carrier and airport training
2 policies related to section 41705 of title 49, United
3 States Code;

4 (3) a review of air carrier training policies re-
5 lated to properly assisting passengers with disabil-
6 ities; and

7 (4) a review of accessibility best practices that
8 exceed those recommended under Public Law 90–
9 480 (popularly known as the Architectural Barriers
10 Act of 1968; 42 U.S.C. 4151 et seq.), the Rehabili-
11 tation Act of 1973 (29 U.S.C. 701 et seq.), the Air
12 Carrier Access Act of 1986 (Public Law 99–435;
13 100 Stat. 1080 et seq.), and the Americans with
14 Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

15 (b) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to the Secretary of Transportation, the Committee
18 on Transportation and Infrastructure of the House of
19 Representatives, and the Committee on Commerce,
20 Science, and Transportation of the Senate a report on the
21 study, including findings and recommendations.

22 **SEC. 443. FEASIBILITY STUDY ON IN-CABIN WHEELCHAIR**
23 **RESTRAINT SYSTEMS.**

24 (a) STUDY.—Not later than 2 years after the date
25 of enactment of this Act, the Secretary of Transportation,

1 in consultation with the Architectural and Transportation
2 Barriers Compliance Board, aircraft manufacturers, and
3 air carriers, shall conduct a study to determine—

4 (1) the feasibility of in-cabin wheelchair re-
5 straint systems; and

6 (2) if feasible, the ways in which individuals
7 with significant disabilities using wheelchairs, includ-
8 ing power wheelchairs, can be accommodated with
9 in-cabin wheelchair restraint systems.

10 (b) REPORT.—Not later than 1 year after the initi-
11 ation of the study under subsection (a), the Secretary of
12 Transportation shall submit to the Committee on Trans-
13 portation and Infrastructure of the House of Representa-
14 tives and the Committee on Commerce, Science, and
15 Transportation of the Senate a report on the findings of
16 the study.

17 **SEC. 444. AIRLINE PASSENGERS WITH DISABILITIES BILL**
18 **OF RIGHTS.**

19 (a) IN GENERAL.—Chapter 423 of title 49, United
20 States Code, as amended by this Act, is further amended
21 by adding at the end the following:

22 **“§ 42305. Airline Passengers With Disabilities Bill of**
23 **Rights**

24 “(a) IN GENERAL.—The Secretary of Transportation
25 shall develop a document, to be known as the ‘Airline Pas-

1 sengers With Disabilities Bill of Rights’, that describes in
2 plain language—

3 “(1) the basic responsibilities of covered car-
4 riers, including their employees and contractors,
5 under section 41705; and

6 “(2) the protections of air passengers with dis-
7 abilities under section 41705.

8 “(b) CONTENT.—In developing the Bill of Rights, the
9 Secretary shall include, at a minimum, plain language de-
10 scriptions of responsibilities and protections provided in
11 law related to—

12 “(1) the right of passengers with disabilities to
13 be treated with dignity and respect;

14 “(2) the right of passengers with disabilities to
15 receive timely assistance, if requested, from properly
16 trained personnel of covered carriers and their con-
17 tractors;

18 “(3) the right of passengers with disabilities to
19 travel with and stow wheelchairs, mobility aids, and
20 other assistive devices, including necessary medica-
21 tions and medical supplies;

22 “(4) the right of passengers with disabilities to
23 receive seating accommodations, if requested, to ac-
24 commodate a disability;

1 “(5) the right of passengers with disabilities to
2 speak with a complaint resolution officer or to file
3 a complaint with a covered carrier or the Depart-
4 ment of Transportation; and

5 “(6) the right of passengers with disabilities to
6 communications in an accessible format as required
7 under Federal regulations.

8 “(c) RULE OF CONSTRUCTION.—The development of
9 the Bill of Rights may not be construed as expanding or
10 restricting the rights available to passengers with disabil-
11 ities on the day before the date of enactment of this sec-
12 tion pursuant to any statute or regulation.

13 “(d) CONSULTATIONS.—In developing the Bill of
14 Rights, the Secretary shall consult with appropriate stake-
15 holders, including disability organizations and covered car-
16 riers.

17 “(e) DISPLAY.—Each covered carrier shall include
18 the Bill of Rights—

19 “(1) on a publicly available internet website of
20 the covered carrier; and

21 “(2) in any pre-flight notification or commu-
22 nication provided to a passenger who alerts the cov-
23 ered carrier in advance of the need for accommoda-
24 tions relating to a disability.

1 “(f) TRAINING.—Covered carriers shall submit to the
 2 Secretary plans to ensure that their employees and con-
 3 tractors receive training on the responsibilities and protec-
 4 tions described in the Bill of Rights. The Secretary shall
 5 review such plans to ensure the plans address the matters
 6 described in subsection (b).

7 “(g) DEFINITIONS.—In this section, the following
 8 definitions apply:

9 “(1) BILL OF RIGHTS.—The term ‘Bill of
 10 Rights’ means the ‘Airline Passengers With Disabil-
 11 ities Bill of Rights’ developed under subsection (a).

12 “(2) COVERED CARRIER.—The term ‘covered
 13 carrier’ means an air carrier or foreign air carrier,
 14 as those terms are defined in section 40102(a).”.

15 “(b) CLERICAL AMENDMENT.—The analysis for chap-
 16 ter 423 of title 49, United States Code, as amended by
 17 this Act, is further amended by adding at the end the fol-
 18 lowing:

“42305. Airline Passengers With Disabilities Bill of Rights.”.

19 **SEC. 445. CIVIL PENALTIES RELATING TO HARM TO PAS-**
 20 **SENGERS WITH DISABILITIES.**

21 Section 46301(a) of title 49, United States Code, is
 22 further amended by adding at the end the following:

23 “(7) PENALTIES RELATING TO HARM TO PAS-
 24 SENGERS WITH DISABILITIES.—

1 “(A) PENALTY FOR BODILY HARM OR DAMAGE
2 TO WHEELCHAIR OR OTHER MOBILITY AID.—The
3 amount of a civil penalty assessed under this section
4 for a violation of section 41705 may be increased
5 above the otherwise applicable maximum amount
6 under this section to an amount not to exceed 3
7 times the maximum civil penalty otherwise allowed if
8 the violation involves—

9 “(i) injury to a passenger with a disability;
10 or

11 “(ii) damage to the passenger’s wheelchair
12 or other mobility aid.

13 “(B) SEPARATE OFFENCES.—Notwithstanding
14 paragraph (2), a separate violation of section 41705
15 occurs for each act of discrimination prohibited by
16 that section.”.

17 **SEC. 446. HARMONIZATION OF SERVICE ANIMAL STAND-**
18 **ARDS.**

19 (a) RULEMAKING.—The Secretary of Transportation
20 shall conduct a rulemaking proceeding—

21 (1) to define the term “service animal” for pur-
22 poses of air transportation; and

23 (2) to develop minimum standards for what is
24 required for service and emotional support animals
25 carried in aircraft cabins.

1 (b) CONSIDERATIONS.—In conducting the rule-
2 making under subsection (a), the Secretary shall consider,
3 at a minimum—

4 (1) whether to align the definition of “service
5 animal” with the definition of that term in regula-
6 tions of the Department of Justice implementing the
7 Americans with Disabilities Act of 1990 (Public Law
8 101–336);

9 (2) reasonable measures to ensure pets are not
10 claimed as service animals, such as—

11 (A) whether to require photo identification
12 for a service animal identifying the type of ani-
13 mal, the breed of animal, and the service the
14 animal provides to the passenger;

15 (B) whether to require documentation indi-
16 cating whether or not a service animal was
17 trained by the owner or an approved training
18 organization;

19 (C) whether to require, from a licensed
20 physician, documentation indicating the miti-
21 gating task or tasks a service animal provides
22 to its owner; and

23 (D) whether to allow a passenger to be ac-
24 companied by more than 1 service animal;

1 (3) reasonable measures to ensure the safety of
2 all passengers, such as—

3 (A) whether to require health and vaccina-
4 tion records for a service animal; and

5 (B) whether to require third-party proof of
6 behavioral training for a service animal;

7 (4) the impact additional requirements on serv-
8 ice animals could have on access to air transpor-
9 tation for passengers with disabilities; and

10 (5) if impacts on access to air transportation
11 for passengers with disabilities are found, ways to
12 eliminate or mitigate those impacts.

13 (c) FINAL RULE.—Not later than 18 months after
14 the date of enactment of this Act, the Secretary shall issue
15 a final rule pursuant to the rulemaking conducted under
16 this section.

17 **SEC. 447. REGULATIONS ENSURING ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES IN AIR TRANSPORTATION.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall—

21 (1) review, and if necessary revise, applicable
22 regulations to ensure that individuals with disabili-
23 ties who request assistance while traveling in air
24 transportation—
25

1 transportation receive dignified, timely, and effective
2 assistance at airports and on aircraft from trained
3 personnel; and

4 (2) review, and if necessary revise, applicable
5 regulations related to air carrier training programs
6 for air carrier personnel, including contractors, who
7 provide physical assistance to passengers with dis-
8 abilities to ensure that training under such pro-
9 grams—

10 (A) occurs on an appropriate schedule for
11 all new and continuing personnel charged with
12 providing physical assistance; and

13 (B) includes, as appropriate, instruction by
14 personnel, with hands-on training for employees
15 who physically lift or otherwise physically assist
16 passengers with disabilities, including the use of
17 relevant equipment.

18 (b) TYPES OF ASSISTANCE.—The assistance referred
19 to subsection (a)(1) may include requests for assistance
20 in boarding or deplaning an aircraft, requests for assist-
21 ance in connecting between flights, and other similar or
22 related requests, as appropriate.

23 (c) AIR CARRIER DEFINED.—In this section, the
24 term “air carrier” means an air carrier or foreign air car-

rier (as those terms are defined in section 40102(a) of title 49, United States Code).

Subtitle C—Small Community Air Service

SEC. 451. ESSENTIAL AIR SERVICE AUTHORIZATION.

Section 41742(a)(2) of title 49, United States Code, is amended by striking “\$150,000,000 for fiscal year 2011” and all that follows before “to carry out” and inserting “\$155,000,000 for fiscal year 2018, \$158,000,000 for fiscal year 2019, \$161,000,000 for fiscal year 2020, \$165,000,000 for fiscal year 2021, \$168,000,000 for fiscal year 2022, and \$172,000,000 for fiscal year 2023”.

SEC. 452. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking “2018” and inserting “2023”.

SEC. 453. STUDY ON ESSENTIAL AIR SERVICE REFORM.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study on the effects of section 6 of the Airport and Airway Extension Act of 2011, Part IV (Public Law 112–27), section 421 of the FAA Modernization and Reform Act of 2012 (Public Law 112–95), and other relevant

1 Federal laws enacted after 2010, including the
2 amendments made by those laws, on the Essential
3 Air Service program.

4 (2) SCOPE.—In conducting the study under
5 paragraph (1), the Comptroller General shall ana-
6 lyze, at a minimum—

7 (A) the impact of each relevant Federal
8 law, including the amendments made by each
9 law, on the Essential Air Service program;

10 (B) what actions communities and air car-
11 riers have taken to reduce ticket prices or in-
12 crease enplanements as a result of each law;

13 (C) the issuance of waivers by the Sec-
14 retary under section 41731(e) of title 49,
15 United States Code;

16 (D) whether budgetary savings resulted
17 from each law; and

18 (E) options for further reform of the Es-
19 sential Air Service program.

20 (b) REQUIRED ANALYSIS ON COMMUNITIES.—In car-
21 rying out subsection (a)(2)(E) the Comptroller General
22 shall include, for each option for further reform, an anal-
23 ysis of the impact on local economies of communities with
24 airports receiving Essential Air Service funding, access to

1 air travel for residents of rural communities and the im-
2 pact to local businesses in such communities.

3 (c) REPORT.—Not later than 180 days 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 study conducted
9 under subsection (a).

10 **SEC. 454. SMALL COMMUNITY AIR SERVICE.**

11 (a) ELIGIBILITY.—Section 41743(c) of title 49,
12 United States Code, is amended—

13 (1) by striking paragraph (1) and inserting the
14 following:

15 “(1) SIZE.—On the date of submission of the
16 relevant application under subsection (b), the airport
17 serving the community or consortium—

18 “(A) is not larger than a small hub air-
19 port, as determined using the Department of
20 Transportation’s most recently published classi-
21 fication; and

22 “(B) has—

23 “(i) insufficient air carrier service; or

24 “(ii) unreasonably high air fares.”;

25 (2) in paragraph (4)—

1 (A) by striking “once,” and inserting
2 “once in a 10-year period,”; and

3 (B) by inserting “at any time” after “dif-
4 ferent project”; and

5 (3) in paragraph (5)—

6 (A) by redesignating subparagraphs (E)
7 and (F) as subparagraphs (F) and (G), respec-
8 tively; and

9 (B) by inserting after subparagraph (D)
10 the following:

11 “(E) the assistance will be used to help re-
12 store scheduled passenger air service that has
13 been terminated;”.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
15 41743(e)(2) of title 49, United States Code, is amended
16 to read as follows:

17 “(2) AUTHORIZATION OF APPROPRIATIONS.—

18 There is authorized to be appropriated to the Sec-
19 retary \$10,000,000 for each of fiscal years 2018
20 through 2023 to carry out this section, of which
21 \$4,800,000 per fiscal year shall be used to carry out
22 the pilot program established under subsection (i).
23 Such sums shall remain available until expended.”.

1 (c) REGIONAL AIR TRANSPORTATION PILOT PRO-
2 GRAM.—Section 41743 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(i) REGIONAL AIR TRANSPORTATION PILOT PRO-
5 GRAM.—

6 “(1) ESTABLISHMENT.—The Secretary shall es-
7 tablish a regional air transportation pilot program to
8 provide operating assistance to air carriers in order
9 to provide air service to communities not receiving
10 sufficient air carrier service.

11 “(2) GRANTS.—The Secretary shall provide
12 grants under the program to encourage and main-
13 tain air service at reasonable airfares between com-
14 munities that have experienced, as determined by
15 the Secretary, significant declines in air service.

16 “(3) APPLICATION REQUIRED.—In order to
17 participate in the program, a State, local govern-
18 ment, economic development authority, or other pub-
19 lic entity shall submit to the Secretary an applica-
20 tion, in a manner that the Secretary prescribes, that
21 contains—

22 “(A) an identification of an air carrier that
23 has provided a written agreement to provide the
24 air service in partnership with the applicant;

1 “(B) assurances that the applicant will
2 provide the non-Federal share and that the
3 non-Federal share is not derived from airport
4 revenue;

5 “(C) a proposed route structure serving
6 not more than 8 communities; and

7 “(D) a timeline for commencing the air
8 service to the communities within the proposed
9 route structure.

10 “(4) CRITERIA FOR PARTICIPATION.—The Sec-
11 retary may approve up to 3 applications each fiscal
12 year, subject to the availability of funds, if the Sec-
13 retary determines that—

14 “(A) the proposal of the applicant can rea-
15 sonably be expected to encourage and improve
16 levels of air service between the relevant com-
17 munities;

18 “(B) the applicant has adequate financial
19 resources to ensure the commitment to the com-
20 munities;

21 “(C) the airports serving the communities
22 are nonhub, small hub, or medium hub airports,
23 as determined using the Department of Trans-
24 portation’s most recently published classifica-
25 tions; and

1 “(D) the air carrier commits to serving the
2 communities for at least 2 years.

3 “(5) PRIORITIES.—The Secretary shall
4 prioritize applications that—

5 “(A) would initiate new or reestablish air
6 service in communities where air fares are high-
7 er than the average air fares for all commu-
8 nities;

9 “(B) are more likely to result in self-sus-
10 taining air service at the end of the program;

11 “(C) request a Federal share lower than
12 50 percent; and

13 “(D) propose to use grant funds in a time-
14 ly fashion.

15 “(6) FEDERAL SHARE.—The Federal share of
16 the cost of operating assistance provided under the
17 program may not exceed 50 percent.

18 “(7) SUNSET.—This subsection shall cease to
19 be effective on October 1, 2023.”.

20 **SEC. 455. AIR TRANSPORTATION TO NONELIGIBLE PLACES.**

21 (a) DEFINITIONS.—Section 41731(a)(1)(A)(ii) of
22 title 49, United States Code, is amended by striking
23 “Wendell H. Ford Aviation Investment and Reform Act
24 for the 21st Century,” and inserting “FAA Extension,
25 Safety, and Security Act of 2016 (Public Law 114–190),”.

1 (b) PROGRAM SUNSET.—Section 41736 of title 49,
2 United States Code, is amended by adding at the end the
3 following:

4 “(h) SUNSET.—

5 “(1) PROPOSALS.—No proposal under sub-
6 section (a) may be accepted by the Secretary after
7 the date of enactment of this subsection.

8 “(2) PROGRAM.—The Secretary may not pro-
9 vide any compensation under this section after the
10 date that is 2 years after the date of enactment of
11 this subsection.”.

12 **SEC. 456. AUTHORIZATION OF CERTAIN FLIGHTS BY STAGE**
13 **2 AIRPLANES.**

14 (a) IN GENERAL.—Notwithstanding section 47534 of
15 title 49, United States Code, not late than 180 days after
16 the date of the enactment of this Act, the Administrator
17 of the Federal Aviation Administration shall initiate a
18 pilot program to permit the operator of a Stage 2 airplane
19 to operate that airplane in revenue and nonrevenue service
20 into medium hub airports or nonhub airports if—

21 (1) the airport—

22 (A) is certified under part 139 of 14, Code
23 of Federal Regulations;

24 (B) has a runway that—

1 (i) is longer than 8,000 feet and not
2 less than 200 feet wide; and

3 (ii) is load bearing with a pavement
4 classification number of not less than 38;

5 (C) has a maintenance facility with a
6 maintenance certificate issued under part 145
7 of such title; and

8 (D) certifies annually to the Administrator
9 that the airport intends to continue partici-
10 pating in the pilot program;

11 (2) the operator of the Stage 2 airplane oper-
12 ates not more than 10 flights per month using that
13 airplane; and

14 (3) revenue flights will be limited to flights
15 transporting specific and necessary equipment to
16 maintain or improve the vital industry of small rural
17 communities.

18 (b) TERMINATION.—The regulations required by sub-
19 section (a) shall terminate on the earlier of—

20 (1) the date that is 10 years after the date of
21 the enactment of the Act; or

22 (2) the date on which the Administrator deter-
23 mines that no Stage 2 airplane remain in service.

24 (c) DEFINITIONS.—In this section:

1 (1) MEDIUM HUB AIRPORT; NONHUB AIRPORT.—

2 The terms “medium hub airport” and “nonhub air-
3 port” have the meanings given those terms in sec-
4 tion 40102 of the title 49, United States Code.

5 (2) STAGE 2 AIRPLANE.—The term “Stage 2
6 airplane” has the meaning given that term in section
7 91.851 of title 14, Code of Federal Regulations (as
8 in effect on the day before the date of the enactment
9 of this Act).

10 **TITLE V—MISCELLANEOUS**

11 **SEC. 501. REVIEW OF FAA STRATEGIC CYBERSECURITY** 12 **PLAN.**

13 (a) IN GENERAL.—Not later than 1 year after the
14 date of enactment of this Act, the Administrator of the
15 Federal Aviation Administration shall initiate a review of
16 the comprehensive and strategic framework of principles
17 and policies (referred to in this section as the “frame-
18 work”) developed pursuant to section 2111 of the FAA
19 Extension, Safety, and Security Act of 2016 (49 U.S.C.
20 44903 note).

21 (b) CONTENTS.—In undertaking the review under
22 subsection (a), the Administrator shall—

23 (1) assess the degree to which the framework
24 identifies and addresses known cybersecurity risks
25 associated with the aviation system;

1 (2) review existing short- and long-term objec-
2 tives for addressing cybersecurity risks to the na-
3 tional airspace system; and

4 (3) assess the Administration’s level of engage-
5 ment and coordination with aviation stakeholders
6 and other appropriate agencies, organizations, or
7 groups with which the Administration consults to
8 carry out the framework.

9 (c) UPDATES.—Upon completion of the review under
10 subsection (a), the Administrator shall modify the frame-
11 work, as appropriate, to address any deficiencies identified
12 by the review.

13 (d) REPORT TO CONGRESS.—Not later than 180 days
14 after initiating the review required by subsection (a), the
15 Administrator shall submit to the Committee on Trans-
16 portation and Infrastructure of the House of Representa-
17 tives and the Committee on Commerce, Science, and
18 Transportation of the Senate a report on the results of
19 the review, including a description of any modifications
20 made to the framework.

21 **SEC. 502. CONSOLIDATION AND REALIGNMENT OF FAA**
22 **SERVICES AND FACILITIES.**

23 (a) PURPOSE AND INPUT.—Section 804(a) of the
24 FAA Modernization and Reform Act of 2012 (49 U.S.C.
25 44501 note) is amended—

1 (1) in paragraph (2) by striking “The purpose
2 of the report shall be—” and all that follows
3 through “(B) to reduce” and inserting “The purpose
4 of the report shall be to reduce”; and

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

7 “(4) INPUT.—The report shall be prepared by
8 the Administrator (or the Administrator’s designee)
9 with the participation of—

10 “(A) representatives of labor organizations
11 representing air traffic control system employ-
12 ees of the FAA; and

13 “(B) industry stakeholders.”.

14 (b) MILITARY OPERATIONS EXCLUSION.—Section
15 804 of the FAA Modernization and Reform Act of 2012
16 (49 U.S.C. 44501 note) is amended—

17 (1) by redesignating subsection (e) as sub-
18 section (f); and

19 (2) by inserting after subsection (d) the fol-
20 lowing:

21 “(e) MILITARY OPERATIONS EXCLUSION.—

22 “(1) IN GENERAL.—The Administrator may not
23 realign or consolidate a combined TRACON and
24 tower with radar facility of the FAA under this sec-
25 tion if, in 2015, the total annual military operations

1 at the facility comprised at least 40 percent of the
2 total annual TRACON operations at the facility.

3 “(2) TRACON DEFINED.—In this subsection,
4 the term ‘TRACON’ means terminal radar approach
5 control.”.

6 **SEC. 503. FAA REVIEW AND REFORM.**

7 (a) AGENCY REPORT.—Not later than 60 days after
8 the date of enactment of this Act, the Administrator of
9 the Federal Aviation Administration shall submit to the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives and the Committee on Com-
12 merce, Science, and Transportation of the Senate a de-
13 tailed analysis of any actions taken to address the findings
14 and recommendations included in the report required
15 under section 812(d) of the FAA Modernization and Re-
16 form Act of 2012 (49 U.S.C. 106 note), including—

17 (1) consolidating, phasing-out, or eliminating
18 duplicative positions, programs, roles, or offices;

19 (2) eliminating or streamlining wasteful prac-
20 tices;

21 (3) eliminating or phasing-out redundant, obso-
22 lete, or unnecessary functions;

23 (4) reforming and streamlining inefficient proc-
24 esses so that the activities of the Administration are
25 completed in an expedited and efficient manner; and

1 (5) reforming or eliminating ineffectual or out-
2 dated policies.

3 (b) **ADDITIONAL REVIEW.**—Not later than 18
4 months after the date of enactment of this Act, the Ad-
5 ministrator shall undertake and complete a thorough re-
6 view of each program, office, and organization within the
7 Administration to identify—

8 (1) duplicative positions, programs, roles, or of-
9 fices;

10 (2) wasteful practices;

11 (3) redundant, obsolete, or unnecessary func-
12 tions;

13 (4) inefficient processes; and

14 (5) ineffectual or outdated policies.

15 (c) **ACTIONS TO STREAMLINE AND REFORM FAA.**—
16 Not later than 60 days after the date of completion of
17 the review under subsection (b), the Administrator shall
18 undertake such actions as may be necessary to address
19 the findings of the Administrator under such subsection.

20 (d) **REPORT TO CONGRESS.**—Not later than 120 days
21 after the date of completion of the review under subsection
22 (b), the Administrator shall submit to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Commerce, Science,
25 and Transportation of the Senate a report on the actions

1 taken by the Administrator pursuant to subsection (c), in-
2 cluding any recommendations for legislative or administra-
3 tive actions.

4 **SEC. 504. AVIATION FUEL.**

5 (a) USE OF UNLEADED AVIATION GASOLINE.—The
6 Administrator of the Federal Aviation Administration
7 shall allow the use of an unleaded aviation gasoline in an
8 aircraft as a replacement for a leaded gasoline if the Ad-
9 ministrator—

10 (1) determines that an unleaded aviation gaso-
11 line qualifies as a replacement for an approved lead-
12 ed gasoline;

13 (2) identifies the aircraft and engines that are
14 eligible to use the qualified replacement unleaded
15 gasoline; and

16 (3) adopts a process (other than the traditional
17 means of certification) to allow eligible aircraft and
18 engines to operate using qualified replacement un-
19 leaded gasoline in a manner that ensures safety.

20 (b) TIMING.—The Administrator shall adopt the
21 process described in subsection (a)(3) not later than 180
22 days after the later of—

23 (1) the date of completion of the Piston Avia-
24 tion Fuels Initiative of the Administration; or

1 (2) the date of publication of an American Soci-
2 ety for Testing and Materials Production Specifica-
3 tion for an unleaded aviation gasoline.

4 (c) SENSE OF CONGRESS.—It is the sense of Con-
5 gress that the Piston Aviation Fuels Initiative of the Ad-
6 ministration and the American Society for Testing and
7 Materials should work to find an appropriate unleaded
8 aviation gasoline by January 1, 2024.

9 **SEC. 505. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC**
10 **CONTROL SYSTEM.**

11 Notwithstanding any other provision of law, the Ad-
12 ministrator of the Federal Aviation Administration shall,
13 upon request of a private aircraft owner or operator, block
14 the registration number of the aircraft of the owner or
15 operator from any public dissemination or display, except
16 in data made available to a Government agency, for the
17 noncommercial flights of the owner or operator.

18 **SEC. 506. AIR SHOWS.**

19 On an annual basis, the Administrator of the Federal
20 Aviation Administration shall work with representatives of
21 Administration-approved air shows, the general aviation
22 community, and stadiums and other large outdoor events
23 and venues to identify and resolve, to the maximum extent
24 practicable, scheduling conflicts between Administration-

1 approved air shows and large outdoor events and venues
2 where—

3 (1) flight restrictions will be imposed pursuant
4 to section 521 of title V of division F of Public Law
5 108–199 (118 Stat. 343); or

6 (2) any other restriction will be imposed pursu-
7 ant to Federal Aviation Administration Flight Data
8 Center Notice to Airmen 4/3621 (or any successor
9 notice to airmen).

10 **SEC. 507. PART 91 REVIEW, REFORM, AND STREAMLINING.**

11 (a) ESTABLISHMENT OF TASK FORCE.—Not later
12 than 90 days after the date of enactment of this Act, the
13 Administrator of the Federal Aviation Administration
14 shall establish a task force comprised of representatives
15 of the general aviation industry who regularly perform
16 part 91 operations, labor unions (including those rep-
17 resenting FAA aviation safety inspectors and FAA avia-
18 tion safety engineers), manufacturers, and the Govern-
19 ment to—

20 (1) conduct an assessment of the FAA over-
21 sight and authorization processes and requirements
22 for aircraft under part 91; and

23 (2) make recommendations to streamline the
24 applicable authorization and approval processes, im-
25 prove safety, and reduce regulatory cost burdens and

1 delays for the FAA and aircraft owners and opera-
2 tors who operate pursuant to part 91.

3 (b) CONTENTS.—In conducting the assessment and
4 making recommendations under subsection (a), the task
5 force shall consider—

6 (1) process reforms and improvements to allow
7 the FAA to review and approve applications in a fair
8 and timely fashion;

9 (2) the appropriateness of requiring an author-
10 ization for each experimental aircraft rather than
11 using a broader all makes and models approach;

12 (3) ways to improve the timely response to let-
13 ters of authorization applications for aircraft owners
14 and operators who operate pursuant to part 91, in-
15 cluding setting deadlines and granting temporary or
16 automatic authorizations if deadlines are missed by
17 the FAA;

18 (4) methods for enhancing the effective use of
19 delegation systems;

20 (5) methods for training the FAA’s field office
21 employees in risk-based and safety management sys-
22 tem oversight; and

23 (6) such other matters related to streamlining
24 part 91 authorization and approval processes as the
25 task force considers appropriate.

1 (c) REPORT TO CONGRESS.—

2 (1) IN GENERAL.—Not later than 1 year after
3 the date of enactment of this Act, the Administrator
4 shall submit to the Committee on Transportation
5 and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and
7 Transportation of the Senate a report on the results
8 of the task force’s assessment.

9 (2) CONTENTS.—The report shall include an
10 explanation of how the Administrator will—

11 (A) implement the recommendations of the
12 task force;

13 (B) measure progress in implementing the
14 recommendations; and

15 (C) measure the effectiveness of the imple-
16 mented recommendations.

17 (d) IMPLEMENTATION OF RECOMMENDATIONS.—Not
18 later than 18 months after the date of enactment of this
19 Act, the Administrator shall implement the recommenda-
20 tions made under this section.

21 (e) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

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

3 (f) APPLICABLE LAW.—Public Law 92–463 shall not
4 apply to the task force.

(g) SUNSET.—The task force shall terminate on the day the Administrator submits the report required under subsection (c).

9 Not later than 180 days after the date of enactment
10 of this Act, the Administrator of the Federal Aviation Ad-
11 ministration shall initiate a rulemaking to increase the du-
12 ration of aircraft registrations for noncommercial general
13 aviation aircraft to 10 years.

16 (a) COOPERATIVE EFFORTS TO ENSURE COMPLI-
17 ANCE WITH SAFETY REGULATIONS.—

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1 (2) COOPERATIVE EFFORTS.—The cooperative
2 efforts the Secretary shall carry out pursuant to
3 paragraph (1) include the following:

4 (A) Encouraging training programs at lo-
5 cations outside the United States from which
6 substantial cargo shipments of lithium ion or
7 lithium metal batteries originate for manufac-
8 turers, freight forwarders, and other shippers
9 and potential shippers of lithium ion and lith-
10 ium metal batteries.

11 (B) Working with Federal, regional, and
12 international transportation agencies to ensure
13 enforcement of U.S. Hazardous Materials Reg-
14 ulations and ICAO Technical Instructions with
15 respect to shippers who offer noncompliant
16 shipments of lithium ion and lithium metal bat-
17 teries.

18 (C) Sharing information, as appropriate,
19 with Federal, regional, and international trans-
20 portation agencies regarding noncompliant ship-
21 ments.

22 (D) Pursuing a joint effort with the inter-
23 national aviation community to develop a proc-
24 ess to obtain assurances that appropriate en-
25 forcement actions are taken to reduce the likeli-

1 hood of noncompliant shipments, especially with
2 respect to jurisdictions in which enforcement
3 activities historically have been limited.

4 (E) Providing information in brochures
5 and on the internet in appropriate foreign lan-
6 guages and dialects that describes the actions
7 required to comply with U.S. Hazardous Mate-
8 rials Regulations and ICAO Technical Instruc-
9 tions.

10 (F) Developing joint efforts with the inter-
11 national aviation community to promote a bet-
12 ter understanding of the requirements of and
13 methods of compliance with U.S. Hazardous
14 Materials Regulations and ICAO Technical In-
15 structions.

16 (3) REPORTING.—Not later than 120 days after
17 the date of enactment of this Act, and annually
18 thereafter for 2 years, the Secretary shall submit to
19 the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee
21 on Commerce, Science, and Transportation of the
22 Senate a report on compliance with the policy set
23 forth in subsection (e) and the cooperative efforts
24 carried out, or planned to be carried out, under this
25 subsection.

1 (b) LITHIUM BATTERY AIR SAFETY ADVISORY COM-
2 MITTEE.—

3 (1) ESTABLISHMENT.—Not later than 60 days
4 after the date of enactment of this Act, the Sec-
5 retary shall establish, in accordance with the re-
6 quirements of the Federal Advisory Committee Act
7 (5 U.S.C. App.), a lithium ion and lithium metal
8 battery air safety advisory committee (in this sub-
9 section referred to as the “Committee”).

10 (2) DUTIES.—The Committee shall—

11 (A) facilitate communication between man-
12 ufacturers of lithium ion and lithium metal cells
13 and batteries, manufacturers of products incor-
14 porating both large and small lithium ion and
15 lithium metal batteries, air carriers, and the
16 Federal Government regarding the safe air
17 transportation of lithium ion and lithium metal
18 cells and batteries and the effectiveness and
19 economic and social impacts of the regulation of
20 such transportation;

21 (B) provide the Secretary, the Federal
22 Aviation Administration, and the Pipeline and
23 Hazardous Materials Safety Administration
24 with timely information about new lithium ion

1 and lithium metal battery technology and trans-
2 portation safety practices and methodologies;

3 (C) provide a forum for the Secretary to
4 provide information on and to discuss the ac-
5 tivities of the Department of Transportation re-
6 lating to lithium ion and lithium metal battery
7 transportation safety, the policies underlying
8 the activities, and positions to be advocated in
9 international forums;

10 (D) provide a forum for the Secretary to
11 provide information and receive advice on—

12 (i) activities carried out throughout
13 the world to communicate and enforce rel-
14 evant United States regulations and the
15 ICAO Technical Instructions; and

16 (ii) the effectiveness of the activities;

17 (E) provide advice and recommendations to
18 the Secretary with respect to lithium ion and
19 lithium metal battery air transportation safety,
20 including how best to implement activities to in-
21 crease awareness of relevant requirements and
22 their importance to travelers and shippers; and

23 (F) review methods to decrease the risk
24 posed by air shipment of undeclared hazardous
25 materials and efforts to educate those who pre-

1 pare and offer hazardous materials for ship-
2 ment via air transport.

3 (3) MEMBERSHIP.—The Committee shall be
4 composed of the following members:

5 (A) Individuals appointed by the Secretary
6 to represent—

7 (i) large volume manufacturers of lith-
8 ium ion and lithium metal cells and bat-
9 teries;

10 (ii) domestic manufacturers of lithium
11 ion and lithium metal batteries or battery
12 packs;

13 (iii) manufacturers of consumer prod-
14 ucts powered by lithium ion and lithium
15 metal batteries;

16 (iv) manufacturers of vehicles powered
17 by lithium ion and lithium metal batteries;

18 (v) marketers of products powered by
19 lithium ion and lithium metal 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) pilots and employees of air serv-
2 ice providers described in clauses (vi) and
3 (vii);

4 (ix) shippers of lithium ion and lith-
5 ium metal batteries for air transportation;

6 (x) manufacturers of battery-powered
7 medical devices or batteries used in med-
8 ical devices; and

9 (xi) employees of the Department of
10 Transportation, including employees of the
11 Federal Aviation Administration and the
12 Pipeline and Hazardous Materials Safety
13 Administration.

14 (B) Representatives of such other Govern-
15 ment departments and agencies as the Sec-
16 retary determines appropriate.

17 (C) Any other individuals the Secretary de-
18 termines are appropriate to comply with Fed-
19 eral law.

20 (4) REPORT.—

21 (A) IN GENERAL.—Not later than 180
22 days after the establishment of the Committee,
23 the Committee shall submit to the Secretary,
24 the Committee on Transportation and Infra-
25 structure of the House of Representatives, and

1 the Committee on Commerce, Science, and
2 Transportation of the Senate a report that—

3 (i) describes and evaluates the steps
4 being taken in the private sector and by
5 international regulatory authorities to im-
6 plement and enforce requirements relating
7 to the safe transportation by air of bulk
8 shipments of lithium ion cells and bat-
9 teries; and

10 (ii) identifies any areas of enforce-
11 ment or regulatory requirements for which
12 there is consensus that greater attention is
13 needed.

14 (B) INDEPENDENT STATEMENTS.—Each
15 member of the Committee shall be provided an
16 opportunity to submit an independent state-
17 ment of views with the report submitted pursu-
18 ant to subparagraph (A).

19 (5) MEETINGS.—

20 (A) IN GENERAL.—The Committee shall
21 meet at the direction of the Secretary and at
22 least twice a year.

23 (B) PREPARATION FOR ICAO MEETINGS.—
24 Notwithstanding subparagraph (A), the Sec-
25 retary shall convene a meeting of the Com-

1 mittee in connection with and in advance of
2 each meeting of the International Civil Aviation
3 Organization, or any of its panels or working
4 groups, addressing the safety of air transpor-
5 tation of lithium ion and lithium metal batteries
6 to brief Committee members on positions to be
7 taken by the United States at such meeting and
8 provide Committee members a meaningful op-
9 portunity to comment.

10 (6) TERMINATION.—The Committee shall ter-
11 minate on the date that is 6 years after the date on
12 which the Committee is established.

13 (7) TERMINATION OF FUTURE OF AVIATION AD-
14 VISORY COMMITTEE.—The Future of Aviation Advi-
15 sory Committee shall terminate on the date on which
16 the lithium ion battery air safety advisory committee
17 is established.

18 (c) MEDICAL DEVICE BATTERIES.—

19 (1) LIMITED EXCEPTIONS TO RESTRICTIONS ON
20 AIR TRANSPORTATION OF MEDICAL DEVICE BAT-
21 TERIES.—The Secretary shall issue limited excep-
22 tions to the restrictions on transportation of lithium
23 ion and lithium metal batteries to allow the ship-
24 ment on a passenger aircraft of not more than 2 re-

1 placement batteries specifically used for a medical
2 device if—

3 (A) the intended destination of the bat-
4 teries is not serviced daily by cargo aircraft if
5 a battery is required for medically necessary
6 care; and

7 (B) with regard to a shipper of lithium ion
8 or lithium metal batteries for medical devices
9 that cannot comply with a charge limitation in
10 place at the time, each battery is—

11 (i) individually packed in an inner
12 packaging that completely encloses the bat-
13 tery;

14 (ii) placed in a rigid outer packaging;
15 and

16 (iii) protected to prevent a short cir-
17 cuit.

18 (2) MEDICAL DEVICE DEFINED.—In this sub-
19 section, the term “medical device” means an instru-
20 ment, apparatus, implement, machine, contrivance,
21 implant, or in vitro reagent, including any compo-
22 nent, part, or accessory thereof, which is intended
23 for use in the diagnosis of disease or other condi-
24 tions, or in the cure, mitigation, treatment, or pre-
25 vention of disease, in a person.

1 (3) SAVINGS CLAUSE.—Nothing in this sub-
2 section may be construed as expanding or restricting
3 any authority of the Secretary under section 828 of
4 the FAA Modernization and Reform Act of 2012
5 (49 U.S.C. 44701 note).

6 (d) PACKAGING IMPROVEMENTS.—Not later than
7 180 days after the date of enactment of this Act, the Sec-
8 retary, in consultation with interested stakeholders, shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate an evaluation of current practices for the pack-
13 aging of lithium ion batteries and cells for air transpor-
14 tation, including recommendations, if any, to improve the
15 packaging of such batteries and cells for air transportation
16 in a safe, efficient, and cost-effective manner.

17 (e) DEPARTMENT OF TRANSPORTATION POLICY ON
18 INTERNATIONAL REPRESENTATION.—It shall be the pol-
19 icy of the Department of Transportation to support the
20 participation of industry in all panels and working groups
21 of the Dangerous Goods Panel of the International Civil
22 Aviation Organization and any other international test or
23 standard setting organization that considers proposals on
24 the safety or transportation of lithium ion and lithium
25 metal batteries in which the United States participates.

1 (f) HARMONIZATION WITH ICAO TECHNICAL IN-
2 STRUCTIONS.—Pursuant to section 828 of the FAA Mod-
3 ernization and Reform Act of 2012 (49 U.S.C. 44701
4 note), not later than 30 days after the date of enactment
5 of this Act, the Secretary shall conform United States reg-
6 ulations on the air transport of lithium cells and batteries
7 with the lithium cells and batteries requirements in the
8 2015–2016 edition of the ICAO Technical Instructions
9 (including all addenda), including the revised standards
10 adopted by the International Civil Aviation Organization
11 that became effective on April 1, 2016.

12 (g) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) ICAO TECHNICAL INSTRUCTIONS.—The
15 term “ICAO Technical Instructions” has the mean-
16 ing given that term in section 828(c) of the FAA
17 Modernization and Reform Act of 2012 (49 U.S.C.
18 44701 note).

19 (2) U.S. HAZARDOUS MATERIALS REGULA-
20 TIONS.—The term “U.S. Hazardous Materials Regu-
21 lations” means the regulations in parts 100 through
22 177 of title 49, Code of Federal Regulations (includ-
23 ing amendments adopted after the date of enactment
24 of this Act).

1 **SEC. 510. REMOTE TOWER PILOT PROGRAM FOR RURAL**
2 **AND SMALL COMMUNITIES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall establish a pilot program under which, upon
6 approval of an application submitted by an operator of a
7 public-use airport, the Secretary shall install and operate
8 at the airport a remote air traffic control tower in order
9 to assess the operational benefits of remote air traffic con-
10 trol towers.

11 (b) APPLICATIONS.—The operator of an airport seek-
12 ing to participate in the pilot program shall submit to the
13 Secretary for approval an application that is in such form
14 and contains such information as the Secretary may re-
15 quire.

16 (c) SELECTION CRITERIA.—

17 (1) SELECTION OF AIRPORTS.—From among
18 the applications submitted under subsection (b), the
19 Secretary, after consultation with representatives of
20 labor organizations representing operators and em-
21 ployees of the air traffic control system, shall select
22 for participation in the pilot program 7 airports as
23 follows:

24 (A) 1 nonhub, primary airport.

25 (B) 3 nonprimary airports without existing
26 air traffic control towers.

1 (C) 2 airports with air traffic control tow-
2 ers participating in a program established
3 under section 47124 of title 49, United States
4 Code.

5 (D) 1 airport selected at the discretion of
6 the Secretary.

7 (2) PRIORITY SELECTION.—In selecting from
8 among the applications submitted under subsection
9 (b), the Secretary shall give priority to applicants
10 that can best demonstrate the capabilities and po-
11 tential of remote air traffic control towers, including
12 applicants proposing to operate multiple remote air
13 traffic control towers from a single facility.

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 (d) SAFETY RISK MANAGEMENT PANEL.—

20 (1) SAFETY RISK MANAGEMENT PANEL MEET-
21 ING.—Prior to the operational use of a remote air
22 traffic control tower, the Secretary shall convene a
23 safety risk management panel for the tower to ad-
24 dress any safety issues with respect to the tower.

1 (2) SAFETY RISK MANAGEMENT PANEL BEST
2 PRACTICES.—The safety risk management panels
3 shall be created and utilized in a manner similar to
4 that of safety risk management panels previously es-
5 tablished for remote air traffic control towers, taking
6 into account—

7 (A) best practices that have been devel-
8 oped; and

9 (B) operational data from remote air traf-
10 fic control towers located in the United States.

11 (e) AIRPORT IMPROVEMENT PROGRAM.—The pilot
12 program shall be eligible for airport improvement funding
13 under chapter 471 of title 49, United States Code.

14 (f) POSSIBLE EXPANSION OF PROGRAM.—Not later
15 than 30 days after the date that the first remote air traffic
16 control tower is commissioned, the Administrator of the
17 Federal Aviation Administration shall establish a repeat-
18 able process by which future certified remote air traffic
19 control tower systems may be commissioned at additional
20 airports.

21 (g) DEFINITIONS.—

22 (1) IN GENERAL.—In this section, the following
23 definitions apply:

24 (A) AIR NAVIGATION FACILITY.—The term
25 “air navigation facility” has the meaning given

1 that term in section 40102(a) of title 49,
2 United States Code.

3 (B) REMOTE AIR TRAFFIC CONTROL
4 TOWER.—The term “remote air traffic control
5 tower” means a remotely operated air naviga-
6 tion facility, including all necessary system com-
7 ponents, that provides the functions and capa-
8 bilities of an air traffic control tower.

9 (2) APPLICABILITY OF OTHER DEFINITIONS.—
10 The terms “nonhub airport”, “primary airport”, and
11 “public-use airport” have the meanings given such
12 terms in section 47102 of title 49, United States
13 Code.

14 (h) SUNSET.—The pilot program shall terminate on
15 the date that is 3 years after the date of enactment of
16 this Act.

17 **SEC. 511. ENSURING FAA READINESS TO PROVIDE SEAM-**
18 **LESS OCEANIC OPERATIONS.**

19 Not later than September 30, 2018, the Secretary of
20 Transportation shall make a final investment decision for
21 the implementation of a reduced oceanic separation capa-
22 bility that, by March 31, 2019, shall be operational and
23 in use providing capabilities at least equivalent to that of-
24 fered in neighboring airspace, and such service shall be

1 provided in the same manner as terrestrial surveillance is
2 provided.

3 **SEC. 512. SENSE OF CONGRESS REGARDING WOMEN IN**
4 **AVIATION.**

5 It is the sense of Congress that the aviation industry
6 should explore all opportunities, including pilot training,
7 science, technology, engineering, and mathematics edu-
8 cation, and mentorship programs, to encourage and sup-
9 port female students and aviators to pursue a career in
10 aviation.

11 **SEC. 513. OBSTRUCTION EVALUATION AERONAUTICAL**
12 **STUDIES.**

13 The Secretary of Transportation may implement the
14 policy set forth in the notice of proposed policy titled “Pro-
15 posal to Consider the Impact of One Engine Inoperative
16 Procedures in Obstruction Evaluation Aeronautical Stud-
17 ies” published by the Department of Transportation on
18 April 28, 2014 (79 Fed. Reg. 23300), only if the policy
19 is adopted pursuant to a notice and comment rulemaking
20 and, for purposes of Executive Order 12866 (5 U.S.C. 601
21 note; relating to regulatory planning and review), is treat-
22 ed as a significant regulatory action within the scope of
23 section 3(f)(1) of such Order.

1 **SEC. 514. AIRCRAFT LEASING.**

2 Section 44112(b) of title 49, United States Code, is
3 amended—

4 (1) by striking “on land or water”; and

5 (2) by inserting “operational” before “control”.

6 **SEC. 515. REPORT ON OBSOLETE TEST EQUIPMENT.**

7 (a) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Administrator of the Federal
9 Aviation Administration shall submit to the Committee on
10 Transportation and Infrastructure of the House of Rep-
11 resentatives and the Committee on Commerce, Science,
12 and Transportation of the Senate a report on the National
13 Test Equipment Program of the Federal Aviation Admin-
14 istration (in this section referred to as the “Program”).

15 (b) CONTENTS.—The report shall include—

16 (1) a list of all known outstanding requests for
17 test equipment, cataloged by type and location,
18 under the Program;

19 (2) a description of the current method under
20 the Program of ensuring calibrated equipment is in
21 place for utilization;

22 (3) a plan by the Administrator for appropriate
23 inventory of such equipment;

24 (4) the Administrator’s recommendations for
25 increasing multifunctionality in future test equip-

1 ment and all known and foreseeable manufacturer
2 technological advances; and

3 (5) a plan to replace, as appropriate, obsolete
4 test equipment throughout the service areas.

5 **SEC. 516. PILOTS SHARING FLIGHT EXPENSES WITH PAS-**
6 **SENGERS.**

7 (a) GUIDANCE.—

8 (1) IN GENERAL.—Not later than 90 days after
9 the date of enactment of this Act, the Administrator
10 of the Federal Aviation Administration shall make
11 publicly available, in a clear and concise format, ad-
12 visory guidance that describes how a pilot may share
13 flight expenses with passengers in a manner con-
14 sistent with Federal law, including regulations.

15 (2) EXAMPLES INCLUDED.—The guidance shall
16 include examples of—

17 (A) flights for which pilots and passengers
18 may share expenses;

19 (B) flights for which pilots and passengers
20 may not share expenses;

21 (C) the methods of communication that pi-
22 lots and passengers may use to arrange flights
23 for which expenses are shared; and

1 (D) the methods of communication that pi-
2 lots and passengers may not use to arrange
3 flights for which expenses are shared.

4 (b) REPORT.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date on which guidance is made publicly
7 available under subsection (a), the Comptroller Gen-
8 eral of the United States shall submit to the Com-
9 mittee on Transportation and Infrastructure of the
10 House of Representatives and the Committee on
11 Commerce, Science, and Transportation of the Sen-
12 ate a report analyzing Federal policy with respect to
13 pilots sharing flight expenses with passengers.

14 (2) EVALUATIONS INCLUDED.—The report sub-
15 mitted under paragraph (1) shall include an evalua-
16 tion of—

17 (A) the rationale for such Federal policy;

18 (B) safety and other concerns related to
19 pilots sharing flight expenses with passengers;
20 and

21 (C) benefits related to pilots sharing flight
22 expenses with passengers.

1 **SEC. 517. AVIATION RULEMAKING COMMITTEE FOR PART**
2 **135 PILOT REST AND DUTY RULES.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall convene an aviation
6 rulemaking committee to review, and develop findings and
7 recommendations regarding, pilot rest and duty rules
8 under part 135 of title 14, Code of Federal Regulations.

9 (b) DUTIES.—The Administrator shall—

10 (1) not later than 2 years after the date of en-
11 actment of this Act, submit to the Committee on
12 Transportation and Infrastructure of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report
15 based on the findings of the aviation rulemaking
16 committee; and

17 (2) not later than 1 year after the date of sub-
18 mission of the report under paragraph (1), issue a
19 notice of proposed rulemaking based on any con-
20 sensus recommendations reached by the aviation
21 rulemaking committee.

22 (c) COMPOSITION.—The aviation rulemaking com-
23 mittee shall consist of members appointed by the Adminis-
24 trator, including—

25 (1) representatives of industry;

1 (2) representatives of aviation labor organiza-
2 tions, including collective bargaining units rep-
3 resenting pilots who are covered by part 135 of title
4 14, Code of Federal Regulations, and subpart K of
5 part 91 of such title; and

6 (3) aviation safety experts with specific knowl-
7 edge of flight crewmember education and training
8 requirements under part 135 of such title.

9 (d) CONSIDERATIONS.—The Administrator shall di-
10 rect the aviation rulemaking committee to consider—

11 (1) recommendations of prior part 135 rule-
12 making committees;

13 (2) accommodations necessary for small busi-
14 nesses;

15 (3) scientific data derived from aviation-related
16 fatigue and sleep research;

17 (4) data gathered from aviation safety reporting
18 programs;

19 (5) the need to accommodate the diversity of
20 operations conducted under part 135; and

21 (6) other items, as appropriate.

22 **SEC. 518. METROPOLITAN WASHINGTON AIRPORTS AU-**
23 **THORITY.**

24 (a) FINDINGS.—Congress finds that—

1 (1) the Metropolitan Washington Airports Au-
2 thority (in this section referred to as “MWAA”),
3 which operates Ronald Reagan Washington National
4 Airport and Dulles International Airport by lease
5 with the Department of Transportation, has rou-
6 tinely performed poorly on audits conducted by the
7 Inspector General of the Department of Transpor-
8 tation;

9 (2) the responsible stewardship of taxpayer-
10 owned assets by MWAA is of great concern to Con-
11 gress;

12 (3) a March 20, 2015, audit conducted by the
13 Inspector General titled “MWAA’s Office of Audit
14 Does Not Have an Adequate Quality Assurance and
15 Improvement Program” (Report No. ZA–2015–035)
16 found that MWAA’s quality assurance and improve-
17 ment program did not conform with the standards
18 of the Institute of Internal Auditors; and

19 (4) the Inspector General’s audit made 7 rec-
20 ommendations to strengthen MWAA governance, its
21 Office of Audit, and its quality assurance and im-
22 provement program.

23 (b) IMPLEMENTING AUDIT RECOMMENDATIONS.—

24 (1) STUDY.—The Inspector General of the De-
25 partment of Transportation shall conduct a study on

1 MWAA's progress in implementing the recommenda-
2 tions of the audit referred to in subsection (a).

3 (2) REPORT.—The Inspector General shall sub-
4 mit to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the
6 Committee on Commerce, Science, and Transpor-
7 tation of the Senate a report on the study, including
8 the Inspector General's findings, conclusions, and
9 recommendations for strengthening and improving
10 MWAA's Office of Audit.

11 **SEC. 519. TERMINAL AERODROME FORECAST.**

12 (a) IN GENERAL.—The Administrator of the Federal
13 Aviation Administration shall permit a covered air carrier
14 to operate to or from a location in a noncontiguous State
15 without a Terminal Aerodrome Forecast or Meteorological
16 Aerodrome Report if—

17 (1) such location is determined to be under vis-
18 ual meteorological conditions;

19 (2) a current Area Forecast, supplemented by
20 other local weather observations or reports, is avail-
21 able; and

22 (3) an alternate airport that has an available
23 Terminal Aerodrome Forecast and weather report is
24 specified.

25 (b) PROCEDURES.—A covered air carrier shall—

1 (1) have approved procedures for dispatch or
2 release and enroute weather evaluation; and

3 (2) operate under instrument flight rules
4 enroute to the destination.

5 (c) COVERED AIR CARRIER DEFINED.—In this sec-
6 tion, the term “covered air carrier” means an air carrier
7 operating in a noncontiguous State under part 121 of title
8 14, Code of Federal Regulations.

9 **SEC. 520. FEDERAL AVIATION ADMINISTRATION EMPLOY-**
10 **EES STATIONED ON GUAM.**

11 It is the sense of Congress that—

12 (1) the Administrator of the Federal Aviation
13 Administration and the Secretary of Defense should
14 seek an agreement that would enable Federal Avia-
15 tion Administration employees stationed on Guam to
16 have access to Department of Defense hospitals,
17 commissaries, and exchanges on Guam;

18 (2) access to these facilities is important to en-
19 sure the health and well-being of Federal Aviation
20 Administration employees and their families; and

21 (3) in exchange for this access, the Federal
22 Aviation Administration should make payments to
23 cover the applicable administrative costs incurred by
24 the Department of Defense in carrying out the
25 agreement.

1 **SEC. 521. TECHNICAL CORRECTIONS.**

2 (a) AIRPORT CAPACITY ENHANCEMENT PROJECTS
3 AT CONGESTED AIRPORTS.—Section 40104(c) of title 49,
4 United States Code, is amended by striking “section
5 47176” and inserting “section 47175”.

6 (b) PASSENGER FACILITY CHARGES.—Section
7 40117(a)(5) of title 49, United States Code, is amended
8 by striking “charge or charge” and inserting “charge”.

9 (c) OVERFLIGHTS OF NATIONAL PARKS.—Section
10 40128(a)(3) of title 49, United States Code, is amended
11 by striking “under part 91 of the title 14,” and inserting
12 “under part 91 of title 14,”.

13 (d) PLANS TO ADDRESS NEEDS OF FAMILIES OF
14 PASSENGERS INVOLVED IN FOREIGN AIR CARRIER ACCI-
15 DENTS.—Section 41313(c)(16) of title 49, United States
16 Code, is amended by striking “An assurance that the for-
17 eign air carrier” and inserting “An assurance that”.

18 (e) OPERATIONS OF CARRIERS.—The analysis for
19 chapter 417 of title 49, United States Code, is amended
20 by striking the item relating to section 41718 and insert-
21 ing the following:

“41718. Special rules for Ronald Reagan Washington National Airport.”.

22 (f) SCHEDULES FOR CERTAIN TRANSPORTATION OF
23 MAIL.—Section 41902(a) of title 49, United States Code,
24 is amended by striking “section 41906” and inserting
25 “section 41905”.

1 (g) WEIGHING MAIL.—Section 41907 of title 49,
2 United States Code, is amended by striking “and” and
3 all that follows through “administrative” and inserting
4 “and administrative”.

5 (h) STRUCTURES INTERFERING WITH AIR COM-
6 MERCE OR NATIONAL SECURITY.—Section 44718(b)(1) of
7 title 49, United States Code, is amended—

8 (1) in the matter preceding subparagraph (A)
9 by striking “air navigation facilities and equipment”
10 and inserting “air or space navigation facilities and
11 equipment”; and

12 (2) in subparagraph (A)—

13 (A) in clause (v) by striking “and” at the
14 end;

15 (B) by redesignating clause (vi) as clause
16 (vii); and

17 (C) by inserting after clause (v) the fol-
18 lowing:

19 “(vi) the impact on launch and re-
20 entry for launch and reentry vehicles arriv-
21 ing or departing from a launch site or re-
22 entry site licensed by the Secretary of
23 Transportation; and”.

24 (i) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR
25 TRANSPORTATION.—Section 45302 of title 49, United

1 States Code, is amended by striking “44703(f)(2)” each
2 place it appears and inserting “44703(g)(2)”.

3 (j) CHAPTER 465.—The analysis for chapter 465 of
4 title 49, United States Code, is amended by striking the
5 following:

“46503. Repealed.”.

6 (k) SOLICITATION AND CONSIDERATION OF COM-
7 MENTS.—Section 47171(l) of title 49, United States Code,
8 is amended by striking “4371” and inserting “4321”.

9 (l) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-
10 CANTLY INCREASED COSTS.—Section 426 of the FAA
11 Modernization and Reform Act of 2012 is amended—

12 (1) in subsection (a) (49 U.S.C. 41737 note) by
13 striking “Secretary” and inserting “Secretary of
14 Transportation”; and

15 (2) in subsection (c) (49 U.S.C. 41731 note) by
16 striking “the Secretary may waive” and inserting
17 “the Secretary of Transportation may waive”.

18 (m) AIRCRAFT DEPARTURE QUEUE MANAGEMENT
19 PILOT PROGRAM.—Section 507(a) of the FAA Moderniza-
20 tion and Reform Act of 2012 (49 U.S.C. 44505 note) is
21 amended by striking “section 48101(a)” and inserting
22 “section 48101(a) of title 49, United States Code,”.

1 **SEC. 522. APPLICATION OF VETERANS' PREFERENCE TO**
2 **FEDERAL AVIATION ADMINISTRATION PER-**
3 **SONNEL MANAGEMENT SYSTEM.**

4 Section 40122(g)(2)(B) of title 49, United States
5 Code, is amended—

6 (1) by inserting “3304(f),” before “3308-
7 3320”; and

8 (2) by inserting “3330a, 3330b, 3330c, and
9 3330d,” before “relating”.

10 **SEC. 523. PUBLIC AIRCRAFT ELIGIBLE FOR LOGGING**
11 **FLIGHT TIMES.**

12 The Administrator of the Federal Aviation Adminis-
13 tration shall issue regulations modifying section
14 61.51(j)(4) of title 14, Code of Federal Regulations, so
15 as to include aircraft under the direct operational control
16 of forestry and fire protection agencies as public aircraft
17 eligible for logging flight times.

18 **SEC. 524. FEDERAL AVIATION ADMINISTRATION WORK-**
19 **FORCE REVIEW.**

20 (a) IN GENERAL.—Not later than 120 days after the
21 date of enactment of this Act, the Comptroller General
22 of the United States shall conduct a review to assess the
23 workforce and training needs of the Federal Aviation Ad-
24 ministration (in this section referred to as the “FAA”)
25 in the anticipated budgetary environment.

1 (b) CONTENTS.—In conducting the review, the
2 Comptroller General shall—

3 (1) identify the long-term workforce and train-
4 ing needs of the FAA workforce;

5 (2) assess the impact of automation, digitaliza-
6 tion, and artificial intelligence on the FAA work-
7 force;

8 (3) analyze the skills and qualifications required
9 of the FAA workforce for successful performance in
10 the current and future projected aviation environ-
11 ment;

12 (4) review current performance incentive poli-
13 cies of the FAA, including awards for performance;

14 (5) analyze ways in which the FAA can work
15 with industry and labor, including labor groups rep-
16 resenting the FAA workforce, to establish knowl-
17 edge-sharing opportunities between the FAA and the
18 aviation industry regarding new equipment and sys-
19 tems, best practices, and other areas of interest; and

20 (6) develop recommendations on the most effec-
21 tive qualifications, training programs (including e-
22 learning training), and performance incentive ap-
23 proaches to address the needs of the future pro-
24 jected aviation regulatory system in the anticipated
25 budgetary environment.

1 (c) REPORT.—Not later than 270 days after the date
2 of enactment of this Act, the Comptroller General shall
3 submit to the Committee on Transportation and Infra-
4 structure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the results of the review.

7 **SEC. 525. STATE TAXATION.**

8 Section 40116(d)(2)(A) of title 49, United States
9 Code, is amended by adding at the end the following:

10 “(v) except as otherwise provided under section
11 47133, levy or collect a tax, fee, or charge, first tak-
12 ing effect after the date of enactment of this clause,
13 upon any business located at a commercial service
14 airport or operating as a permittee of such an air-
15 port that is not generally imposed on sales or serv-
16 ices by that State, political subdivision, or authority
17 unless wholly utilized for airport or aeronautical pur-
18 poses.”.

19 **SEC. 526. AVIATION AND AEROSPACE WORKFORCE OF THE**
20 **FUTURE.**

21 (a) FINDINGS.—Congress finds that—

22 (1) in 2016, United States air carriers carried
23 a record high number of passengers on domestic
24 flights, 719 million passengers;

1 (2) the United States aerospace and defense in-
2 dustry employed 1.7 million workers in 2015, or
3 roughly 2 percent of the Nation’s total employment
4 base;

5 (3) the average salary of an employee in the
6 aerospace and defense industry is 44 percent above
7 the national average;

8 (4) in 2015, the aerospace and defense industry
9 contributed nearly \$202.4 billion in value added to
10 the United States economy;

11 (5) an effective aviation industry relies on indi-
12 viduals with unique skill sets, many of which can be
13 directly obtained through career and technical edu-
14 cation opportunities; and

15 (6) industry and the Federal Government have
16 taken some actions to attract qualified individuals to
17 careers in aviation and aerospace and to retain
18 qualified individuals in such careers.

19 (b) SENSE OF CONGRESS.—It is the sense of Con-
20 gress that—

21 (1) public and private education institutions
22 should make available to students and parents infor-
23 mation on approved programs of study and career
24 pathways, including career exploration, work-based
25 learning opportunities, dual and concurrent enroll-

1 ment opportunities, and guidance and advisement
2 resources;

3 (2) public and private education institutions
4 should partner with aviation and aerospace compa-
5 nies to promote career paths available within the in-
6 dustry and share information on the unique benefits
7 and opportunities the career paths offer;

8 (3) aviation companies, including air carriers,
9 manufacturers, commercial space companies, un-
10 manned aircraft system companies, and repair sta-
11 tions, should create opportunities, through appren-
12 ticeships or other mechanisms, to attract young peo-
13 ple to aviation and aerospace careers and to enable
14 individuals to gain the critical skills needed to thrive
15 in such professions; and

16 (4) the Federal Government should consider the
17 needs of men and women interested in pursuing ca-
18 reers in the aviation and aerospace industry, the
19 long-term personnel needs of the aviation and aero-
20 space industry, and the role of aviation in the
21 United States economy in the creation and adminis-
22 tration of educational and financial aid programs.

1 **SEC. 527. FUTURE AVIATION AND AEROSPACE WORKFORCE**
2 **STUDY.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall conduct a study—

6 (1) to identify the factors influencing the supply
7 of individuals pursuing a career in the aviation or
8 aerospace industry; and

9 (2) to identify best practices or programs to
10 incentivize, recruit, and retain young people in avia-
11 tion and aerospace professions.

12 (b) CONSULTATION.—The Comptroller General shall
13 conduct the study in consultation with—

14 (1) appropriate Federal agencies; and

15 (2) the aviation and aerospace industry, institu-
16 tions of higher education, and labor stakeholders.

17 (c) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of enactment of this Act, the Comptroller
19 General shall submit to the Committee on Transportation
20 and Infrastructure of the House of Representatives and
21 the Committee on Commerce, Science, and Transportation
22 of the Senate a report on the results of the study and
23 related recommendations.

1 **SEC. 528. FAA LEADERSHIP ON CIVIL SUPERSONIC AIR-**
2 **CRAFT.**

3 (a) IN GENERAL.—The Administrator of the Federal
4 Aviation Administration shall exercise leadership in the
5 creation of Federal and international policies, regulations,
6 and standards relating to the certification and safe and
7 efficient operation of civil supersonic aircraft.

8 (b) EXERCISE OF LEADERSHIP.—In carrying out
9 subsection (a), the Administrator shall—

10 (1) consider the needs of the aerospace industry
11 and other stakeholders when creating policies, regu-
12 lations, and standards that enable the safe commer-
13 cial deployment of civil supersonic aircraft tech-
14 nology and the safe and efficient operation of civil
15 supersonic aircraft; and

16 (2) obtain the input of aerospace industry
17 stakeholders regarding—

18 (A) the appropriate regulatory framework
19 and timeline for permitting the safe and effi-
20 cient operation of civil supersonic aircraft with-
21 in United States airspace, including updating or
22 modifying existing regulations on such oper-
23 ation;

24 (B) issues related to standards and regula-
25 tions for the type certification and safe oper-

1 ation of civil supersonic aircraft, including noise
2 certification, including—

3 (i) the operational differences between
4 subsonic aircraft and supersonic aircraft;

5 (ii) costs and benefits associated with
6 landing and takeoff noise requirements for
7 civil supersonic aircraft, including impacts
8 on aircraft emissions;

9 (iii) public and economic benefits of
10 the operation of civil supersonic aircraft
11 and associated aerospace industry activity;
12 and

13 (iv) challenges relating to ensuring
14 that standards and regulations aimed at
15 relieving and protecting the public health
16 and welfare from aircraft noise and sonic
17 booms are economically reasonable, techno-
18 logically practicable, and appropriate for
19 civil supersonic aircraft; and

20 (C) other issues identified by the Adminis-
21 trator or the aerospace industry that must be
22 addressed to enable the safe commercial deploy-
23 ment and safe and efficient operation of civil
24 supersonic aircraft.

1 (c) INTERNATIONAL LEADERSHIP.—The Adminis-
2 trator, in the appropriate international forums, shall take
3 actions that—

4 (1) demonstrate global leadership under sub-
5 section (a);

6 (2) address the needs of the aerospace industry
7 identified under subsection (b); and

8 (3) protect the public health and welfare.

9 (d) REPORT TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this Act, the Administrator
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report detailing—

15 (1) the Administrator’s actions to exercise lead-
16 ership in the creation of Federal and international
17 policies, regulations, and standards relating to the
18 certification and safe and efficient operation of civil
19 supersonic aircraft;

20 (2) planned, proposed, and anticipated actions
21 to update or modify existing policies and regulations
22 related to civil supersonic aircraft, including those
23 identified as a result of industry consultation and
24 feedback; and

1 (3) a timeline for any actions to be taken to up-
2 date or modify existing policies and regulations re-
3 lated to civil supersonic aircraft.

4 **SEC. 529. OKLAHOMA REGISTRY OFFICE.**

5 The Administrator of the Federal Aviation Adminis-
6 tration shall consider the aircraft registry office in Okla-
7 homa City, Oklahoma, as excepted during a Government
8 shutdown or emergency (as it provides excepted services)
9 to ensure that it remains open during any Government
10 shutdown or emergency.

11 **SEC. 530. FOREIGN AIR TRANSPORTATION UNDER UNITED**
12 **STATES-EUROPEAN UNION AIR TRANSPORT**
13 **AGREEMENT.**

14 (a) CERTAIN FOREIGN AIR TRANSPORTATION PER-
15 MITS.—The Secretary of Transportation may not issue a
16 permit under section 41302 of title 49, United States
17 Code, or an exemption under section 40109 of such title,
18 authorizing a person to provide foreign air transportation
19 as a foreign air carrier under the United States-European
20 Union Air Transport Agreement of April 2007 (as amend-
21 ed) in a proceeding in which the applicability of Article
22 17 bis of such Agreement has been raised by an interested
23 person, unless the Secretary—

24 (1) finds that issuing the permit or exemption
25 would be consistent with the intent set forth in Arti-

1 cle 17 bis of the Agreement, that opportunities cre-
2 ated by the Agreement do not undermine labor
3 standards or the labor-related rights and principles
4 contained in the laws of the respective parties to the
5 Agreement; and

6 (2) imposes on the permit or exemption such
7 conditions as may be necessary to ensure that the
8 person complies with the intent of Article 17 bis.

9 (b) PUBLIC INTEREST TEST.—Section 41302(2) of
10 title 49, United States Code, is amended—

11 (1) in subparagraph (A) by striking “under an
12 agreement with the United States Government; or”
13 and inserting “; and”; and

14 (2) in subparagraph (B) by striking “the for-
15 eign air transportation” and inserting “after consid-
16 ering the totality of the circumstances, including the
17 factors set forth in section 40101(a), the foreign air
18 transportation”.

19 (c) PUBLIC INTEREST REQUIREMENTS.—

20 (1) POLICY.—Section 40101(a) of title 49,
21 United States Code, is amended by adding at the
22 end the following:

23 “(17) preventing entry into United States mar-
24 kets by flag of convenience carriers.”.

1 (2) INTERNATIONAL AIR TRANSPORTATION.—
2 Section 40101(e)(9) of title 49, United States Code,
3 is amended—

4 (A) in subparagraph (D) by striking “and”
5 at the end;

6 (B) in subparagraph (E) by striking the
7 period at the end and inserting “; and”; and

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

9 “(F) erosion of labor standards associated
10 with flag of convenience carriers.”.

11 (3) FLAG OF CONVENIENCE CARRIER DE-
12 FINED.—Section 40102(a) of title 49, United States
13 Code, as amended by this Act, is further amended
14 by adding at the end the following:

15 “(54) ‘flag of convenience carrier’ means a for-
16 eign air carrier that is established in a country other
17 than the home country of its majority owner or own-
18 ers in order to avoid regulations of the home coun-
19 try.”.

20 **SEC. 531. TRAINING ON HUMAN TRAFFICKING FOR CER-**
21 **TAIN STAFF.**

22 (a) IN GENERAL.—Chapter 447 of title 49, United
23 States Code, as amended by this Act, is further amended
24 by adding at the end the following:

1 **“§ 44738. Training on human trafficking for certain**
2 **staff**

3 “In addition to other training requirements, each air
4 carrier shall provide training—

5 “(1) to ticket counter agents, gate agents, and
6 other air carrier workers whose jobs require regular
7 interaction with passengers; and

8 “(2) on recognizing and responding to potential
9 human trafficking victims.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 447 of title 49, United States Code, as amended by
12 this Act, is further amended by adding at the end the fol-
13 lowing:

 “44738. Training on human trafficking for certain staff.”.

14 **SEC. 532. PART 107 IMPLEMENTATION IMPROVEMENTS.**

15 (a) IN GENERAL.—Not later than 30 days after the
16 date of enactment of this section, the Administrator of the
17 Federal Aviation Administration shall publish a direct
18 final rule—

19 (1) revising section 107.205 of title 14, Code of
20 Federal Regulations, by striking the second sentence
21 of subsections (a) and (c); and

22 (2) revising section 107.25 of such title by
23 striking “and is not transporting another person’s
24 property for compensation or hire”.

1 (b) DETERMINATION OF WAIVER.—In determining
2 whether to grant a waiver under part 107 of title 14, Code
3 of Federal Regulations, to authorize transportation of an-
4 other’s property for compensation or hire beyond the vis-
5 ual line of sight of the remote pilot, from a moving vehicle,
6 or over people, the Administrator shall consider the tech-
7 nological capabilities of the unmanned aircraft system, the
8 qualifications of the remote pilot, and the operational envi-
9 ronment.

10 **SEC. 533. PART 107 TRANSPARENCY AND TECHNOLOGY IM-**
11 **PROVEMENTS.**

12 (a) TRANSPARENCY.—Not later than 30 days after
13 the date of enactment of this Act, the Administrator of
14 the Federal Aviation Administration shall publish on the
15 Federal Aviation Administration website a representative
16 sample of the safety justifications, offered by applicants
17 for small unmanned aircraft system waivers and airspace
18 authorizations, that have been approved by the Adminis-
19 tration for each regulation waived or class of airspace au-
20 thorized, except that any published justification shall not
21 reveal proprietary or commercially sensitive information.

22 (b) TECHNOLOGY IMPROVEMENTS.—Not later than
23 90 days after the date of enactment of this Act, the Ad-
24 ministrator shall revise the online waiver and certificates
25 of authorization processes—

1 (1) to provide real time confirmation that an
2 application filed online has been received by the Ad-
3 ministration; and

4 (2) to provide an applicant with an opportunity
5 to review the status of the applicant's application.

6 **SEC. 534. PROHIBITIONS AGAINST SMOKING ON PAS-**
7 **SENGER FLIGHTS.**

8 Section 41706 of title 49, United States Code, is
9 amended—

10 (1) by redesignating subsection (d) as sub-
11 section (e); and

12 (2) by inserting after subsection (c) the fol-
13 lowing:

14 “(d) **ELECTRONIC CIGARETTES.**—

15 “(1) **INCLUSION.**—The use of an electronic cig-
16 arette shall be treated as smoking for purposes of
17 this section.

18 “(2) **ELECTRONIC CIGARETTE DEFINED.**—In
19 this section, the term ‘electronic cigarette’ means a
20 device that delivers nicotine to a user of the device
21 in the form of a vapor that is inhaled to simulate
22 the experience of smoking.”.

1 **SEC. 535. CONSUMER PROTECTION REQUIREMENTS RELAT-**
2 **ING TO LARGE TICKET AGENTS.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall issue a final rule to require large ticket agents
6 to adopt minimum customer service standards.

7 (b) PURPOSE.—The purpose of the final rule shall be
8 to ensure that, to the maximum extent practicable, there
9 is a consistent level of consumer protection regardless of
10 where consumers purchase air fares and related air trans-
11 portation services.

12 (c) STANDARDS.—In issuing the final rule, the Sec-
13 retary shall consider, at a minimum, establishing stand-
14 ards for—

15 (1) providing prompt refunds when ticket re-
16 funds are due, including fees for optional services
17 that consumers purchased but were not able to use
18 due to a flight cancellation or oversale situation;

19 (2) providing an option to hold a reservation at
20 the quoted fare without payment, or to cancel with-
21 out penalty, for 24 hours;

22 (3) disclosing cancellation policies, seating con-
23 figurations, and lavatory availability with respect to
24 flights;

25 (4) notifying customers in a timely manner of
26 itinerary changes; and

1 (5) responding promptly to customer com-
2 plaints.

3 (d) DEFINITIONS.—In this section, the following shall
4 apply:

5 (1) TICKET AGENT.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), the term “ticket agent” has the
8 meaning given that term in section 40102(a) of
9 title 49, United States Code.

10 (B) INCLUSION.—The term “ticket agent”
11 includes a person who acts as an intermediary
12 involved in the sale of air transportation di-
13 rectly or indirectly to consumers, including by
14 operating an electronic airline information sys-
15 tem, if the person—

16 (i) holds the person out as a source of
17 information about, or reservations for, the
18 air transportation industry; and

19 (ii) receives compensation in any way
20 related to the sale of air transportation.

21 (2) LARGE TICKET AGENT.—The term “large
22 ticket agent” means a ticket agent with annual reve-
23 nues of \$100,000,000 or more.

1 **SEC. 536. FAA DATA TRANSPARENCY.**

2 Section 45303 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(g) DATA TRANSPARENCY.—

5 “(1) AIR TRAFFIC SERVICES INITIAL DATA RE-
6 PORT.—

7 “(A) INITIAL REPORT.—Not later than 6
8 months after the date of enactment of the FAA
9 Reauthorization Act of 2018, the Administrator
10 and the Chief Operating Officer of the Air
11 Traffic Organization shall, based upon the most
12 recently available full fiscal year data, complete
13 the following calculations for each segment of
14 air traffic services users:

15 “(i) The total costs allocable to the
16 use of air traffic services for that segment
17 during such fiscal year.

18 “(ii) The total revenues received from
19 that segment during such fiscal year.

20 “(B) VALIDATION OF MODEL.—

21 “(i) REVIEW AND DETERMINATION.—
22 Not later than 3 months after completion
23 of the initial report required under sub-
24 paragraph (A), the Inspector General of
25 the Department of Transportation shall re-
26 view and determine the validity of the

1 model used by the Administrator and the
2 Chief Operating Officer to complete the
3 calculations required under subparagraph
4 (A).

5 “(ii) VALIDATION PROCESS.—In the
6 event that the Inspector General deter-
7 mines that the model used by the Adminis-
8 trator and the Chief Operating Officer to
9 complete the calculations required by sub-
10 paragraph (A) is not valid—

11 “(I) the Inspector General shall
12 provide the Administrator and Chief
13 Operating Officer recommendations
14 on how to revise the model;

15 “(II) the Administrator and the
16 Chief Operating Officer shall complete
17 the calculations required by subpara-
18 graph (A) utilizing the revised model
19 and resubmit the revised initial report
20 required under subparagraph (A) to
21 the Inspector General; and

22 “(III) not later than 3 months
23 after completion of the revised initial
24 report required under subparagraph
25 (A), the Inspector General shall re-

1 view and determine the validity of the
2 revised model used by the Adminis-
3 trator and the Chief Operating Officer
4 to complete the calculations required
5 by subparagraph (A).

6 “(iii) ACCESS TO DATA.—The Admin-
7 istrator and the Chief Operating Officer
8 shall provide the Inspector General of the
9 Department of Transportation with unfet-
10 tered access to all data produced by the
11 cost accounting system operated and main-
12 tained pursuant to subsection (e).

13 “(C) REPORT TO CONGRESS.—Not later
14 than 60 days after completion of the review and
15 receiving a determination that the model used is
16 valid under subparagraph (B), the Adminis-
17 trator and the Chief Operating Officer shall
18 submit to the Committee on Transportation and
19 Infrastructure, the Committee on Appropria-
20 tions, and the Committee on Ways and Means
21 of the House of Representatives, and the Com-
22 mittee on Commerce, Science, and Transpor-
23 tation, the Committee on Appropriations, and
24 the Committee on Finance of the Senate a re-

1 port describing the results of the calculations
2 completed under subparagraph (A).

3 “(D) PUBLICATION.—Not later than 60
4 days after submission of the report required
5 under subparagraph (C), the Administrator and
6 Chief Operating Officer shall publish the initial
7 report, including any revision thereto if required
8 as a result of the validation process for the
9 model.

10 “(2) AIR TRAFFIC SERVICES BIENNIAL DATA
11 REPORTING.—

12 “(A) BIENNIAL DATA REPORTING.—Not
13 later than March 31, 2019, and biennially
14 thereafter for 8 years, the Administrator and
15 the Chief Operating Officer shall, using the
16 validated model, complete the following calcula-
17 tions for each segment of air traffic services
18 users for the most recent full fiscal year:

19 “(i) The total costs allocable to the
20 use of the air traffic services for that seg-
21 ment.

22 “(ii) The total revenues received from
23 that segment.

24 “(B) REPORT TO CONGRESS.—Not later
25 than 15 days after completing the calculations

1 under subparagraph (A), the Administrator and
2 the Chief Operating Officer shall complete and
3 submit to the Committee on Transportation and
4 Infrastructure, the Committee on Appropriations,
5 and the Committee on Ways and Means
6 of the House of Representatives, and the Committee
7 on Commerce, Science, and Transportation,
8 the Committee on Appropriations, and
9 the Committee on Finance of the Senate a report
10 containing the results of such calculations.

11 “(C) PUBLICATION.—Not later than 60
12 days after completing the calculations pursuant
13 to subparagraph (A), the Administrator and the
14 Chief Operating Officer shall publish the results
15 of such calculations.

16 “(3) SEGMENTS OF AIR TRAFFIC SERVICES
17 USERS.—

18 “(A) IN GENERAL.—For purposes of this
19 subsection, each of the following shall constitute
20 a separate segment of air traffic services users:

21 “(i) Passenger air carriers conducting
22 operations under part 121 of title 14, Code
23 of Federal Regulations.

24 “(ii) All-cargo air carriers conducting
25 operations under part 121 of such title.

1 “(iii) Operators covered by part 125
2 of such title.

3 “(iv) Air carriers and operators of pis-
4 ton-engine aircraft operating under part
5 135 of such title.

6 “(v) Air carriers and operators of tur-
7 bine-engine aircraft operating under part
8 135 of such title.

9 “(vi) Foreign air carriers providing
10 passenger air transportation.

11 “(vii) Foreign air carriers providing
12 all-cargo air transportation.

13 “(viii) Operators of turbine-engine air-
14 craft operating under part 91 of such title,
15 excluding those operating under subpart
16 (K) of such part.

17 “(ix) Operators of piston-engine air-
18 craft operating under part 91 of such title,
19 excluding those operating under subpart
20 (K) of such part.

21 “(x) Operators covered by subpart (K)
22 of part 91 of such title.

23 “(xi) Operators covered by part 133
24 of such title.

1 “(xii) Operators covered by part 136
2 of such title.

3 “(xiii) Operators covered by part 137
4 of such title.

5 “(xiv) Operators of public aircraft
6 that qualify under section 40125.

7 “(xv) Operators of aircraft that nei-
8 ther take off from, nor land in, the United
9 States.

10 “(B) ADDITIONAL SEGMENTS.—The Sec-
11 retary may identify and include additional seg-
12 ments of air traffic users under paragraph (A)
13 as revenue and air traffic services cost data be-
14 comes available for that additional segment of
15 air traffic services users.

16 “(4) DEFINITIONS.—For purposes of this sub-
17 section:

18 “(A) AIR TRAFFIC SERVICES.—The term
19 ‘air traffic services’ means services—

20 “(i) used for the monitoring, direct-
21 ing, control, and guidance of aircraft or
22 flows of aircraft and for the safe conduct
23 of flight, including communications, navi-
24 gation, and surveillance services and provi-
25 sion of aeronautical information; and

1 “(ii) provided directly, or contracted
2 for, by the Federal Aviation Administra-
3 tion.

4 “(B) AIR TRAFFIC SERVICES USER.—The
5 term ‘air traffic services user’ means any indi-
6 vidual or entity using air traffic services pro-
7 vided directly, or contracted for, by the Federal
8 Aviation Administration within United States
9 airspace or international airspace delegated to
10 the United States.”.

11 **SEC. 537. AGENCY PROCUREMENT REPORTING REQUIRE-**
12 **MENTS.**

13 Section 40110(d) of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(5) ANNUAL REPORT ON THE PURCHASE OF
16 FOREIGN MANUFACTURED ARTICLES.—

17 “(A) REPORT.—Not later than 90 days
18 after the end of the fiscal year, the Secretary
19 of Transportation shall submit a report to Con-
20 gress on the dollar amount of the acquisitions
21 made by the agency from entities that manufac-
22 ture the articles, materials, or supplies outside
23 of the United States in such fiscal year.

24 “(B) CONTENTS.—The report required by
25 subparagraph (A) shall separately indicate—

1 “(i) the dollar value of any articles,
2 materials, or supplies purchased that were
3 manufactured outside of the United States;
4 and

5 “(ii) a summary of the total procure-
6 ment funds spent on goods manufactured
7 in the United States versus funds spent on
8 goods manufactured outside of the United
9 States.

10 “(C) AVAILABILITY OF REPORT.—The Sec-
11 retary shall make the report under subpara-
12 graph (A) publicly available on the agency’s
13 website not later than 30 days after submission
14 to Congress.”.

15 **SEC. 538. ZERO-EMISSION VEHICLES AND TECHNOLOGY.**

16 (a) PASSENGER FACILITY CHARGE ELIGIBILITY.—
17 Section 40117(a)(3) of title 49, United States Code, is
18 amended by adding at the end the following:

19 “(H) A project for—

20 “(i) converting or retrofitting vehicles
21 and ground support equipment into eligible
22 zero-emission vehicles and equipment (as
23 defined in section 47102); or

1 “(ii) acquiring, by purchase or lease,
2 eligible zero-emission vehicles and equip-
3 ment (as defined in section 47102).”.

4 (b) AIRPORT IMPROVEMENT PROGRAM ELIGI-
5 BILITY.—

6 (1) AIRPORT DEVELOPMENT DEFINED.—Sec-
7 tion 47102(3) of title 49, United States Code, as
8 amended by this Act, is further amended by adding
9 at the end the following:

10 “(P) converting or retrofitting vehicles and
11 ground support equipment into eligible zero-
12 emission vehicles and equipment or acquiring,
13 by purchase or lease, eligible zero-emission vehi-
14 cles and equipment.

15 “(Q) constructing or modifying airport fa-
16 cilities to install a microgrid in order to provide
17 increased resilience to severe weather, ter-
18 rorism, and other causes of grid failures.”.

19 (2) ADDITIONAL DEFINITIONS.—Section 47102
20 of title 49, United States Code, as amended by this
21 Act, is further amended by adding at the end the
22 following:

23 “(30) ‘eligible zero-emission vehicle and equip-
24 ment’ means a zero-emission vehicle, equipment re-
25 lated to such a vehicle, and ground support equip-

1 ment that includes zero-emission technology that
2 is—

3 “(A) used exclusively at a commercial serv-
4 ice airport; or

5 “(B) used exclusively to transport people
6 or materials to and from a commercial service
7 airport.

8 “(31) ‘microgrid’ means a localized grouping of
9 electricity sources and loads that normally operates
10 connected to and synchronous with the traditional
11 centralized electrical grid, but can disconnect and
12 function autonomously as physical or economic con-
13 ditions dictate.

14 “(32) ‘zero-emission vehicle’ means a zero-emis-
15 sion vehicle as defined in section 88.102–94 of title
16 40, Code of Federal Regulations, or a vehicle that
17 produces zero exhaust emissions of any criteria pol-
18 lutant (or precursor pollutant) under any possible
19 operational modes and conditions.”.

20 (3) SPECIAL APPORTIONMENT CATEGORIES.—
21 Section 47117(e)(1)(A) of title 49, United States
22 Code, is amended by inserting “for airport develop-
23 ment described in section 47102(3)(P),” after
24 “under section 47141,”.

1 (c) ZERO-EMISSION PROGRAM.—Chapter 471 of title
2 49, United States Code, is amended—

3 (1) by striking section 47136;

4 (2) by redesignating section 47136a as section
5 47136; and

6 (3) in section 47136, as so redesignated, by
7 striking subsections (a) and (b) and inserting the
8 following:

9 “(a) IN GENERAL.—The Secretary of Transportation
10 may establish a pilot program under which the sponsors
11 of not less than 10 public-use airports may use funds
12 made available under this chapter or section 48103 for
13 use at such airports to carry out—

14 “(1) activities associated with the acquisition,
15 by purchase or lease, and operation of zero-emission
16 vehicles, including removable power sources for such
17 vehicles; and

18 “(2) the construction or modification of infra-
19 structure to facilitate the delivery of fuel and serv-
20 ices necessary for the use of such vehicles.

21 “(b) ELIGIBILITY.—A public-use airport is eligible
22 for participation in the program if the vehicles or ground
23 support equipment are—

24 “(1) used exclusively at the airport; or

1 “(2) used exclusively to transport people or ma-
2 terials to and from the airport.”;

3 (4) in section 47136, as so redesignated, by
4 striking subsections (d) and (e) and inserting the
5 following:

6 “(d) FEDERAL SHARE.—The Federal share of the
7 cost of a project carried out under the program shall be
8 the Federal share specified in section 47109.

9 “(e) TECHNICAL ASSISTANCE.—

10 “(1) IN GENERAL.—The sponsor of a public-use
11 airport may use not more than 10 percent of the
12 amounts made available to the sponsor under the
13 program in any fiscal year for—

14 “(A) technical assistance; and

15 “(B) project management support to assist
16 the airport with the solicitation, acquisition,
17 and deployment of zero-emission vehicles, re-
18 lated equipment, and supporting infrastructure.

19 “(2) PROVIDERS OF TECHNICAL ASSISTANCE.—
20 To receive the technical assistance or project man-
21 agement support described in paragraph (1), partici-
22 pants in the program may use—

23 “(A) a nonprofit organization selected by
24 the Secretary; or

1 “(B) a university transportation center re-
2 ceiving grants under section 5505 in the region
3 of the airport.”;

4 (5) in section 47136, as so redesignated, in sub-
5 section (f) by striking “section 47136” and inserting
6 “the inherently low emission airport vehicle pilot
7 program”; and

8 (6) in section 47136, as so redesignated, by
9 adding at the end the following:

10 “(g) ALLOWABLE PROJECT COST.—The allowable
11 project cost for the acquisition of a zero-emission vehicle
12 shall be the total cost of purchasing or leasing the vehicle,
13 including the cost of technical assistance or project man-
14 agement support described in subsection (e).

15 “(h) FLEXIBLE PROCUREMENT.—A sponsor of a
16 public-use airport may use funds made available under the
17 program to acquire, by purchase or lease, a zero-emission
18 vehicle and a removable power source in separate trans-
19 actions, including transactions by which the airport pur-
20 chases the vehicle and leases the removable power source.

21 “(i) TESTING REQUIRED.—A sponsor of a public-use
22 airport may not use funds made available under the pro-
23 gram to acquire a zero-emission vehicle unless that make,
24 model, or type of vehicle has been tested by a Federal vehi-
25 cle testing facility acceptable to the Secretary.

1 “(j) REMOVABLE POWER SOURCE DEFINED.—In
 2 this section, the term ‘removable power source’ means a
 3 power source that is separately installed in, and removable
 4 from, a zero-emission vehicle and may include a battery,
 5 a fuel cell, an ultra-capacitor, or other advanced power
 6 source used in a zero-emission vehicle.”.

7 (d) CLERICAL AMENDMENT.—The analysis for chap-
 8 ter 471 of title 49, United States Code, is amended by
 9 striking the items relating to sections 47136 and 47136a
 10 and inserting the following:

“47136. Zero-emission airport vehicles and infrastructure.”.

11 **SEC. 539. EMPLOYEE ASSAULT PREVENTION AND RE-**
 12 **SPONSE PLANS.**

13 (a) IN GENERAL.—Not later than 90 days after the
 14 date of enactment of this Act, each air carrier operating
 15 under part 121 of title 14, Code of Federal Regulations
 16 (in this section referred to as a “part 121 air carrier”),
 17 shall submit to the Administrator of the Federal Aviation
 18 Administration for review and acceptance an Employee
 19 Assault Prevention and Response Plan related to the cus-
 20 tomer service agents of the air carrier and that is devel-
 21 oped in consultation with the labor union representing
 22 such agents.

23 (b) CONTENTS OF PLAN.—An Employee Assault Pre-
 24 vention and Response Plan submitted under subsection (a)
 25 shall include the following:

1 (1) Reporting protocols for air carrier customer
2 service agents who have been the victim of a verbal
3 or physical assault.

4 (2) Protocols for the immediate notification of
5 law enforcement after an incident of verbal or phys-
6 ical assault committed against an air carrier cus-
7 tomer service agent.

8 (3) Protocols for informing Federal law enforce-
9 ment with respect to violations of section 46503 of
10 title 49, United States Code.

11 (4) Protocols for ensuring that a passenger in-
12 volved in a violent incident with a customer service
13 agent of an air carrier is not allowed to move
14 through airport security or board an aircraft until
15 appropriate law enforcement has had an opportunity
16 to assess the incident and take appropriate action.

17 (5) Protocols for air carriers to inform pas-
18 sengers of Federal laws protecting Federal, airport,
19 and air carrier employees who have security duties
20 within an airport.

21 (c) EMPLOYEE TRAINING.—A part 121 air carrier
22 shall conduct initial and recurrent training for all employ-
23 ees, including management, of the air carrier with respect
24 to the plan required under subsection (a), which shall in-
25 clude training on de-escalating hostile situations, written

1 protocols on dealing with hostile situations, and the re-
2 porting of relevant incidents.

3 **SEC. 540. STUDY ON TRAINING OF CUSTOMER-FACING AIR**
4 **CARRIER EMPLOYEES.**

5 (a) IN GENERAL.—Not later than 180 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall conduct a study on the training received by
8 customer-facing employees of air carriers.

9 (b) CONTENTS.—The study shall include—

10 (1) an analysis of the training received by cus-
11 tomer-facing employees with respect to the manage-
12 ment of disputes on aircraft; and

13 (2) an examination of how institutions of higher
14 learning, in coordination with air carriers, customer-
15 facing employees and their representatives, consumer
16 advocacy organizations, and other stakeholders,
17 could—

18 (A) review such training and related prac-
19 tices;

20 (B) produce recommendations; and

21 (C) if determined appropriate, provide sup-
22 plemental training.

23 (c) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Secretary shall submit to
25 the Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on Com-
2 merce, Science, and Transportation of the Senate a report
3 on the results of the study.

4 **SEC. 541. MINIMUM DIMENSIONS FOR PASSENGER SEATS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of enactment of this Act, and after providing notice
7 and an opportunity for comment, the Administrator of the
8 Federal Aviation Administration shall issue regulations
9 that establish minimum dimensions for passenger seats on
10 aircraft operated by air carriers in interstate air transpor-
11 tation or intrastate air transportation, including mini-
12 mums for seat pitch, width, and length, and that are nec-
13 essary for the safety and health of passengers.

14 (b) DEFINITIONS.—The definitions contained in sec-
15 tion 40102(a) of title 49, United States Code, apply to
16 this section.

17 **SEC. 542. STUDY OF GROUND TRANSPORTATION OPTIONS.**

18 Not later than 1 year after the date of enactment
19 of this Act, the Comptroller General of the United States
20 shall conduct a study that examines the ground transpor-
21 tation options at the Nation's 10 busiest airports in order
22 to—

23 (1) understand the impact of new and emerging
24 transportation options for travelers to get into and

1 out of airports, including the fees charged to ground
2 transportation providers for airport access;

3 (2) determine whether it is appropriate to use
4 airport improvement funds and revenues from pas-
5 senger facility charges to address traffic congestion
6 and passenger travel times between urban commer-
7 cial centers and airports; and

8 (3) review guidelines and requirements for air-
9 port improvement funds and passenger facility
10 charges to determine under what conditions such
11 funds may be used to address traffic congestion in
12 urban commercial centers for travel to airports.

13 **SEC. 543. FAA EMPLOYEES IN GUAM.**

14 (a) IN GENERAL.—The Secretary of Transportation
15 shall enter into an agreement with the Secretary of De-
16 fense—

17 (1) to allow Federal Aviation Administration
18 employees assigned to Guam, their spouses, and
19 their dependent children access to Department of
20 Defense hospitals located in Guam on a space avail-
21 able basis; and

22 (2) to provide for payments by the Federal
23 Aviation Administration to the Department of De-
24 fense for the administrative costs associated with—

1 (A) enrolling Federal Aviation Administra-
2 tion employees assigned to Guam, their spouses,
3 and their dependent children in any Depart-
4 ment of Defense system necessary to allow ac-
5 cess pursuant to paragraph (1); and

6 (B) billing an insurance company for any
7 medical costs incurred as a result of Federal
8 Aviation Administration employees, their
9 spouses, or their dependent children accessing
10 and receiving medical treatment or services at
11 a Department of Defense hospital located in
12 Guam.

13 (b) FUNDS SUBJECT TO APPROPRIATIONS.—Funds
14 for payments by the Federal Aviation Administration de-
15 scribed in subsection (a)(2) are subject to the availability
16 of amounts specifically provided in advance for that pur-
17 pose in appropriations Acts.

18 **SEC. 544. CLARIFICATION OF REQUIREMENTS FOR LIVING**
19 **HISTORY FLIGHTS.**

20 (a) IN GENERAL.—Notwithstanding any other law or
21 regulation, in administering sections 61.113(c), 91.9,
22 91.315, 91.319(a)(1), 91.319(a)(2), 119.5(g), and
23 119.21(a) of title 14, Code of Federal Regulations (or any
24 successor regulations), the Administrator of the Federal
25 Aviation Administration shall allow an aircraft owner or

1 operator to accept monetary or in-kind donations for a
2 flight operated by a living history flight experience pro-
3 vider, if the aircraft owner or operator has—

4 (1) volunteered to provide such transportation;
5 and

6 (2) notified any individual that will be on the
7 flight, at the time of inquiry about the flight, that
8 the flight operation is for charitable purposes and is
9 not subject to the same requirements as a commer-
10 cial flight.

11 (b) CONDITIONS TO ENSURE PUBLIC SAFETY.—The
12 Administrator, consistent with current standards of the
13 Administration for such operations, shall impose minimum
14 standards with respect to training and flight hours for op-
15 erations conducted by an owner or operator of an aircraft
16 providing living history flight experience operations, in-
17 cluding mandating that the pilot in command of such air-
18 craft hold a commercial pilot certificate with instrument
19 rating and be current and qualified with respect to all rat-
20 ings or authorizations applicable to the specific aircraft
21 being flown to ensure the safety of flight operations de-
22 scribed in subsection (a).

23 (c) LIVING HISTORY FLIGHT EXPERIENCE PRO-
24 VIDER DEFINED.—In this section, the term “living history
25 flight experience provider” means an aircraft owner, air-

1 craft operator, or organization that provides, arranges, or
2 otherwise fosters living history flight experiences for the
3 purpose of fulfilling its mission.

4 **SEC. 545. FAA ORGANIZATIONAL REFORM.**

5 (a) CHIEF TECHNOLOGY OFFICER.—Section 106(s)
6 of title 49, United States Code, is amended to read as
7 follows:

8 “(s) CHIEF TECHNOLOGY OFFICER.—

9 “(1) IN GENERAL.—

10 “(A) APPOINTMENT.—There shall be a
11 Chief Technology Officer appointed by the
12 Chief Operating Officer, with the approval of
13 the Secretary. The Chief Technology Officer
14 shall report directly to the Chief Operating Of-
15 ficer and shall be subject to the authority of the
16 Chief Operating Officer.

17 “(B) MINIMUM QUALIFICATIONS.—The
18 Chief Technology Officer shall have—

19 “(i) at least 10 years experience in en-
20 gineering management or another relevant
21 technical management field; and

22 “(ii) knowledge of or experience in the
23 aviation industry.

1 “(C) REMOVAL.—The Chief Technology
2 Officer shall serve at the pleasure of the Chief
3 Operating Officer.

4 “(D) RESTRICTION.—The Chief Tech-
5 nology Officer may not also be the Deputy Ad-
6 ministrator.

7 “(2) RESPONSIBILITIES.—The responsibilities
8 of the Chief Technology Officer shall include—

9 “(A) ensuring the proper operation, main-
10 tenance, and cybersecurity of technology sys-
11 tems relating to the air traffic control system
12 across all program offices of the Administra-
13 tion;

14 “(B) coordinating the implementation, op-
15 eration, maintenance, and cybersecurity of tech-
16 nology programs relating to the air traffic con-
17 trol system with the aerospace industry and
18 other Federal agencies;

19 “(C) reviewing and providing advice to the
20 Secretary, the Administrator, and the Chief Op-
21 erating Officer on the Administration’s budget,
22 cost accounting system, and benefit-cost anal-
23 yses with respect to technology programs relat-
24 ing to the air traffic control system;

1 “(D) consulting with the Administrator on
2 the Capital Investment Plan of the Administra-
3 tion prior to its submission to Congress;

4 “(E) developing an annual air traffic con-
5 trol system technology operation and mainte-
6 nance plan that is consistent with the annual
7 performance targets established under para-
8 graph (4); and

9 “(F) ensuring that the air traffic control
10 system architecture remains, to the maximum
11 extent practicable, flexible enough to incor-
12 porate future technological advances developed
13 and directly procured by aircraft operators.

14 “(3) COMPENSATION.—

15 “(A) IN GENERAL.—The Chief Technology
16 Officer shall be paid at an annual rate of basic
17 pay to be determined by the Secretary, in con-
18 sultation with the Chief Operating Officer. The
19 annual rate may not exceed the annual com-
20 pensation paid under section 102 of title 3. The
21 Chief Technology Officer shall be subject to the
22 postemployment provisions of section 207 of
23 title 18 as if the position of Chief Technology
24 Officer were described in section
25 207(c)(2)(A)(i) of that title.

1 “(B) BONUS.—In addition to the annual
2 rate of basic pay authorized by subparagraph
3 (A), the Chief Technology Officer may receive a
4 bonus for any calendar year not to exceed 30
5 percent of the annual rate of basic pay, based
6 upon the Secretary’s evaluation of the Chief
7 Technology Officer’s performance in relation to
8 the performance targets established under para-
9 graph (4).

10 “(4) ANNUAL PERFORMANCE TARGETS.—

11 “(A) IN GENERAL.—The Administrator
12 and the Chief Operating Officer, in consultation
13 with the Chief Technology Officer, shall estab-
14 lish measurable annual performance targets for
15 the Chief Technology Officer in key operational
16 areas.

17 “(B) REPORT.—The Administrator shall
18 transmit to the Committee on Transportation
19 and Infrastructure of the House of Representa-
20 tives and the Committee on Commerce, Science,
21 and Transportation of the Senate a report de-
22 scribing the annual performance targets estab-
23 lished under subparagraph (A).

24 “(5) ANNUAL PERFORMANCE REPORT.—The
25 Chief Technology Officer shall prepare and transmit

1 to the Secretary of Transportation, the Committee
2 on Transportation and Infrastructure of the House
3 of Representatives, and the Committee on Com-
4 merce, Science, and Transportation of the Senate an
5 annual report containing—

6 “(A) detailed descriptions and metrics of
7 how successful the Chief Technology Officer
8 was in meeting the annual performance targets
9 established under paragraph (4); and

10 “(B) other information as may be re-
11 quested by the Administrator and the Chief Op-
12 erating Officer.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 709(a)(3)(L) of the Vision 100—
15 Century of Aviation Reauthorization Act (49 U.S.C.
16 40101 note) is amended by striking “Chief NextGen
17 Officer” and inserting “Chief Technology Officer”.

18 (2) Section 804(a)(4)(A) of the FAA Mod-
19 ernization and Reform Act of 2012 (49 U.S.C.
20 44501 note) is amended by striking “Chief NextGen
21 Officer” and inserting “Chief Technology Officer”.

22 **SEC. 546. INTRA-AGENCY COORDINATION.**

23 Not later than 120 days after the date of enactment
24 of this Act, the Secretary of Transportation shall direct
25 the Administrator of the Federal Aviation Administration

1 and the Chief Operating Officer of the Air Traffic Organi-
2 zation to implement policies that—

3 (1) designate the Associate Administrator for
4 Commercial Space Transportation as the primary li-
5 aison between the commercial space transportation
6 industry and the Administration;

7 (2) recognize the necessity of, and set forth
8 processes for, launch license and permit holder co-
9 ordination with the Air Traffic Organization on mat-
10 ters including—

11 (A) the use of air navigation facilities;

12 (B) airspace safety; and

13 (C) planning of commercial space launch
14 and launch support activities;

15 (3) designate a single point of contact within
16 the Air Traffic Organization who is responsible
17 for—

18 (A) maintaining letters of agreement be-
19 tween a launch license or permit holder and a
20 Federal Aviation Administration facility;

21 (B) making such letters of agreement
22 available to the Associate Administrator for
23 Commercial Space Transportation;

24 (C) ensuring that a facility that has en-
25 tered into such a letter of agreement is aware

1 of and fulfills its responsibilities under the let-
 2 ter; and

3 (D) liaising between the Air Traffic Orga-
 4 nization and the Associate Administrator for
 5 Commercial Space Transportation on any mat-
 6 ter relating to such a letter of agreement; and

7 (4) require the Associate Administrator for
 8 Commercial Space Transportation to facilitate, upon
 9 the request of a launch license or permit holder—

10 (A) coordination between a launch license
 11 and permit holder and the Air Traffic Organi-
 12 zation; and

13 (B) the negotiation of letters of agreement
 14 between a launch license or permit holder and
 15 a Federal Aviation Administration facility or
 16 the Air Traffic Organization.

17 **SEC. 547. FAA CIVIL AVIATION REGISTRY UPGRADE.**

18 (a) IN GENERAL.—Not later than 3 years after the
 19 date of enactment of this Act, the Administrator of the
 20 Federal Aviation Administration shall complete covered
 21 upgrades of the Administration’s Civil Aviation Registry
 22 (in this section referred to as the “Registry”).

23 (b) COVERED UPGRADE DEFINED.—In this section,
 24 the term “covered upgrades” means—

1 (1) the digitization of nondigital Registry infor-
2 mation, including paper documents, microfilm im-
3 ages, and photographs, from an analog or nondigital
4 format to a digital format;

5 (2) the digitalization of Registry manual and
6 paper-based processes, business operations, and
7 functions by leveraging digital technologies and a
8 broader use of digitized data;

9 (3) the implementation of systems allowing a
10 member of the public to submit any information or
11 form to the Registry and conduct any transaction
12 with the Registry by electronic or other remote
13 means; and

14 (4) allowing more efficient, broader, and remote
15 access to the Registry.

16 (c) APPLICABILITY.—The requirements of subsection
17 (a) shall apply to the entire Civil Aviation Registry, includ-
18 ing the Aircraft Registration Branch and the Airmen Cer-
19 tification Branch.

20 (d) MANUAL SURCHARGE.—Chapter 453 of title 49,
21 United States Code, is amended by adding at the end the
22 following:

23 **“§ 45306. Manual surcharge**

24 “(a) IN GENERAL.—Not later 6 months after the
25 date of enactment of the FAA Reauthorization Act of

1 2018, the Administrator shall impose and collect a sur-
2 charge on a Civil Aviation Registry transaction that—

3 “(1) is conducted in person at the Civil Avia-
4 tion Registry;

5 “(2) could be conducted, as determined by the
6 Administrator, with the same or greater level of effi-
7 ciency by electronic or other remote means; and

8 “(3) is not related to research or other non-
9 commercial activities.

10 “(b) MAXIMUM SURCHARGE.—A surcharge imposed
11 and collected under subsection (a) shall not exceed twice
12 the maximum fee the Administrator is authorized to
13 charge for the registration of an aircraft, not used to pro-
14 vide air transportation, after the transfer of ownership
15 under section 45302(b)(2).

16 “(c) CREDIT TO ACCOUNT AND AVAILABILITY.—
17 Monies collected from a surcharge imposed under sub-
18 section (a) shall be treated as monies collected under sec-
19 tion 45302 and subject to the terms and conditions set
20 forth in section 45302(d).”.

21 (e) REPORT.—Not later than 1 year after date of en-
22 actment of this Act, and annually thereafter until the cov-
23 ered upgrades required under subsection (a) are complete,
24 the Administrator shall submit a report to the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives, and the Committee on Commerce,
2 Science, and Transportation of the Senate describing—

3 (1) the schedule for the covered upgrades to the
4 Registry;

5 (2) the office responsible for the implementa-
6 tion of the such covered upgrades;

7 (3) the metrics being used to measure progress
8 in implementing the covered upgrades; and

9 (4) the status of the covered upgrades as of the
10 date of the report.

11 **SEC. 548. REGULATORY STREAMLINING.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Administrator of the Federal Aviation Ad-
14 ministration shall issue a final regulation revising section
15 121.333(c)(3) of title 14, Code of Federal Regulations, to
16 apply only to flight altitudes above flight level 410.

17 **SEC. 549. ADMINISTRATIVE SERVICES FRANCHISE FUND.**

18 (a) IN GENERAL.—Not later than 30 days after the
19 date of enactment of this section, the inspector general
20 of the Department of Transportation shall initiate an
21 audit of the Administrative Services Franchise Fund of
22 the FAA (in this section referred to as the “Franchise
23 Fund”).

24 (b) CONSIDERATIONS.—In conducting the audit pur-
25 suant to subsection (a), the inspector general shall—

1 (1) review the history, intended purpose, and
2 objectives of the Franchise Fund;

3 (2) describe and assess each program, service,
4 or activity that uses the Franchise Fund, includ-
5 ing—

6 (A) the agencies or government bodies that
7 use each program, service, or activity;

8 (B) the number of employees, including
9 full-time equivalents and contractors, associated
10 with each program, service, or activity;

11 (C) the costs associated with the employees
12 described in subparagraph (B) and the extent
13 to which such costs are covered by Federal ap-
14 propriations or Franchise Fund revenue;

15 (D) the revenue, expenses, and profits or
16 losses associated with each program, service, or
17 activity;

18 (E) overhead rates associated with each
19 program, service, or activity; and

20 (F) a breakdown of the revenue collected
21 from services provided to the FAA, Department
22 of Transportation, other Federal entities, and
23 non-Federal entities;

24 (3) assess the FAA's governance and oversight
25 of the Franchise Fund and the programs, service,

1 and activities that use the Franchise Fund, includ-
2 ing the use of internal and publicly available per-
3 formance metrics;

4 (4) evaluate the current and historical unobli-
5 gated and unexpended balances of the Franchise
6 Fund; and

7 (5) assess the degree to which FAA policies and
8 controls associated with the Franchise Fund con-
9 form with generally accepted accounting principles,
10 Federal policies, best practices, or other guidance re-
11 lating to revolving funds.

12 (c) REPORT.—Not later than 180 days after the date
13 of initiation of the audit described in subsection (a), the
14 Inspector General shall submit to the Committee on
15 Transportation and Infrastructure of the House of Rep-
16 resentatives and the Committee on Commerce, Science,
17 and Transportation of the Senate a report on the results
18 of the audit, including findings and recommendations.

19 (d) DEFINITION.—In this section, the term “FAA”
20 means the Federal Aviation Administration.

21 **SEC. 550. REPORT ON AIR TRAFFIC CONTROL MODERNIZA-**
22 **TION.**

23 (a) FAA REPORT.—Not later than 180 days after the
24 date of enactment of this Act, the Chief Operating Officer
25 of 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 report
4 describing the multiyear effort of the Administration to
5 modernize the air transportation system (in this section
6 referred to as the “modernization effort”), including—

7 (1) the number of years that the modernization
8 effort has been underway as of the date of the re-
9 port;

10 (2) the total amount of money expended on the
11 modernization effort as of the date of the report (in-
12 cluding a description of how that amount was cal-
13 culated);

14 (3) the net present value of the benefits re-
15 ported from aircraft operators resulting from the
16 money expended on the modernization effort as of
17 the date of the report;

18 (4) a definition for the Next Generation Air
19 Transportation System (in this section referred to as
20 “NextGen”), including a description of any changes
21 to that definition that occurred between 2003 and
22 the date of the report;

23 (5) the net present value of the money ex-
24 pended on NextGen as of the date of the report if

1 such money had been deposited into a Government
2 trust fund instead of being expended on NextGen;

3 (6) a description of the benefits promised and
4 benefits delivered with respect to NextGen as of the
5 date of the report;

6 (7) any changes to the benefits promised with
7 respect to NextGen between the date on which
8 NextGen began and the date of the report;

9 (8) a description of each program or project
10 that comprises NextGen, including—

11 (A) when the program or project was initi-
12 ated;

13 (B) the total budget for the program or
14 project;

15 (C) the initial budget for the program or
16 project;

17 (D) the acquisition program baseline for
18 the program or project;

19 (E) whether the program or project has
20 ever breached the acquisition program baseline
21 and, if so, a description of when, why, and how
22 the breach was resolved;

23 (F) whether the program or project has
24 been re-baselined or divided into smaller seg-
25 ments and, if so, a description of when, why,

1 and the impact to the cost of the program or
2 project;

3 (G) the initial schedule for the program or
4 project;

5 (H) whether the program or project was
6 delayed and, if so, a description of how long,
7 why, and the impact to the cost of the program
8 or project;

9 (I) whether the Administration changed
10 any contract term or deliverable for the pro-
11 gram or project and, if so, a description of the
12 change, why it happened, and the impact to the
13 cost of the program or project;

14 (J) benefits promised with respect to the
15 program or project at initiation;

16 (K) benefits delivered with respect to the
17 program or project as of the date of the report;

18 (L) whether the program or project was
19 cancelled and, if so, a description of why and
20 when;

21 (M) for cancelled programs or projects,
22 whether there were any costs associated with
23 the decision to cancel and, if so, a description
24 of the amount of the costs (including for both
25 the Administration and the private sector);

1 (N) the metrics, milestones, and deadlines
2 set for the program or project and how the Ad-
3 ministration tracked and ensured compliance
4 with those metrics, milestones, and deadlines;

5 (O) how the Administration conducted
6 oversight of the program or project and any re-
7 lated stakeholder collaboration efforts; and

8 (P) the status of the program or project as
9 of the date of the report;

10 (9) the date upon which, or milestone by which,
11 the Administration anticipates NextGen will be com-
12 plete; and

13 (10) any lessons learned during the NextGen
14 effort, and whether, how, and to what effect those
15 lessons have been applied.

16 (b) INSPECTOR GENERAL REPORT.—Not later than
17 270 days after the date on which the report required
18 under subsection (a) is submitted, the inspector general
19 of the Department of Transportation shall review the re-
20 port and submit to the Committee on Transportation and
21 Infrastructure of the House of Representatives and the
22 Committee on Commerce, Science, and Transportation of
23 the Senate a statement of the inspector general that—

24 (1) determines the accuracy of the information
25 reported;

1 (2) describes any concerns with the accuracy of
2 the information reported;

3 (3) summarizes concerns raised by the inspector
4 general, the Government Accountability Office, and
5 other sources with respect to the Administration's
6 implementation and oversight of NextGen since the
7 date on which NextGen began;

8 (4) describes—

9 (A) any pertinent recommendations made
10 by the inspector general related to the Adminis-
11 tration's implementation and oversight of
12 NextGen since the date on which NextGen
13 began; and

14 (B) whether and how the Administration
15 addressed the recommendations; and

16 (5) provides any other information that the in-
17 specter general determines is appropriate.

18 **SEC. 551. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
19 **CAST.**

20 Section 211(b) of the FAA Modernization and Re-
21 form Act (49 U.S.C. 40101 note) is repealed. The Admin-
22 istrator of the Federal Aviation Administration shall en-
23 sure that any regulation issued pursuant to such sub-
24 section has no force or effect.

1 **SEC. 552. YOUTH ACCESS TO AMERICAN JOBS IN AVIATION**

2 **TASK FORCE.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Administrator of the
5 Federal Aviation Administration shall establish a Youth
6 Access to American Jobs in Aviation Task Force (in this
7 section referred to as the “Task Force”).

8 (b) DUTIES.—Not later than 12 months after its es-
9 tablishment under subsection (a), the Task Force shall de-
10 velop and submit to the Administrator recommendations
11 and strategies for the Administration to—

12 (1) facilitate and encourage high school stu-
13 dents in the United States, beginning in their junior
14 year, to enroll in and complete career and technical
15 education courses, including STEM, that would pre-
16 pare them to enroll in a course of study related to
17 an aviation career at an institution of higher edu-
18 cation, including a community college or trade
19 school;

20 (2) facilitate and encourage the students de-
21 scribed in paragraph (1) to enroll in a course of
22 study related to an aviation career, including avia-
23 tion manufacturing, engineering and maintenance,
24 at an institution of higher education, including a
25 community college or trade school; and

1 (3) identify and develop pathways for students
2 who complete a course of study described in para-
3 graph (2) to secure registered apprenticeships, work-
4 force development programs, or careers in the avia-
5 tion industry of the United States.

6 (c) CONSIDERATIONS.—When developing rec-
7 ommendations and strategies under subsection (b), the
8 Task Force shall—

9 (1) identify industry trends that encourage or
10 discourage youth in the United States from pursuing
11 careers in aviation;

12 (2) consider how the Administration; air car-
13 riers; aircraft, powerplant, and avionics manufactur-
14 ers; aircraft repair stations; and other aviation
15 stakeholders can coordinate efforts to support youth
16 in pursuing careers in aviation;

17 (3) identify methods of enhancing aviation ap-
18 prenticeships, job skills training, mentorship, edu-
19 cation, and outreach programs that are exclusive to
20 youth in the United States; and

21 (4) identify potential sources of government and
22 private sector funding, including grants and scholar-
23 ships, that may be used to carry out the rec-
24 ommendations and strategies described in subsection

1 (b) and to support youth in pursuing careers in avia-
2 tion.

3 (d) REPORT.—Not later than 30 days after submis-
4 sion of the recommendations and strategies under sub-
5 section (b), the Task Force shall submit to the Committee
6 on Transportation and Infrastructure in the House of
7 Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate a report out-
9 lining such recommendations and strategies.

10 (e) COMPOSITION OF TASK FORCE.—The Adminis-
11 trator shall appoint members of the Task Force, including
12 representatives from the following:

13 (1) Air carriers.

14 (2) Aircraft, powerplant, and avionics manufac-
15 turers.

16 (3) Aircraft repair stations.

17 (4) Local educational agencies or high schools.

18 (5) Institutions of higher education, including
19 community colleges and aviation trade schools.

20 (6) Such other aviation and educational stake-
21 holders and experts as the Administrator considers
22 appropriate.

23 (f) PERIOD OF APPOINTMENT.—Members shall be
24 appointed to the Task Force for the duration of the exist-
25 ence of the Task Force.

1 (g) COMPENSATION.—Task Force members shall
2 serve without compensation.

3 (h) SUNSET.—The Task Force shall terminate upon
4 the submittal of the report pursuant to subsection (d).

5 (i) DEFINITION OF STEM.—The term “STEM”
6 means—

7 (1) science, technology, engineering, and mathe-
8 matics; and

9 (2) other career and technical education sub-
10 jects that build on the subjects described in para-
11 graph (1).

12 **SEC. 553. AIRPORT INVESTMENT PARTNERSHIP PROGRAM.**

13 (a) IN GENERAL.—Section 47134 of title 49, United
14 States Code, is amended—

15 (1) by striking the section heading and insert-
16 ing “**Airport investment partnership pro-**
17 **gram**”;

18 (2) in subsection (b), by striking “, with respect
19 to not more than 10 airports,”;

20 (3) in subsection (b)(2), by striking “The Sec-
21 retary may grant an exemption to a sponsor” and
22 inserting “If the Secretary grants an exemption to
23 a sponsor pursuant to paragraph (1), the Secretary
24 shall grant an exemption to the sponsor”;

1 (4) in subsection (b)(3), by striking “The Sec-
2 retary may grant an exemption to a purchaser or
3 lessee” and inserting “If the Secretary grants an ex-
4 emption to a sponsor pursuant to paragraph (1), the
5 Secretary shall grant an exemption to the cor-
6 responding purchaser or lessee”;

7 (5) by striking subsection (d) and inserting the
8 following:

9 “(d) PROGRAM PARTICIPATION.—

10 “(1) MULTIPLE AIRPORTS.—The Secretary may
11 consider applications under this section submitted by
12 a public airport sponsor for multiple airports under
13 the control of the sponsor.

14 “(2) PARTIAL PRIVATIZATION.—A purchaser or
15 lessee may be an entity in which a sponsor has an
16 interest.”; and

17 (6) by striking subsections (l) and (m) and in-
18 serting the following:

19 “(l) PREDEVELOPMENT LIMITATION.—A grant to an
20 airport sponsor under this subchapter for predevelopment
21 planning costs relating to the preparation of an applica-
22 tion or proposed application under this section may not
23 exceed \$750,000 per application or proposed application.”.

1 (b) AIRPORT DEVELOPMENT.—Section 47102(3) of
 2 title 49, United States Code, is amended by adding at the
 3 end the following:

4 “(P) predevelopment planning, including
 5 financial, legal, or procurement consulting serv-
 6 ices, related to an application or proposed appli-
 7 cation for an exemption under section 47134.”.

8 (c) CLERICAL AMENDMENT.—The analysis for chap-
 9 ter 471 of title 49, United States Code, is amended by
 10 striking the item relating to section 47134 and inserting
 11 the following:

“47134. Airport investment partnership program.”.

12 **SEC. 554. REVIEW AND REFORM OF FAA PERFORMANCE**
 13 **MANAGEMENT SYSTEM.**

14 (a) ESTABLISHMENT OF ADVISORY PANEL.—Not
 15 later than 90 days after the date of enactment of this sec-
 16 tion, the Secretary of Transportation shall establish an ad-
 17 visory panel comprising no more than 7 independent, non-
 18 governmental experts in budget, finance, or personnel
 19 management to review and evaluate the effectiveness of
 20 the FAA’s personnel management system and perform-
 21 ance management program for employees not covered by
 22 collective bargaining agreements.

23 (b) REVIEW, EVALUATION, AND RECOMMENDA-
 24 TIONS.—The advisory panel shall, at a minimum—

1 (1) review all appropriate FAA orders, policies,
2 procedures, guidance, and the Human Resources
3 Policy Manual;

4 (2) review any applicable reports regarding
5 FAA's personnel management system, including re-
6 ports of the Department of Transportation Office of
7 Inspector General, Government Accountability Of-
8 fice, and National Academy of Public Administra-
9 tion, and determine the status of recommendations
10 made in those reports;

11 (3) review the personnel management system of
12 any other agency or governmental entity with a simi-
13 lar system to the FAA for best practices with regard
14 to personnel management;

15 (4) assess the unique personnel authorities
16 granted to the FAA, determine whether the FAA
17 has taken full advantage of those authorities, and
18 identify those authorities the FAA has not fully
19 taken advantage of;

20 (5) review and determine the overall effective-
21 ness of the FAA's compensation, bonus pay, per-
22 formance metrics, and evaluation processes for em-
23 ployees not covered by collective bargaining agree-
24 ments;

1 (6) review whether existing performance metrics
2 and bonus pay practices align with the FAA's mis-
3 sion and significantly improve the FAA's provision
4 of air traffic services, implementation of air traffic
5 control modernization initiatives, and accomplish-
6 ment of other FAA operational objectives;

7 (7) identify the highest, lowest, and average
8 complete compensation for each position of employ-
9 ees not covered by collective bargaining agreements;

10 (8) survey interested parties and stakeholders,
11 including representatives of the aviation industry,
12 for their views and recommendations regarding im-
13 provements to the FAA's personnel management
14 system and performance management program;

15 (9) develop recommendations to address the
16 findings of the work done pursuant to paragraphs
17 (1) through (7), and to address views and rec-
18 ommendations raised by interested parties pursuant
19 to paragraph (8); and

20 (10) develop recommendations to improve the
21 FAA's personnel management system and perform-
22 ance management program, including the compensa-
23 tion, bonus pay, performance metrics, and evaluation
24 processes, for employees not covered by collective
25 bargaining agreements.

1 (c) REPORT.—Not later than 1 year after initiating
2 the review and evaluation pursuant to subsection (a), the
3 advisory panel shall submit a report on the results of the
4 review and evaluation and its recommendations to the Sec-
5 retary, the Administrator, the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives,
7 and the Committee on Commerce, Science, and Transpor-
8 tation of the Senate.

9 (d) REPORT TO CONGRESS.—Not later than 3
10 months after submittal of the report pursuant to sub-
11 section (c), the Administrator shall transmit to the Com-
12 mittee on Transportation and Infrastructure of the House
13 of Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate a report sum-
15 marizing the findings of the advisory panel that—

16 (1) contains an explanation of how the Admin-
17 istrator will implement the recommendations of the
18 advisory panel and measure the effectiveness of the
19 recommendations; and

20 (2) specifies any recommendations that the Ad-
21 ministrator will not implement and the reasons for
22 not implementing such recommendations.

23 (e) AUTHORITY.—Notwithstanding any other provi-
24 sion of law, the Administrator has the authority to put
25 in place any recommendations of the advisory panel.

1 (f) SUNSET.—The advisory panel shall terminate on
2 the date that is 60 days after the transmittal of the report
3 pursuant to subsection (d).

4 (g) DEFINITION.—In this section, the term “FAA”
5 means the Federal Aviation Administration.

6 **SEC. 555. CONTRACT WEATHER OBSERVERS.**

7 Section 2306(b) of the FAA Extension, Safety, and
8 Security Act of 2016 (Public Law 114–190; 130 Stat.
9 641) is amended by striking “2018” and inserting
10 “2023”.

11 **SEC. 556. REGIONS AND CENTERS.**

12 (a) IN GENERAL.—Section 44507 of title 49, United
13 States Code, is amended—

14 (1) by striking the section heading and insert-
15 ing “**Regions and centers**”;

16 (2) by striking “The Civil Aeromedical Insti-
17 tute” and inserting the following:

18 “(a) CIVIL AEROMEDICAL INSTITUTE.—The Civil
19 Aeromedical Institute”; and

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

21 “(b) WILLIAM J. HUGHES TECHNICAL CENTER.—
22 The Secretary of Transportation shall define the roles and
23 responsibilities of the William J. Hughes Technical Center
24 in a manner that is consistent with the defined roles and

1 responsibilities of the Civil Aeromedical Institute under
2 subsection (a).”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 445 of title 49, United States Code, is amended by
5 striking the item relating to section 44507 and inserting
6 the following:

“44507. Regions and centers.”.

7 **SEC. 557. STUDY ON AIRPORT REVENUE DIVERSION.**

8 (a) STUDY.—Not later than 180 days after the date
9 of enactment of this Act, the Comptroller General of the
10 United States shall initiate a study of—

11 (1) the legal and financial challenges related to
12 repealing the exception in section 47107(b)(2) of
13 title 49, United States Code, for those airports the
14 Federal Aviation Administration has identified are
15 covered by the exception; and

16 (2) measures that may be taken to mitigate the
17 impact of repealing the exception.

18 (b) CONTENTS.—The study required under sub-
19 section (a) shall address—

20 (1) the level of revenue diversion at the airports
21 covered by the exception described in subsection
22 (a)(1) and the uses of the diverted revenue;

23 (2) the terms of any bonds or financial cov-
24 enants an airport owner has issued relying on di-
25 verted airport revenue;

1 (3) applicable local laws or ordinances requiring
2 use of airport revenue for non-airport purposes;

3 (4) whether repealing the exception would im-
4 prove the long-term financial performance of im-
5 pacted airports; and

6 (5) any other practical implications of repealing
7 the exception for airports or the national aviation
8 system.

9 (c) REPORT.—Not later than 18 months after the
10 date of enactment of this Act, the Comptroller General
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report on the results of the study.

15 **SEC. 558. GEOSYNTHETIC MATERIALS.**

16 The Administrator of the Federal Aviation Adminis-
17 tration, to the extent practicable, shall encourage the use
18 of durable, resilient, and sustainable materials and prac-
19 tices, including the use of geosynthetic materials and other
20 innovative technologies, in carrying out the activities of
21 the Federal Aviation Administration.

22 **SEC. 559. RULE FOR ANIMALS.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Secretary shall issue a rule to require each
25 primary airport (as defined in section 47102 of title 49,

1 United States Code) to provide a designated area for ani-
2 mals, traveling with their owners, to relieve themselves.

3 **SEC. 560. ENHANCED AIR TRAFFIC SERVICES.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Administrator shall es-
6 tablish a pilot program to provide air traffic control serv-
7 ices on a preferential basis to aircraft equipped with cer-
8 tain NextGen avionics that—

9 (1) lasts at least 2 years; and

10 (2) operates in at 3 least suitable airports.

11 (b) DURATION OF DAILY SERVICE.—The air traffic
12 control services provided under the pilot program estab-
13 lished under subsection (a) shall occur for at least 3 con-
14 secutive hours between 0600 and 2200 local time during
15 each day of the pilot program.

16 (c) AIRPORT SELECTION.—The Administrator shall
17 designate airports for participation in the pilot program
18 after consultation with aircraft operators, manufacturers,
19 and airport sponsors.

20 (d) DEFINITIONS.—

21 (1) CERTAIN NEXTGEN AVIONICS.—The term
22 “certain NextGen avionics” means those avionics
23 and related software designated by the Adminis-
24 trator after consultations with aircraft operators and
25 manufacturers.

1 (2) PREFERENTIAL BASIS.—The term “pref-
2 erential basis” means—

3 (A) prioritizing aircraft equipped with cer-
4 tain NextGen avionics during a Ground Delay
5 Program by assigning them fewer minutes of
6 delay relative to other aircraft; and

7 (B) sequencing aircraft equipped with cer-
8 tain NextGen avionics ahead of other aircraft in
9 the Traffic Flow Management System to the
10 maximum extent consistent with safety.

11 (e) SUNSET.—The pilot program established under
12 subsection (a) shall terminate on September 30, 2023.

13 (f) REPORT.—Not later than 90 days after the date
14 on which the pilot program terminates, the Administrator
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate a report on the results of the pilot program.

19 **SEC. 561. NEXTGEN DELIVERY STUDY.**

20 (a) STUDY.—Not later than 180 days after the enact-
21 ment of this Act, the Inspector General of the Department
22 of Transportation shall initiate a study of the potential
23 impacts of a significantly delayed, significantly dimin-
24 ished, or completely failed delivery of the Next Generation
25 Air Transportation System modernization initiative by the

1 Federal Aviation Administration, including impacts to the
2 air traffic control system and the national airspace system
3 as a whole.

4 (b) SCOPE OF STUDY.—In carrying out the study
5 under subsection (a), the Inspector General shall assess
6 the Administration’s performance related to the Next Gen-
7 eration Air Transportation System modernization initia-
8 tive, including—

9 (1) the potential impacts on the operational ef-
10 ficiency of our aviation system;

11 (2) an analysis of potential economic losses and
12 stranded investments directly related to NextGen;

13 (3) an analysis of the potential impacts to our
14 international competitiveness in aviation innovation;

15 (4) an analysis of the main differences that
16 would be seen in our air traffic control system;

17 (5) the potential impacts on the flying public,
18 including potential impacts to flight times, fares,
19 and delays in the air and on the ground;

20 (6) the effects on supply chains reliant on air
21 transportation of cargo;

22 (7) the potential impacts on the long-term bene-
23 fits promised by NextGen;

24 (8) an analysis of the potential impacts on air-
25 craft noise and flight paths;

1 (9) the potential changes in separation stand-
2 ards, fuel consumption, flight paths, block times,
3 and landing procedures or lack thereof;

4 (10) the potential impacts on aircraft taxi times
5 and aircraft emissions or lack thereof;

6 (11) a determination of the total potential costs
7 and logistical challenges of the failure of NextGen,
8 including a comparison of the potential loss of the
9 return on public and private sector investment re-
10 lated to NextGen, as compared to other available in-
11 vestment alternatives, between December 12, 2003
12 and the date of enactment of this Act; and

13 (12) other matters arising in the course of the
14 study.

15 (c) REPORT.—Not later than 1 year after the date
16 of initiation of the study under subsection (a), the Inspec-
17 tor General shall submit to the Committee on Transpor-
18 tation and Infrastructure of the House of Representatives
19 and the Committee on Commerce, Science, and Transpor-
20 tation of the Senate a report on the results of the study.

21 **SEC. 562. LIMITED REGULATION OF NON-FEDERALLY SPON-**
22 **SORED PROPERTY.**

23 (a) IN GENERAL.—Except as provided by subsection
24 (b), the Secretary of Transportation may not directly or
25 indirectly regulate—

1 (1) the acquisition, use, lease, encumbrance,
2 transfer, or disposal of land by an airport owner or
3 operator;

4 (2) any non-Federal facility upon such land; or

5 (3) any portion of such land or facility.

6 (b) EXCEPTIONS.—Subsection (a) does not apply to
7 any regulation—

8 (1) ensuring—

9 (A) the safe and efficient operation of air-
10 craft and airports, including the safety of peo-
11 ple and property on the ground;

12 (B) that an airport owner or operator re-
13 ceives not less than fair market value for the
14 lease, use, encumbrance, transfer, or disposal of
15 land, any facilities on such land, or any portion
16 of such land or facilities; or

17 (C) that the airport pays not more than
18 fair market value for the acquisition of land or
19 facilities on such land; or

20 (2) imposed with respect to—

21 (A) any land or a facility acquired or modi-
22 fied using—

23 (i) Federal financial assistance, in-
24 cluding Federal grants; or

1 (ii) passenger facility charge revenues
2 collected under section 40117 of title 49,
3 United States Code; or

4 (B) any land conveyed to the airport, in-
5 cluding its predecessors or successors, by the
6 United States or any agency thereof.

7 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-
8 tion shall be construed to affect the applicability of section
9 47107(b) or 47133 of title 49, United States Code, to rev-
10 enues generated by the use, lease, encumbrance, transfer,
11 or disposal of land as described in subsection (a), facilities
12 upon such land, or any portion of such land or facilities.

13 **SEC. 563. NATIONAL AIRMAIL MUSEUM.**

14 (a) **FINDINGS.**—Congress finds that—

15 (1) in 1930, commercial airmail carriers began
16 operations at Smith Field in Fort Wayne, Indiana;

17 (2) the United States lacks a national museum
18 dedicated to airmail; and

19 (3) the airmail hangar at Smith Field in Fort
20 Wayne, Indiana—

21 (A) will educate the public on the role of
22 airmail in aviation history; and

23 (B) honor the role of the hangar in the
24 history of the Nation's airmail service.

25 (b) **DESIGNATION.**—

1 (1) IN GENERAL.—The airmail museum located
2 at the Smith Field in Fort Wayne, Indiana, is des-
3 ignated as the “National Airmail Museum”.

4 (2) EFFECT OF DESIGNATION.—The national
5 museum designated by this section is not a unit of
6 the National Park System and the designation of the
7 National Airmail Museum shall not require or per-
8 mit Federal funds to be expended for any purpose
9 related to that national memorial.

10 **SEC. 564. REVIEW OF APPROVAL PROCESS FOR USE OF**
11 **LARGE AIR TANKERS AND VERY LARGE AIR**
12 **TANKERS FOR WILDLAND FIREFIGHTING.**

13 (a) REVIEW AND IMPROVEMENT OF CURRENT AP-
14 PROVAL PROCESS.—The Administrator of the Federal
15 Aviation Administration shall conduct a review of its proc-
16 ess to approve the use of large air tankers and very large
17 air tankers for wildland firefighting for the purpose of—

18 (1) determining the current effectiveness, safe-
19 ty, and consistency of the approval process;

20 (2) developing recommendations for improving
21 the effectiveness, safety, and consistency of the ap-
22 proval process; and

23 (3) assisting in developing standardized next-
24 generation requirements for air tankers used for
25 firefighting.

1 (b) REPORTING REQUIREMENT.—Not later than 1
2 year after the date of enactment of this Act, the Adminis-
3 trator of the Federal Aviation Administration shall submit
4 to Congress a report describing the outcome of the review
5 conducted under subsection (a).

6 **SEC. 565. REPORT ON BAGGAGE REPORTING REQUIRE-**
7 **MENTS.**

8 Not later than 6 months after the date of enactment
9 of this Act, the Secretary of Transportation shall—

10 (1) study and publicize for comment a cost-ben-
11 efit analysis to air carriers and consumers of chang-
12 ing the baggage reporting requirements of section
13 234.6 of title 14, Code of Federal Regulations, be-
14 fore the implementation of such requirements; and

15 (2) submit a report on the findings of the cost-
16 benefit analysis to the appropriate committees of the
17 House of Representatives and the Senate.

18 **SEC. 566. SUPPORTING WOMEN'S INVOLVEMENT IN THE**
19 **AVIATION FIELD.**

20 (a) ADVISORY BOARD.—To encourage women and
21 girls to enter the field of aviation, the Administrator of
22 the Federal Aviation Administration shall create and fa-
23 cilitate the Women in Aviation Advisory Board (referred
24 to in this Act as the “Board”), with the objective of pro-
25 moting organizations and programs that are providing

1 education, training, mentorship, outreach, and recruit-
2 ment of women into the aviation industry.

3 (b) COMPOSITION.—The Board shall consist of mem-
4 bers whose diverse background and expertise allows them
5 to contribute balanced points of view and ideas regarding
6 the strategies and objectives set forth in subsection (f).

7 (c) SELECTION.—Not later than 9 months after the
8 date of enactment of this Act, the Administrator shall ap-
9 point members of the Board, including representatives
10 from the following:

11 (1) Major airlines and aerospace companies.

12 (2) Nonprofit organizations within the aviation
13 industry.

14 (3) Aviation business associations.

15 (4) Engineering business associations.

16 (5) United States Air Force Auxiliary, Civil Air
17 Patrol.

18 (6) Institutions of higher education and avia-
19 tion trade schools.

20 (d) PERIOD OF APPOINTMENT.—Members shall be
21 appointed to the Board for the duration of the existence
22 of the Board.

23 (e) COMPENSATION.—Board members shall serve
24 without compensation.

1 (f) DUTIES.—Not later than 18 months after the
2 date of enactment of this Act, the Board shall present a
3 comprehensive plan for strategies the Administration can
4 take, which include the following objectives:

5 (1) Identifying industry trends that directly or
6 indirectly encourage or discourage women from pur-
7 suing careers in aviation.

8 (2) Coordinating the efforts of airline compa-
9 nies, nonprofit organizations, and aviation and engi-
10 neering associations to facilitate support for women
11 pursuing careers in aviation.

12 (3) Creating opportunities to expand existing
13 scholarship opportunities for women in the aviation
14 industry.

15 (4) Enhancing aviation training, mentorship,
16 education, and outreach programs that are exclusive
17 to women.

18 (g) REPORTS.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, the Board shall
21 submit a report outlining the comprehensive plan for
22 strategies pursuant to subsection (f) to—

23 (A) the Committee on Transportation and
24 Infrastructure of the House of Representatives;

1 (B) the Committee on Commerce, Science,
2 and Transportation of the Senate; and

3 (C) the Administrator.

4 (2) AVAILABILITY ONLINE.—The Administrator
5 shall make the report publicly available online and in
6 print.

7 (h) SUNSET.—The Board shall terminate upon the
8 submittal of the report pursuant to subsection (g).

9 **SEC. 567. GAO STUDY ON THE EFFECT OF GRANTING AN EX-**
10 **CLUSIVE RIGHT OF AERONAUTICAL SERV-**
11 **ICES TO AN AIRPORT SPONSOR.**

12 (a) IN GENERAL.—Not later than 2 years after the
13 date of enactment of this Act, the Administrator of the
14 General Accountability Office shall conduct a study to ex-
15 amine the cases in which an airport sponsor exercised an
16 exclusive right (commonly known as a “proprietary exclu-
17 sive right”), as described in the Federal Aviation Advisory
18 Circular 150/1590-6 published on January 4, 2007.

19 (b) REPORT.—At the end of the 2-year period under
20 subsection (a), the Administrator shall submit the findings
21 of such report to the Committee on Transportation and
22 Infrastructure of the House of Representatives and the
23 Committee on Commerce, Science, and Transportation of
24 the Senate.

1 **SEC. 568. EVALUATION OF AIRPORT MASTER PLANS.**

2 Section 47106 of title 49, United States Code, is
3 amended by adding at the end the following:

4 “(h) **EVALUATION OF AIRPORT MASTER PLANS.**—

5 When evaluating the master plan of an airport for pur-
6 poses of this subchapter, the Secretary shall take into ac-
7 count—

8 “(1) the role the airport plays with respect to
9 medical emergencies and evacuations; and

10 “(2) the role the airport plays in emergency or
11 disaster preparedness in the community served by
12 the airport.”.

13 **SEC. 569. STUDY REGARDING DAY-NIGHT AVERAGE SOUND**
14 **LEVELS.**

15 (a) **STUDY.**—The Administrator of the Federal Avia-
16 tion Administration shall evaluate alternative metrics to
17 the current average day night level standard, such as the
18 use of actual noise sampling and other methods, to ad-
19 dress community airplane noise concerns.

20 (b) **REPORT.**—Not later than 180 days after the date
21 of enactment of this Act, the Administrator shall submit
22 to Congress a report on the results of the study, including
23 a description of the proposed structure of a recommended
24 pilot program.

1 **SEC. 570. REPORT ON STATUS OF AGREEMENT BETWEEN**
2 **FAA AND LITTLE ROCK PORT AUTHORITY.**

3 (a) REPORT REQUIREMENT.—Not later than 30 days
4 after the date of enactment of this Act, the Administrator
5 of the Federal Aviation Administration 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 the agreement between the Federal Aviation Adminis-
10 tration and the Little Rock Port Authority to relocate the
11 Little Rock, Very High Frequency Omnidirectional Range
12 with Collocated Tactical Air Control and Navigation (LIT
13 VORTAC).

14 (b) REPORT CONTENTS.—The report required under
15 subsection (a) shall include the following:

16 (1) The status of the efforts by the Federal
17 Aviation Administration to relocate the LIT
18 VORTAC.

19 (2) The long-term and short-term budget pro-
20 jections for the relocation project.

21 (3) A description of and timeline for each phase
22 of the relocation project.

23 (4) A description of and explanation for the re-
24 quired location radius.

1 (5) A description of work completed by the
2 Federal Aviation Administration as of the date of
3 the report.

4 **SEC. 571. STUDY ON ALLERGIC REACTIONS.**

5 Not later than 120 days after the date of enactment
6 of this Act, the Administrator of the Federal Aviation Ad-
7 ministration shall—

8 (1) study the prevalence of allergic reactions on
9 board flights, whether airlines universally report re-
10 actions to the Federal Aviation Administration, and
11 the frequency of first aid inventory checks to ensure
12 medicine to prevent anaphylactic shock is in an air-
13 craft; and

14 (2) submit a report to the Committees on
15 Transportation and Infrastructure, Energy and
16 Commerce, and Appropriations of the House of Rep-
17 resentatives and the Committees on Commerce,
18 Science, and Transportation, Health, Education,
19 Labor, and Pensions, and Appropriations of the Sen-
20 ate.

21 **SEC. 572. ACCESS OF AIR CARRIERS TO INFORMATION**
22 **ABOUT APPLICANTS TO BE PILOTS FROM NA-**
23 **TIONAL DRIVER REGISTER.**

24 Section 30305(b)(8) of title 49, United States Code,
25 is amended to read as follows:

1 “(8)(A) An individual who is seeking employ-
2 ment by an air carrier as a pilot may request the
3 chief driver licensing official of a State to provide in-
4 formation about the individual under subsection (a)
5 of this section to the prospective employer of the in-
6 dividual, the authorized agent of the prospective em-
7 ployer, or the Secretary of Transportation.

8 “(B) An air carrier that is the prospective em-
9 ployer of an individual described in subparagraph
10 (A), or an authorized agent of such an air carrier,
11 may request and receive information about that indi-
12 vidual from the National Driver Register through an
13 organization approved by the Secretary for purposes
14 of requesting, receiving, and transmitting such infor-
15 mation directly to the prospective employer of such
16 an individual or the authorized agent of the prospec-
17 tive employer. A request for information shall be
18 made in accordance with the requirements of section
19 44703(h)(2).

20 “(C) Information may not be obtained from the
21 National Driver Register under this paragraph if the
22 information was entered in the Register more than
23 5 years before the request unless the information is
24 about a revocation or suspension still in effect on the
25 date of the request.”.

1 **SEC. 573. PROHIBITION REGARDING WEAPONS.**

2 (a) IN GENERAL.—Unless authorized by the Admin-
3 istrator of the Federal Aviation Administration, a person
4 may not operate an unmanned aircraft or unmanned air-
5 craft system that is equipped or armed with a dangerous
6 weapon.

7 (b) DANGEROUS WEAPON DEFINED.—In this sec-
8 tion, the term “dangerous weapon” has the meaning given
9 that term in section 930(g)(2) of title 18, United States
10 Code.

11 (c) PENALTY.—A person who violates this section is
12 liable to the United States Government for a civil penalty
13 of not more than \$25,000 for each violation.

14 **SEC. 574. HELICOPTER FUEL SYSTEM SAFETY.**

15 (a) IN GENERAL.—Chapter 447 of title 49, United
16 States Code, is further amended by adding at the end the
17 following:

18 **“§ 44738. Helicopter fuel system safety**

19 “(a) PROHIBITION.—

20 “(1) IN GENERAL.—A person may not operate
21 a covered rotorcraft in United States airspace unless
22 the design of the rotorcraft is certified by the Ad-
23 ministrator of the Federal Aviation Administration
24 to—

25 “(A) comply with the requirements applica-
26 ble to the category of the rotorcraft under para-

1 graphs (1), (2), (3), (5), and (6) of section
2 27.952(a), section 27.952(c), section 27.952(f),
3 section 27.952(g), section 27.963(g) (but allow-
4 ing for a minimum puncture force of 250
5 pounds if successfully drop tested in-structure),
6 and section 27.975(b) or paragraphs (1), (2),
7 (3), (5), and (6) of section 29.952(a), section
8 29.952(c), section 29.952(f), section
9 29.952(g), section 29.963(b) (but allowing for a
10 minimum puncture force of 250 pounds if suc-
11 cessfully drop tested in-structure), and
12 29.975(a)(7) of title 14, Code of Federal Regu-
13 lations, as in effect on the date of enactment;
14 or

15 “(B) employ other means acceptable to the
16 Administrator to provide an equivalent level of
17 fuel system crash resistance.

18 “(2) COVERED ROTORCRAFT DEFINED.—In this
19 subsection, the term ‘covered rotorcraft’ means a
20 rotorcraft not otherwise required to comply with sec-
21 tion 27.952, section 27.963, and section 27.975, or
22 section 29.952, section 29.963, and section 29.975
23 of title 14, Code of Federal Regulations as in effect
24 on the date of enactment for which manufacture was
25 completed, as determined by the Administrator, on

1 or after the date that is 18 months after the date
2 of enactment of this section.

3 “(b) ADMINISTRATIVE PROVISIONS.—The Adminis-
4 trator shall—

5 “(1) expedite the certification and validation of
6 United States and foreign type designs and retrofit
7 kits that improve fuel system crashworthiness; and

8 “(2) not later than 180 days after the date of
9 enactment of this section, and periodically there-
10 after, issue a bulletin to—

11 “(A) inform rotorcraft owners and opera-
12 tors of available modifications to improve fuel
13 system crashworthiness; and

14 “(B) urge that such modifications be in-
15 stalled as soon as practicable.

16 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion may be construed to affect the operation of a rotor-
18 craft by the Department of Defense.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 447 of title 49, United States Code, is amended by
21 adding at the end the following:

“44738. Helicopter fuel system safety.”.

22 **SEC. 575. SAFETY EQUIPMENT STORAGE FACILITIES.**

23 Section 47102(3) of title 49, United States Code, is
24 amended by adding at the end the following:

1 “(P) Constructing storage facilities to shel-
2 ter snow removal equipment or aircraft rescue
3 and firefighting equipment that is owned by the
4 airport sponsor and used exclusively to main-
5 tain safe airfield operations, up to the facility
6 size necessary to accommodate the types and
7 quantities of equipment prescribed by the FAA,
8 regardless of whether Federal funding was used
9 to acquire the equipment.”.

10 **SEC. 576. REPORT ON AIRLINE AND PASSENGER SAFETY.**

11 (a) REPORT.—Not later than 180 days after the date
12 of enactment of this Act, the Administrator of the Federal
13 Aviation Administration shall submit to the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives and the Committee on Commerce, Science,
16 and Transportation of the Senate a report on airline and
17 passenger safety.

18 (b) CONTENTS.—The report required under sub-
19 section (a) shall include—

20 (1) the average age of commercial aircraft
21 owned and operated by United States air carriers;

22 (2) the over-all use of planes, including average
23 lifetime of commercial aircraft;

24 (3) the number of hours aircraft are in flight
25 over the life of the aircraft and the average number

1 of hours on domestic and international flights , re-
2 spectively;

3 (4) the impact of metal fatigue on aircraft
4 usage and safety;

5 (5) a review on contractor assisted maintenance
6 of commercial aircraft; and

7 (6) a re-evaluation of the rules on inspection of
8 aging airplanes.

9 **SEC. 577. REPORT ON AIRCRAFT DIVERSIONS FROM LAX TO**
10 **HAWTHORNE MUNICIPAL AIRPORT.**

11 Not later than 1 year after the date of the enactment
12 of this Act, the Administrator of the Federal Aviation Ad-
13 ministration shall issue and make available to the public
14 a report on diversions of aircraft from Los Angeles Inter-
15 national Airport (LAX) to Hawthorne Municipal Airport,
16 also known as Jack Northrop Field, in the City of Haw-
17 thorne, California. This report shall cover at least the pre-
18 vious one-year period and include the total number of air-
19 craft diversions, the average number of diversions per day,
20 the types of aircraft diverted, and the reasons for the di-
21 versions.

22 **SEC. 578. FORMER MILITARY AIRPORTS.**

23 Section 47118(a) of title 49, United States Code, is
24 amended—

1 (1) in paragraph (1)(C) by striking “or” at the
2 end;

3 (2) in paragraph (2) by striking the period at
4 the end and inserting “; or”; and

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

6 “(3) the airport is—

7 “(A) a former military installation; and

8 “(B) a primary airport.”.

9 **SEC. 579. USE OF STATE HIGHWAY SPECIFICATIONS.**

10 Section 47114(d)(5) of title 49, United States Code,
11 is amended to read as follows:

12 “(5) USE OF STATE HIGHWAY SPECIFICA-
13 TIONS.—The Secretary shall use the highway speci-
14 fications of a State for airfield pavement construc-
15 tion and improvement using funds made available
16 under this subsection at nonprimary airports serving
17 aircraft that do not exceed 60,000 pounds gross
18 weight if—

19 “(A) such State requests the use of such
20 specifications; and

21 “(B) the Secretary determines that—

22 “(i) safety will not be negatively af-
23 fected; and

24 “(ii) the life of the pavement, with
25 necessary maintenance and upkeep, will

1 not be shorter than it would be if con-
2 structed using Administration standards.”.

3 **SEC. 580. SENSE OF CONGRESS.**

4 It is the sense of Congress that the Administrator
5 of the Federal Aviation Administration and the Secretary
6 should produce a smart airports initiative plan that fo-
7 cuses on creating a more consumer-friendly and digitally
8 connected airport experience. The plan should include rec-
9 ommendations on modernizing technologies to provide
10 more efficient check-ins, shortened security lines, Wi-Fi
11 and GPS upgrades, as well as improvements of aircraft
12 turnaround for on-time boarding and flights. The purpose
13 of the initiative is to invest in technologies and infrastruc-
14 ture toward better-connected airports while providing ap-
15 propriate national security and cybersecurity for travelers.

16 **SEC. 581. OXYGEN MASK DESIGN STUDY.**

17 Not later than 180 days after the date of enactment
18 of this Act, the Administrator of the Federal Aviation Ad-
19 ministration shall conduct a study to review and evaluate
20 the design and effectiveness of commercial aircraft oxygen
21 masks. In conducting the study, the Administrator shall
22 determine whether the current design of oxygen masks is
23 adequate, and whether changes to the design could in-
24 crease correct passenger usage of the masks.

1 **SEC. 582. STANDARDS FOR PILOTS.**

2 (a) AGE ADJUSTMENT.—Section 44729(a) of title 49,
3 United States Code, is amended by striking “covered oper-
4 ations until attaining 65 years of age” and inserting “cov-
5 ered operations described under subsection (b)(1) until at-
6 taining 65 years of age and covered operations described
7 under subsection (b)(2) until attaining 70 years of age”.

8 (b) COVERED OPERATIONS.—Section 44729(b) of
9 title 49, United States Code, is amended by striking
10 “means operations under part 121 of title 14, Code of
11 Federal Regulations.” and inserting “means—

12 “(1) operations under part 121 of title 14, Code
13 of Federal Regulations; and

14 “(2) operations by a person that—

15 “(A) holds an air carrier certificate issued
16 pursuant to part 119 to conduct operations
17 under part 135 of title 14, Code of Federal
18 Regulations; and

19 “(B) qualifies as a program manager
20 under subpart K of part 91 of title 14, Code of
21 Federal Regulations; and

22 “(C) performed an aggregate total of at
23 least 150,000 turbojet operations in—

24 “(i) calendar year 2017; or

25 “(ii) any subsequent year.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect 1 year after the date of enact-
3 ment of this Act.

4 **SEC. 583. STUDY REGARDING TECHNOLOGY USAGE AT AIR-**
5 **PORTS.**

6 Not later than 6 months after the date of enactment
7 of this Act, the Administrator of the Federal Aviation Ad-
8 ministration shall conduct a study and report the findings
9 of such study to the appropriate committees of Congress
10 regarding—

11 (1) technology developed by international enti-
12 ties (including foreign nations and companies) that
13 have been installed in American airports and avia-
14 tion systems over the past decade, including the na-
15 tion where the technology was developed and the any
16 airports utilizing the technology; and

17 (2) aviation safety related technology developed
18 and implemented by international entities with prov-
19 en track records of success that may assist in estab-
20 lishing best practices to improve American aviation
21 operations and safety.

22 **SEC. 584. APPLICATIONS FOR DESIGNATION.**

23 Section 2209 of the FAA Extension, Safety, and Se-
24 curity Act of 2016 (49 U.S.C. 40101 note) is amended—

25 (1) in subsection (b)(1)(C)—

1 (A) by redesignating clause (iv) as clause
2 (v); and

3 (B) by inserting after clause (iii) the fol-
4 lowing:

5 “(iv) Railroad facilities.”; and

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

7 “(e) DEADLINES.—

8 “(1) Not later than December 31, 2018, the
9 Administrator shall publish a notice of proposed
10 rulemaking to carry out the requirements of this sec-
11 tion.

12 “(2) Not later than 12 months after publishing
13 the notice of proposed rulemaking under paragraph
14 (1), the Administrator shall issue a final rule.”.

15 **SEC. 585. APPLICABILITY OF MEDICAL CERTIFICATION**
16 **STANDARDS TO OPERATORS OF AIR BAL-**
17 **LOONS.**

18 (a) **SHORT TITLE.**—This section may be cited as the
19 “Commercial Balloon Pilot Safety Act of 2018”.

20 (b) **IN GENERAL.**—Not later than 180 days after the
21 date of enactment of this Act, the Administrator of the
22 Federal Aviation Administration shall revise section
23 61.3(c) of title 14, Code of Federal Regulations (relating
24 to second-class medical certificates), to apply to an oper-

1 ator of an air balloon to the same extent such regulations
2 apply to a pilot flight crewmember of other aircraft.

3 (c) AIR BALLOON DEFINED.—In this section, the
4 term “air balloon” has the meaning given the term “bal-
5 loon” in section 1.1 of title 14, Code of Federal Regula-
6 tions (or any corresponding similar regulation or ruling).

7 **SEC. 586. COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT**
8 **RENTAL.**

9 (a) COST-EFFECTIVENESS ANALYSIS OF EQUIPMENT
10 RENTAL.—

11 (1) IN GENERAL.—With respect to any cost-ef-
12 fectiveness analysis for equipment acquisition con-
13 ducted on or after the date that is 180 days after
14 the date of the enactment of this Act, the head of
15 each executive agency shall consider equipment rent-
16 al in such cost-effectiveness analysis.

17 (2) FEDERAL ACQUISITION REGULATION.—The
18 Federal Acquisition Regulation shall be revised to
19 implement the requirement under paragraph (1).

20 (b) STUDY OF COST-EFFECTIVENESS ANALYSIS.—
21 Not later than 2 years after the date of the enactment
22 of this Act, the Comptroller General of the United States
23 shall submit to the Committee on Oversight and Govern-
24 ment Reform of the House of Representatives and the
25 Committee on Homeland Security and Governmental Af-

1 fairs of the Senate a comprehensive report on the decisions
2 made by the executive agencies with the highest levels of
3 acquisition spending, and a sample of executive agencies
4 with lower levels of acquisition spending, to acquire high-
5 value equipment by lease, rental, or purchase pursuant to
6 subpart 7.4 of the Federal Acquisition Regulation.

7 (c) DEFINITIONS.—In this section:

8 (1) EQUIPMENT RENTAL.—The term “equip-
9 ment rental” means the acquisition of equipment by
10 contract from a commercial source for a temporary
11 period of use with no fixed duration.

12 (2) EXECUTIVE AGENCY.—The term “executive
13 agency” has the meaning given that term in section
14 102 of title 40, United States Code.

15 **SEC. 587. REPORT.**

16 (a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this Act (except as described in sub-
18 section (d)), the Administrator of the Federal Aviation
19 Administration shall submit to the appropriate congres-
20 sional committees a report containing the results of the
21 study described in subsection (b).

22 (b) RECOMMENDATIONS.—The Administrator shall
23 make recommendations based on—

24 (1) an analysis of—

1 (A) the economic effects of temporary
2 flight restrictions, particularly temporary flight
3 restrictions issued pursuant to section 91.141
4 of title 14, Code of Federal Regulations, on air-
5 ports or aviation-related businesses located or
6 based in an area covered by the temporary
7 flight restriction; and

8 (B) potential options and recommendations
9 for mitigating identified negative economic ef-
10 fects on airports or aviation-related businesses
11 located or based in an area frequently covered
12 by a temporary flight restriction; and

13 (2) an analysis of the potential for using secu-
14 rity procedures similar to those described in the
15 Maryland Three Program (allowing properly vetted
16 private pilots to fly to, from, or between the three
17 general aviation airports closest to the National Cap-
18 ital Region) during temporary flight restrictions in
19 the following airports:

20 (A) Solberg Airport.

21 (B) Somerset Airport.

22 (C) Palm Beach County Park Airport (also
23 known as Lantana Airport).

1 (c) COLLABORATION.—In making the recommenda-
2 tions described in subsection (b), the Administrator shall
3 consult with—

4 (1) industry stakeholders; and

5 (2) the head of any other agency that, in the
6 Administrator's determination, is a stakeholder
7 agency.

8 (d) SPECIAL DEADLINE.—Not later than 90 days
9 after the date of enactment of this Act, the Administrator
10 shall submit to the appropriate congressional committees
11 a report containing the results of the portion of the study
12 described in subsection (b)(1)(A).

13 **SEC. 588. STUDY ON INFRASTRUCTURE NEEDS OF FAST-**
14 **GROWING AIRPORTS.**

15 (a) STUDY.—Not later than 180 days after the date
16 of enactment of this Act, the Administrator of the Federal
17 Aviation Administration shall enter into an agreement
18 with an institution of higher education to conduct a study
19 on the infrastructure needs of airports—

20 (1) in metropolitan statistical areas with an av-
21 erage 5-year, year-to-year population growth rate be-
22 tween 6 and 13 percent; and

23 (2) with an average 5-year, year-to-year pas-
24 senger growth rate between 7 and 10 percent.

1 (b) CONTENTS.—The study conducted pursuant to
2 subsection (a) shall include—

3 (1) an assessment of the infrastructure needs of
4 the airports described in subsection (a);

5 (2) an examination of how such infrastructure
6 needs are related to the population and economic
7 growth of relevant metropolitan statistical areas;

8 (3) an assessment of the infrastructure funding
9 and financing tools available to such airports;

10 (4) the development of recommendations on ad-
11 ditional funding and financing tools that may pro-
12 vide significant new revenues and flexibility;

13 (5) an estimate of the population and economic
14 growth rate of the relevant metropolitan statistical
15 areas over the next 10 years; and

16 (6) the development of recommendations on
17 how such airports can best fund the infrastructure
18 necessary to accommodate—

19 (A) increases in passenger growth; and

20 (B) population and economic growth in the
21 relevant metropolitan statistical areas.

22 **SEC. 589. AIRCRAFT NOISE RESEARCH AND MITIGATION**
23 **STRATEGY.**

24 Not later than 1 year from the date of enactment
25 of this Act, the Administrator of the Federal Aviation Ad-

1 ministration shall submit to the Committee on Transpor-
2 tation and Infrastructure, the Committee on Science,
3 Space, and Technology, and the Committee on Appropria-
4 tions of the House of Representatives and the Committee
5 on Commerce, Science, and Transportation and the Com-
6 mittee on Appropriations of the Senate a 5-year aircraft
7 noise research and mitigation strategy.

8 **SEC. 590. ALTERNATIVE AIRPLANE NOISE METRIC EVALUA-**
9 **TION DEADLINE.**

10 Not later than 1 year from the date of enactment
11 of this Act, the Administrator of the Federal Aviation Ad-
12 ministration shall complete the ongoing evaluation of al-
13 ternative metrics to the current Day Night Level (DNL)
14 65 standard.

15 **SEC. 591. PERFORMANCE-BASED STANDARDS.**

16 The Administrator of the Federal Aviation Adminis-
17 tration shall, to the maximum extent possible and con-
18 sistent with Federal law, and based on input by the public,
19 ensure that regulations, guidance, and policies issued by
20 the Federal Aviation Administration on and after the date
21 of enactment of this Act are issued in the form of perform-
22 ance-based standards, providing an equal or higher level
23 of safety.

1 **SEC. 592. REPORT TO CONGRESS.**

2 Not later than 90 days after the date of enactment
3 of this section, the Administrator of the Federal Aviation
4 Administration, in consultation with the National Trans-
5 portation Safety Board, shall issue a report to the Com-
6 mittee on Transportation and Infrastructure of the House
7 of Representatives and the Committee on Commerce,
8 Science, and Transportation of the Senate that—

9 (1) provides a technical review of systems capa-
10 ble of detecting wrong surface alignment to deter-
11 mine whether the capability exists to detect immi-
12 nent wrong-surface landings at each airport where
13 such a system is in use; and

14 (2) includes information gathered from the use
15 of Airport Surface Surveillance Capability System
16 (ASSC) at San Francisco International Airport since
17 July 2017.

18 **SEC. 593. REPORT AND RECOMMENDATIONS ON CERTAIN**
19 **AVIATION SAFETY RISKS.**

20 Not later than 1 year after the date of the enactment
21 of this Act, the Administrator of the Federal Aviation Ad-
22 ministration shall submit to the Committee on Transpor-
23 tation and Infrastructure of the House of Representatives
24 and the Committee on Commerce, Science, and Transpor-
25 tation of the Senate a report that—

1 (1) identifies safety risks associated with power
2 outages at airports caused by weather or other fac-
3 tors, and recommends actions to improve resilience
4 of aviation communication, navigation, and surveil-
5 lance systems in the event of such outages; and

6 (2) reviews alerting mechanisms, devices, and
7 procedures for enhancing the situational awareness
8 of pilots and air traffic controllers in the event of a
9 failure or an irregularity of runway lights, and pro-
10 vides recommendations on the further implementa-
11 tion of such mechanisms, devices, or procedures.

12 **SEC. 594. REPORT TO CONGRESS.**

13 Not later than 90 days after the date of enactment
14 of this section, the Administrator of the Federal Aviation
15 Administration, in consultation with the National Trans-
16 portation Safety Board, shall issue a report to the Com-
17 mittee on Transportation and Infrastructure of the House
18 of Representatives and the Committee on Commerce,
19 Science, and Transportation of the Senate that reviews the
20 relative benefits and risks of requiring the use of runway
21 awareness and advisory systems in turbine-powered air-
22 planes under the provisions of part 121 or part 129 of
23 title 14, Code of Federal Regulations.

1 **SEC. 595. REVIEW OF FAA'S AVIATION SAFETY INFORMA-**
2 **TION ANALYSIS AND SHARING SYSTEM.**

3 (a) AUDIT BY DEPARTMENT OF TRANSPORTATION
4 INSPECTOR GENERAL.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the enactment of this Act, the Inspector General
7 shall initiate a follow-up review of the Federal Avia-
8 tion Administration's (FAA) Aviation Safety Infor-
9 mation Analysis and Sharing (ASIAS) System to as-
10 sess FAA's efforts and plans to improve the system.

11 (2) REVIEW.—The review should include, at a
12 minimum, an evaluation of FAA's efforts to improve
13 the ASIAS system's predictive capabilities and solu-
14 tions developed to more widely disseminate results of
15 ASIAS data analyses, as well as an update on pre-
16 vious Inspector General recommendations to improve
17 this safety analysis and sharing system.

18 (3) REPORT.—The Inspector General shall sub-
19 mit to the Committee on Transportation and Infra-
20 structure of the House of Representatives and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report on the results of its re-
23 view and any recommendations to improve FAA's
24 ASIAS system.

1 **SEC. 596. CYBERSECURITY AND ARTIFICIAL INTELLIGENCE**

2 **STANDARDS PLAN.**

3 Not later than 1 year after the date of the enactment
4 of this Act, the Administrator of the Federal Aviation Ad-
5 ministration shall, in consultation with the National Insti-
6 tute of Standards and Technology and the Committee on
7 Technology of the National Science and Technology Coun-
8 cil, transmit to the Committee on Transportation and In-
9 frastructure of the House of Representatives, the Com-
10 mittee on Science, Space, and Technology of the House
11 of Representatives, and the Committee on Commerce,
12 Science, and Transportation of the Senate a report that
13 contains a cybersecurity and artificial intelligence stand-
14 ards plan for Federal Aviation Administration operations
15 that takes into consideration the influence of cybersecurity
16 on artificial intelligence and of artificial intelligence on cy-
17 bersecurity.

18 **SEC. 597. SENSE OF CONGRESS ON HIRING VETERANS.**

19 It is the sense of Congress that the aviation industry,
20 including certificate holders under parts 121, 135, and
21 145 of title 14, Code of Federal Regulations, should hire
22 more of the Nation's veterans.

23 **SEC. 598. GAO STUDY.**

24 Not later than 1 year after the date of enactment
25 of this Act, the Comptroller General shall submit to the
26 Committee on Commerce, Science, and Transportation of

1 the Senate and the Committee on Transportation and In-
2 frastructure of the House of Representatives a report con-
3 taining a review of the following:

4 (1) Direct and indirect effects on passengers, if
5 any, resulting from significant computer network
6 disruptions of 49 CFR Part 121 air carriers between
7 January 1, 2014, and the date of enactment of this
8 section, including—

- 9 (A) systemwide delays;
10 (B) flight cancellations; and
11 (C) disrupted or broken itineraries.

12 (2) An estimate of any expenses incurred by
13 passengers during significant computer network dis-
14 ruptions, including—

- 15 (A) meals, lodging, and ancillary expenses
16 per persons;
17 (B) late hotel check-in or car rental fees;
18 (C) missed cruise-ship departures; and
19 (D) lost productivity.

20 (3) Air carriers' contracts of carriage and inter-
21 line agreements to determine if and how air carriers
22 accommodate passengers affected by significant com-
23 puter network disruptions on other air carriers or
24 foreign air carriers.

1 (4) Whether passengers who have been dis-
2 placed by significant computer network disruptions
3 are furnished with alternative transportation aboard
4 another air carrier or foreign air carrier.

5 (5) Costs incurred by airports, if any, to meet
6 the essential needs of passengers, including in-
7 creased demands on utilities, food concessionaires,
8 restroom facilities, and security staffing, during sig-
9 nificant computer network disruptions.

10 (6) Other costs, if any, incurred by passengers,
11 airports, and other entities as a direct result of sig-
12 nificant computer network disruptions.

13 (7) Processes, plans, and redundancies in place
14 at air carriers to respond to and recover from such
15 network disruptions.

16 **SEC. 599. PROMPT PAYMENTS.**

17 (a) REPORTING OF COMPLAINTS.—Not later than 30
18 days after the date of enactment of this Act, the Adminis-
19 trator of the Federal Aviation Administration shall ensure
20 that each airport that participates in the Program tracks,
21 and reports to the Administrator, the number of covered
22 complaints made in relation to activities at that airport.

23 (b) IMPROVING COMPLIANCE.—

24 (1) IN GENERAL.—The Administrator shall
25 take actions to assess and improve compliance with

1 prompt payment requirements under part 26 of title
2 49, Code of Federal Regulations.

3 (2) CONTENTS OF ASSESSMENT.—In carrying
4 out paragraph (1), the Administrator shall assess—

5 (A) whether requirements relating to the
6 inclusion of prompt payment language in con-
7 tracts are being satisfied;

8 (B) whether and how airports are enforce-
9 ing prompt payment requirements;

10 (C) the processes by which covered com-
11 plaints are received and resolved by airports;

12 (D) whether improvements need to be
13 made to—

14 (i) better track covered complaints re-
15 ceived by airports; and

16 (ii) assist the resolution of covered
17 complaints in a timely manner;

18 (E) the effectiveness of alternative dispute
19 resolution mechanisms with respect to resolving
20 covered complaints;

21 (F) best practices that ensure prompt pay-
22 ment requirements are satisfied;

23 (G) the Federal Aviation Administration
24 resources, including staff, that are dedicated to
25 helping resolve covered complaints; and

1 (H) how the Federal Aviation Administra-
2 tion can enhance efforts to resolve covered com-
3 plaints, including by using timelines and pro-
4 viding additional staffing and other resources.

5 (3) REPORTING.—The Administrator shall
6 make available to the public on an appropriate web-
7 site operated by the Administrator a report describ-
8 ing the results of the assessment completed under
9 this subsection, including a plan to respond to such
10 results.

11 (c) DEFINITIONS.—In this section, the following defi-
12 nitions apply:

13 (1) COVERED COMPLAINT.—The term “covered
14 complaint” means a complaint relating to an alleged
15 failure to satisfy a prompt payment requirement
16 under part 26 of title 49, Code of Federal Regula-
17 tions.

18 (2) PROGRAM.—The term “Program” means
19 the airport disadvantaged business enterprise pro-
20 gram referenced in section 140(a) of the FAA Mod-
21 ernization and Reform Act of 2012 (49 U.S.C.
22 47113 note).

23 **SEC. 599A. GAO STUDY ON AVIATION WORKFORCE.**

24 (a) IN GENERAL.—Not later than 180 days after the
25 date of enactment of this Act, the Comptroller General

1 of the United States shall initiate a study, based on pre-
2 vious studies, that looks at the current and future supply
3 of individuals in the aviation workforce.

4 (b) REVIEW.—In carrying out the study, the Comp-
5 troller General shall review, at a minimum—

6 (1) the current state of the aviation workforce;

7 (2) barriers to entry into the aviation work-
8 force; and

9 (3) options to increase the future supply of in-
10 dividuals in the aviation workforce.

11 (c) SUBMISSION.—Not later than 1 year after the
12 date of enactment of this Act, the Comptroller General
13 shall submit to the Committee on Transportation and In-
14 frastructure of the House of Representatives and the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate a report on the results of the study, including any
17 findings and recommendations.

18 **SEC. 599B. METROPOLITAN PLANNING ORGANIZATIONS.**

19 Section 134(d)(4) of title 23, United States Code, is
20 amended by striking “Nothing” and inserting “Except
21 with respect to a metropolitan planning organization
22 whose structure consists of no local elected officials, noth-
23 ing”.

1 **SEC. 599C. STUDY.**

2 (a) IN GENERAL.—Not later than 6 months after the
3 date of enactment of this Act, the Comptroller General
4 of the United States shall begin a study of international
5 air cargo services among the United States and Central
6 American, South American, and Caribbean Basin coun-
7 tries, that—

8 (1) analyzes the supply of and demand for air
9 cargo transportation services among the United
10 States and Central American, South American, and
11 Caribbean Basin countries;

12 (2) analyzes the supply of and demand for air
13 cargo transportation services between—

14 (A) the United States, Central American,
15 South American, and Caribbean Basin coun-
16 tries; and

17 (B) Africa and Europe;

18 (3) identifies the busiest routes in terms of
19 cargo capacity and frequency of air service;

20 (4) identifies any air carrier or foreign air car-
21 rier hubs in Central American, South American, and
22 Caribbean Basin countries at which a significant
23 amount of air cargo is sorted, handled, or consoli-
24 dated for transportation to or from the United
25 States;

1 (5) identifies any air carrier or foreign air car-
2 rier hubs in the United States at which a significant
3 amount of air cargo is sorted, handled, or consoli-
4 dated for transportation to or from Central Amer-
5 ican, South American, and Caribbean Basin coun-
6 tries.

7 (6) identifies any significant gaps in the air
8 cargo services or cargo air carrier networks—

9 (A) among the countries described in para-
10 graph (2)(A);

11 (B) between such countries and Africa;
12 and

13 (C) between such countries and Europe;
14 and

15 (7) assesses the possible impact of the estab-
16 lishment of an air carrier hub in Puerto Rico at
17 which air cargo is sorted, handled, or consolidated
18 for transportation to or from the United States, in-
19 cluding the impact on—

20 (A) the employment rate and economy of
21 Puerto Rico;

22 (B) domestic and foreign air transpor-
23 tation of cargo;

24 (C) United States competitiveness in the
25 air transportation of cargo;

1 (D) air cargo operations at other airports
2 in the United States; and

3 (E) domestic air carrier employment.

4 (b) REPORT.—Not later than 12 months after the
5 date of enactment of this Act, the Comptroller General
6 shall submit to the Committee on Transportation and In-
7 frastructure of the House of Representatives and the Com-
8 mittee on Commerce, Science, and Transportation of the
9 Senate a report on the results of the study described in
10 subsection (a).

11 (c) DEFINITION.—The term “Caribbean Basin coun-
12 tries” has the same meaning given the term “Caribbean
13 Basin country” in section 501 of the Food for Peace Act
14 (7 U.S.C. 1737).

15 **SEC. 599D. SPACEPORTS.**

16 (a) SENSE OF CONGRESS ON STATE SPACEPORT
17 CONTRIBUTIONS.—It is the Sense of Congress that—

18 (1) State government-owned and -operated
19 spaceports have contributed hundreds of millions of
20 dollars in infrastructure improvements to the na-
21 tional space launch infrastructure, providing the
22 United States Government and commercial cus-
23 tomers with world-class space launch and processing
24 infrastructure that is necessary to support continued
25 American leadership in space;

1 (2) State spaceports play a critical role in pro-
2 viding resiliency and redundancy in the national
3 launch infrastructure to support national security
4 and civil government capabilities, and should be rec-
5 ognized as a critical infrastructure in Federal strat-
6 egy and planning;

7 (3) continued State and local government in-
8 vestments at Federal and non-Federal launch facili-
9 ties should be encouraged and to the maximum ex-
10 tent practicable supported in Federal policies, plan-
11 ning and infrastructure investment considerations,
12 including through Federal-State partnerships;

13 (4) there is currently no Federal infrastructure
14 investment program funding or encouraging State
15 and local government investment in spaceport infra-
16 structure, unlike Federal grant programs to encour-
17 age continued investment in all other modes of
18 transportation, including aviation, highways, ports,
19 and rail, which limits opportunities for the Federal
20 government to leverage and coordinate infrastruc-
21 ture investments with State and local governments;

22 (5) Federal investments in space infrastructure
23 should enable partnerships between Federal agencies
24 with state spaceports to modernize and enable ex-
25 panded 21st century space transportation infrastruc-

1 ture, especially multi-modal networks needed for ro-
 2 bust space transportation that support national se-
 3 curity, civil, and commercial launch customers; and

4 (6) States that have made investments to build,
 5 maintain, operate, and improve capabilities for na-
 6 tional security, civil, and commercial customers
 7 should be commended for their infrastructure con-
 8 tributions to both Federal and non-Federal launch
 9 sites, and encouraged through a variety of programs
 10 and policies to continue these investments in the na-
 11 tional interest.

12 (b) ESTABLISHMENT OF OFFICE OF SPACEPORTS.—

13 (1) ESTABLISHMENT OF OFFICE OF SPACE-
 14 PORTS.—Title 51, United States Code, is amended
 15 by adding at the end of subtitle V the following:

16 **“CHAPTER 515—OFFICE OF SPACEPORTS**

“Sec.

“51501. Establishment of Office of Spaceports.

17 **“§ 51501. Establishment of Office of Spaceports**

18 “(a) ESTABLISHMENT OF OFFICE.—Not later than
 19 90 days after the date of enactment of this section, the
 20 Administrator of the Federal Aviation Administration
 21 shall identify, within the Office of Commercial Space
 22 Transportation, a centralized policy office to be known as
 23 the Office of Spaceports.

24 “(b) FUNCTIONS.—The Office of Spaceports shall—

1 “(1) support licensing activities for launch sites;

2 “(2) develop policies that promote infrastruc-
3 ture improvements at licensed public launch sites;

4 “(3) provide technical assistance and guidance
5 to licensed public spaceports;

6 “(4) promote United States licensed spaceports
7 within the Department; and

8 “(5) strengthen the Nation’s competitiveness in
9 launch infrastructure and increase resilience for the
10 Federal Government and commercial customers.

11 “(c) RECOGNITION.—In carrying out the functions
12 assigned in subsection (b), the Secretary shall recognize
13 the unique needs and distinctions of spaceports that—

14 “(1) launch to orbit; and

15 “(2) are involved in suborbital launch activities.

16 “(d) DIRECTOR.—The Associate Administrator for
17 Commercial Space Transportation of the Federal Aviation
18 Administration shall designate a Director of the Office of
19 Spaceports.

20 “(e) DEFINITIONS.—In this section:

21 “(1) SPACEPORT.—The term ‘spaceport’ means
22 a launch site that is licensed by the Federal Aviation
23 Administration.

24 “(2) PUBLIC SPACEPORT.—The term ‘public
25 spaceport’ means a launch site that is licensed by

the Federal Aviation Administration and is owned or operated by a State or local governmental entity, including political subdivisions of a State or local government.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters of title 51, United State Code, is amended by adding at the end of subtitle V the following:

“515. Office of Spaceports51501”.

(c) REPORT ON NATIONAL SPACEPORTS POLICY.—

(1) FINDINGS.—Congress finds the following:

(A) A robust network of space transportation infrastructure, including spaceports licensed by the Federal Aviation Administration, is vital to the growth of the domestic space industry and America’s competitiveness and access to space.

(B) Non-Federal spaceports licensed by the Federal Aviation Administration have significantly increased the launch infrastructure of the United States through significant investments by State and local governments, which have encouraged greater private investment.

(C) These spaceports have led to the development of a growing number of orbital and sub-orbital launch sites that are available to the na-

1 tional security, civil, and commercial space cus-
2 tomers at minimal cost to the Federal Govern-
3 ment.

4 (D) The Federal Government, led by the
5 Secretary of Transportation, should seek to pro-
6 mote the growth, resilience, and capabilities of
7 this space infrastructure through policies and
8 through partnerships with State and local gov-
9 ernments.

10 (2) REPORT.—Not later than 1 year after the
11 date of enactment of this Act, the Secretary of
12 Transportation shall submit to Congress a report
13 that—

14 (A) evaluates the Federal Government’s
15 national security and civil space launch de-
16 mands and the needs of the United States and
17 international commercial markets;

18 (B) proposes policies and programs de-
19 signed to ensure a robust and resilient orbital
20 and suborbital spaceport infrastructure to serve
21 and capitalize on these launch opportunities;

22 (C) reviews the development and invest-
23 ments made by international competitors in for-
24 eign spaceports;

1 (D) makes recommendations on how the
2 Federal Government can support, encourage,
3 promote, and facilitate greater investments in
4 infrastructure at public spaceports licensed by
5 the Federal Aviation Administration; and

6 (E) considers and makes recommendations
7 about how spaceports licensed by the Federal
8 Aviation Administration can fully support and
9 enable the national space policy.

10 (3) UPDATES TO THE REPORT.—Not later than
11 3 years after the date of enactment of this Act and
12 every 2 years thereafter, the Secretary shall—

13 (A) update the previous report prepared
14 under this subsection; and

15 (B) submit the updated report to Con-
16 gress.

17 (4) CONSULTATIONS REQUIRED.—In preparing
18 the reports required by this subsection, the Sec-
19 retary shall consult with individuals including—

20 (A) the Secretary of Defense;

21 (B) the Administrator of the National Oce-
22 anic and Atmospheric Administration;

23 (C) the Administrator of the National Aer-
24 onautics and Space Administration; and

1 (D) interested persons at spaceports, State
2 and local governments, and industry.

3 (d) REPORT ON SPACE TRANSPORTATION INFRA-
4 STRUCTURE MATCHING GRANTS.—

5 (1) GAO STUDY AND REPORT.—The Comp-
6 troller General of the United States shall conduct a
7 study regarding spaceport activities carried out pur-
8 suant to chapters 509 and 511 of title 51, United
9 States Code, including—

10 (A) an assessment of potential mechanisms
11 to provide Federal support to spaceports, in-
12 cluding the airport improvement program estab-
13 lished under subchapter I of chapter 471 of
14 title 49, United States Code, and the program
15 established under chapter 511 of title 51,
16 United States Code;

17 (B) recommendations for potential funding
18 options, including funds that may be collected
19 from launch providers or launch customers; and

20 (C) any necessary changes to improve the
21 spaceport application review process.

22 (2) CONSULTATION.—In carrying out the study
23 described in paragraph (1), the Comptroller General
24 shall consult with sources from each component of
25 the launch process, including interested persons in

1 industry and government officials at the Federal,
2 State, and local levels.

3 (3) USER-FUNDED SPACEPORTS.—In reviewing
4 funding options, the Comptroller General shall dis-
5 tinguish between spaceports that are funded by
6 users and those that are not.

7 (4) REPORT.—Not later than 1 year after the
8 date of enactment of this Act, the Comptroller Gen-
9 eral shall submit to Congress a report containing re-
10 sults of the study conducted under paragraph (1).

11 **SEC. 599E. MANDATORY USE OF THE NEW YORK NORTH**
12 **SHORE HELICOPTER ROUTE.**

13 (a) PUBLIC COMMENT PERIOD.—

14 (1) IN GENERAL.—The Administrator of the
15 Federal Aviation Administration shall provide notice
16 of, and an opportunity for, at least 60 days of public
17 comment with respect to the regulations in subpart
18 H of part 93 of title 14, Code of Federal Regula-
19 tions.

20 (2) TIMING.—The public comment period re-
21 quired under paragraph (1) shall begin not later
22 than 30 days after the date of enactment of this
23 Act.

24 (b) PUBLIC HEARING.—Not later than 30 days after
25 the date of enactment of this Act, the Administrator shall

1 hold a public hearing in the communities impacted by the
2 regulations described in subsection (a)(1) to solicit feed-
3 back with respect to the regulations.

4 (c) REVIEW.—Not later than 30 days after the date
5 of enactment of this Act, the Administrator shall initiate
6 a review of the regulations described in subsection (a)(1)
7 that assesses the—

8 (1) noise impacts of the regulations for commu-
9 nities, including communities in locations where air-
10 craft are transitioning to or from a destination or
11 point of landing;

12 (2) enforcement of applicable flight standards,
13 including requirements for helicopters operating on
14 the relevant route to remain at or above 2,500 feet
15 mean sea level; and

16 (3) availability of alternative or supplemental
17 routes to reduce the noise impacts of the regula-
18 tions, including the institution of an all water route
19 over the Atlantic Ocean.

20 **SEC. 599F. STUDY ON DIVERSITY OF CYBERSECURITY**
21 **WORKFORCE OF FAA.**

22 (a) STUDY.—Not later than 1 year after the date of
23 the enactment of this Act, the Administrator of the Fed-
24 eral Aviation Administration shall enter into an agreement
25 with the National Academy of Sciences to conduct a study

1 on the diversity of the cybersecurity workforce of the Ad-
2 ministration in order to develop recommendations to in-
3 crease the size, quality, and diversity of such workforce,
4 including cybersecurity researchers and specialists.

5 (b) REPORT TO CONGRESS.—Not later than 180 days
6 after the completion of the study conducted under sub-
7 section (a), the Administrator shall submit to the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report on the
11 results of such study.

12 **SEC. 599G. FEDERAL AUTHORITY.**

13 (a) IN GENERAL.—Section 14501(c) of title 49,
14 United States Code, is amended—

15 (1) in paragraph (1) by striking “paragraphs
16 (2) and (3)” and inserting “paragraphs (3) and
17 (4)”;

18 (2) by redesignating paragraphs (2) through
19 (5) as paragraphs (3) through (6) respectively;

20 (3) by inserting after paragraph (1) the fol-
21 lowing:

22 “(2) ADDITIONAL LIMITATION.—

23 “(A) IN GENERAL.—A State, political sub-
24 division of a State, or political authority of 2 or
25 more States may not enact or enforce a law,

1 regulation, or other provision having the force
2 and effect of law prohibiting employees whose
3 hours of service are subject to regulation by the
4 Secretary under section 31502 from working to
5 the full extent permitted or at such times as
6 permitted under such section, or imposing any
7 additional obligations on motor carriers if such
8 employees work to the full extent or at such
9 times as permitted under such section, includ-
10 ing any related activities regulated under part
11 395 of title 49, Code of Federal Regulations.

12 “(B) STATUTORY CONSTRUCTION.—Noth-
13 ing in this paragraph shall be construed to limit
14 the provisions of paragraph (1).”;

15 (4) in paragraph (3) (as redesignated) by strik-
16 ing “Paragraph (1)—” and inserting “Paragraphs
17 (1) and (2)—”; and

18 (5) in paragraph (4)(A) (as redesignated) by
19 striking “Paragraph (1)” and inserting “Paragraphs
20 (1) and (2)”.

21 (b) EFFECTIVE DATE.—The amendments made by
22 this section shall have the force and effect as if enacted
23 on the date of enactment of the Federal Aviation Adminis-
24 tration Authorization Act of 1994 (Public Law 103–305).

1 **SEC. 599H. NATIONAL HIRING STANDARD OF CARE.**

2 (a) IN GENERAL.—An entity hiring a federally li-
3 censed motor carrier shall be deemed to have made the
4 selection of the motor carrier in a reasonable and prudent
5 manner if before tendering a shipment, but not more than
6 45 days before the pickup of the shipment by the hired
7 motor carrier, that entity verified that the motor carrier,
8 at the time of such verification—

9 (1) is registered with and authorized by the
10 Federal Motor Carrier Safety Administration to op-
11 erate as a motor carrier or household goods motor
12 carrier, if applicable;

13 (2) has the minimum insurance coverage re-
14 quired by Federal law; and

15 (3)(A) before the safety fitness determination
16 regulations are issued, does not have an unsatisfac-
17 tory safety fitness determination issued by the Fed-
18 eral Motor Carrier Safety Administration in force at
19 the time of such verification; or

20 (B) beginning on the date that revised safety
21 fitness determination regulations are implemented,
22 does not have a safety fitness rating issued by the
23 Federal Motor Carrier Safety Administration under
24 such regulations that would place a motor carrier
25 out-of-service.

1 (b) GUIDELINES.—Not later than 30 days after the
2 implementation of the safety fitness determination ref-
3 erenced in subsection (a)(3), the Secretary shall issue
4 guidelines that specifically outline how a motor carrier’s
5 operating authority and registration number could be re-
6 voked and subsequently placing them out-of-service.

7 **TITLE VI—DISASTER RECOVERY**
8 **REFORM ACT**

9 **SEC. 601. APPLICABILITY.**

10 Except as otherwise expressly provided, the amend-
11 ments in this title to the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 5121 et
13 seq.) apply to each major disaster and emergency declared
14 by the President on or after August 1, 2017, under such
15 Act.

16 **SEC. 602. STATE DEFINED.**

17 In this title, the term “State” has the meaning given
18 that term in section 102(4) of the Robert T. Stafford Dis-
19 aster Relief and Emergency Assistance Act (42 U.S.C.
20 5122(4)).

21 **SEC. 603. WILDFIRE PREVENTION.**

22 (a) MITIGATION ASSISTANCE.—Section 420 of the
23 Robert T. Stafford Disaster Relief and Emergency Assist-
24 ance Act (42 U.S.C. 5187) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the fol-
4 lowing:

5 “(d) HAZARD MITIGATION ASSISTANCE.—Whether
6 or not a major disaster is declared, the President may pro-
7 vide hazard mitigation assistance in accordance with sec-
8 tion 404 in any area affected by a fire for which assistance
9 was provided under this section.”.

10 (b) CONFORMING AMENDMENTS.—The Robert T.
11 Stafford Disaster Relief and Emergency Assistance Act
12 (42 U.S.C. 5121 et seq.) is amended—

13 (1) in section 404(a) (42 U.S.C. 5170c(a)) (as
14 amended by section 636(a) of this Act)—

15 (A) by inserting before the first period “,
16 or any area affected by a fire for which assist-
17 ance was provided under section 420”; and

18 (B) in the third sentence by inserting “or
19 event under section 420” after “major disaster”
20 each place it appears; and

21 (2) in section 322(e)(1) (42 U.S.C. 5165(e)(1)),
22 by inserting “or event under section 420” after
23 “major disaster” each place it appears.

24 (c) REPORTING REQUIREMENT.—Not later than 1
25 year after the date of enactment of this Act and annually

1 thereafter, the Administrator of the Federal Emergency
2 Management Agency shall submit to the Committee on
3 Homeland Security and Governmental Affairs of the Sen-
4 ate, the Committee on Transportation and Infrastructure
5 of the House of Representatives, and the Appropriations
6 Committees of the Senate and the House of Representa-
7 tives a report containing a summary of any projects car-
8 ried out, and any funding provided to those projects,
9 under subsection (d) of section 420 of the Robert T. Staf-
10 ford Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5187) (as amended by this section).

12 **SEC. 604. ADDITIONAL ACTIVITIES.**

13 Section 404 of the Robert T. Stafford Disaster Relief
14 and Emergency Assistance Act (42 U.S.C. 5170c) is
15 amended by adding at the end the following:

16 “(f) USE OF ASSISTANCE.—Recipients of hazard
17 mitigation assistance provided under this section and sec-
18 tion 203 may use the assistance to conduct activities to
19 help reduce the risk of future damage, hardship, loss, or
20 suffering in any area affected by a wildfire or windstorm,
21 including—

22 “(1) reseeding ground cover with quick-growing
23 or native species;

24 “(2) mulching with straw or chipped wood;

1 “(3) constructing straw, rock, or log dams in
2 small tributaries to prevent flooding;

3 “(4) placing logs and other erosion barriers to
4 catch sediment on hill slopes;

5 “(5) installing debris traps to modify road and
6 trail drainage mechanisms;

7 “(6) modifying or removing culverts to allow
8 drainage to flow freely;

9 “(7) adding drainage dips and constructing
10 emergency spillways to keep roads and bridges from
11 washing out during floods;

12 “(8) planting grass to prevent the spread of
13 noxious weeds;

14 “(9) installing warning signs;

15 “(10) establishing defensible space measures;

16 “(11) reducing hazardous fuels;

17 “(12) windstorm damage, including replacing or
18 installing electrical transmission or distribution util-
19 ity pole structures with poles that are resilient to ex-
20 treme wind and combined ice and wind loadings for
21 the basic wind speeds and ice conditions associated
22 with the relevant location;

23 “(13) removing standing burned trees; and

24 “(14) replacing water systems that have been
25 burned and have caused contamination.”.

1 **SEC. 605. ELIGIBILITY FOR CODE IMPLEMENTATION AND**
2 **ENFORCEMENT.**

3 Section 406(a)(2) of the Robert T. Stafford Disaster
4 Relief and Emergency Assistance Act (42 U.S.C.
5 5172(a)(2)) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (B);

8 (2) by striking the period at the end of sub-
9 paragraph (C) and inserting “; and”; and

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

11 “(D) base and overtime wages for extra
12 hires to facilitate the implementation and en-
13 forcement of adopted building codes for a pe-
14 riod of not more than 180 days after the major
15 disaster is declared.”.

16 **SEC. 606. PROGRAM IMPROVEMENTS.**

17 (a) HAZARD MITIGATION.—Section 406(c) of the
18 Robert T. Stafford Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5172(c)) is amended—

20 (1) in paragraph (1)(A), by striking “90 per-
21 cent of”; and

22 (2) in paragraph (2)(A), by striking “75 per-
23 cent of”.

24 (b) PARTICIPATION.—Section 428(d) of such Act (42
25 U.S.C. 5189f) is amended—

1 (1) by inserting “(1) IN GENERAL.—” before
2 “Participation in”; and

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

4 “(2) NO CONDITIONS.—The President may not
5 condition the provision of Federal assistance under
6 this Act on the election by a State, Tribal, or local
7 government, or owner or operator of a private non-
8 profit facility to participate in the alternative proce-
9 dures adopted under this section.”.

10 (c) CERTIFICATION.—Section 428(e)(1) of such Act
11 (42 U.S.C. 5189f(e)(1)) is amended—

12 (1) in subparagraph (E), by striking “and” at
13 the end;

14 (2) in subparagraph (F), by striking the period
15 and inserting “; and”; and

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

17 “(G) once certified by a professionally li-
18 censed engineer and accepted by the Adminis-
19 trator, the estimates on which grants made pur-
20 suant to this section are based shall be pre-
21 sumed to be reasonable and eligible costs, as
22 long as there is no evidence of fraud.”.

23 **SEC. 607. PRIORITIZATION OF FACILITIES.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Administrator of the Federal Emergency

1 Management Agency shall provide guidance and training
2 on an annual basis to State, Tribal, and local govern-
3 ments, first responders, and utility companies on—

4 (1) the need to prioritize assistance to hospitals,
5 nursing homes, and other long-term care facilities to
6 ensure that such health care facilities remain func-
7 tioning or return to functioning as soon as prac-
8 ticable during power outages caused by natural haz-
9 ards, including severe weather events;

10 (2) how hospitals, nursing homes and other
11 long-term care facilities should adequately prepare
12 for power outages during a major disaster or emer-
13 gency; and

14 (3) how State, Tribal, and local governments,
15 first responders, utility companies, hospitals, nursing
16 homes, and other long-term care facilities should de-
17 velop a strategy to coordinate emergency response
18 plans, including the activation of emergency re-
19 sponse plans, in anticipation of a major disaster, in-
20 cluding severe weather events.

21 **SEC. 608. GUIDANCE ON EVACUATION ROUTES.**

22 (a) IN GENERAL.—

23 (1) IDENTIFICATION.—The Administrator of
24 the Federal Emergency Management Agency, in co-
25 ordination with the Administrator of the Federal

1 Highway Administration, shall develop and issue
2 guidance for State, local, and Tribal governments re-
3 garding the identification of evacuation routes.

4 (2) GUIDANCE.—The Administrator of the Fed-
5 eral Highway Administration, in coordination with
6 the Administrator of the Federal Emergency Man-
7 agement Agency, shall revise existing guidance or
8 issue new guidance as appropriate for State, local,
9 and Tribal governments regarding the design, con-
10 struction, maintenance, and repair of evacuation
11 routes.

12 (b) CONSIDERATIONS.—

13 (1) IDENTIFICATION.—In developing the guid-
14 ance under subsection (a)(1), the Administrator of
15 the Federal Emergency Management Agency shall
16 consider—

17 (A) whether evacuation routes have re-
18 sisted impacts and recovered quickly from dis-
19 asters, regardless of cause;

20 (B) the need to evacuate special needs pop-
21 ulations, including—

22 (i) individuals with a physical or men-
23 tal disability;

24 (ii) individuals in schools, daycare
25 centers, mobile home parks, prisons, nurs-

1 ing homes and other long-term care facili-
2 ties, and detention centers;

3 (iii) individuals with limited-English
4 proficiency;

5 (iv) the elderly; and

6 (v) individuals who are tourists, sea-
7 sonal workers, or homeless;

8 (C) the sharing of information and other
9 public communications with evacuees during
10 evacuations;

11 (D) the sheltering of evacuees, including
12 the care, protection, and sheltering of animals;

13 (E) the return of evacuees to their homes;
14 and

15 (F) such other items the Administrator
16 considers appropriate.

17 (2) DESIGN, CONSTRUCTION, MAINTENANCE,
18 AND REPAIR.—In revising or issuing guidance under
19 (a)(2), the Administrator of the Federal Highway
20 Administration shall consider—

21 (A) methods that assist evacuation routes
22 to—

23 (i) withstand likely risks to viability,
24 including flammability and hydrostatic
25 forces;

1 (ii) improve durability, strength (in-
2 cluding the ability to withstand tensile
3 stresses and compressive stresses), and
4 sustainability; and

5 (iii) provide for long-term cost sav-
6 ings;

7 (B) the ability of evacuation routes to ef-
8 fectively manage contraflow operations;

9 (C) for evacuation routes on public lands,
10 the viewpoints of the applicable Federal land
11 management agency regarding emergency oper-
12 ations, sustainability, and resource protection;
13 and

14 (D) such other items the Administrator
15 considers appropriate.

16 **SEC. 609. DUPLICATION OF BENEFITS.**

17 (a) IN GENERAL.—Section 312(b) of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5155(b)) is amended by adding at the end the
20 following:

21 “(4) WAIVER OF GENERAL PROHIBITION.—

22 “(A) IN GENERAL.—The President may
23 waive the general prohibition provided in sub-
24 section (a) upon request of a Governor on be-
25 half of the State or on behalf of a person, busi-

1 ness concern, or any other entity suffering
2 losses as a result of a major disaster or emer-
3 gency, if the President finds such waiver is in
4 the public interest and will not result in waste,
5 fraud, or abuse. In making this decision, the
6 President may consider the following:

7 “(i) The recommendations of the Ad-
8 ministrators of the Federal Emergency
9 Management Agency made in consultation
10 with the Federal agency or agencies ad-
11 ministering the duplicative program.

12 “(ii) If a waiver is granted, the assist-
13 ance to be funded is cost effective.

14 “(iii) Equity and good conscience.

15 “(iv) Other matters of public policy
16 considered appropriate by the President.

17 “(B) GRANT OR DENIAL OF WAIVER.—A
18 request under subparagraph (A) shall be grant-
19 ed or denied not later than 45 days after sub-
20 mission of such request.

21 “(C) PROHIBITION ON DETERMINATION
22 THAT LOAN IS A DUPLICATION.—Notwith-
23 standing subsection (c), in carrying out sub-
24 paragraph (A), the President may not deter-
25 mine that a loan is a duplication of assistance,

1 provided that all Federal assistance is used to-
2 ward a loss suffered as a result of the major
3 disaster or emergency.”.

4 (b) FUNDING OF A FEDERALLY AUTHORIZED WATER
5 RESOURCES DEVELOPMENT PROJECT.—

6 (1) ELIGIBLE ACTIVITIES.—Notwithstanding
7 section 312 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5155)
9 and its implementing regulations, assistance pro-
10 vided pursuant to section 404 of such Act may be
11 used to fund activities authorized for construction
12 within the scope of a federally authorized water re-
13 sources development project of the Army Corps of
14 Engineers if such activities are also eligible activities
15 under such section.

16 (2) FEDERAL FUNDING.—All Federal funding
17 provided under section 404 pursuant to this section
18 shall be applied toward the Federal share of such
19 project.

20 (3) NON-FEDERAL MATCH.—All non-Federal
21 matching funds required under section 404 pursuant
22 to this section shall be applied toward the non-Fed-
23 eral share of such project.

24 (4) TOTAL FEDERAL SHARE.—Funding pro-
25 vided under section 404 pursuant to this section

1 may not exceed the total Federal share for such
2 project.

3 (5) NO EFFECT.—Nothing in this section
4 shall—

5 (A) affect the cost-share requirement of a
6 hazard mitigation measure under section 404;

7 (B) affect the eligibility criteria for a haz-
8 ard mitigation measure under section 404;

9 (C) affect the cost share requirements of a
10 federally authorized water resources develop-
11 ment project; and

12 (D) affect the responsibilities of a non-
13 Federal interest with respect to the project, in-
14 cluding those related to the provision of lands,
15 easements, rights-of-way, dredge material dis-
16 posal areas, and necessary relocations.

17 (c) APPLICABILITY.—This section shall apply to each
18 disaster and emergency declared pursuant to the Robert
19 T. Stafford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5121 et seq.) after January 1, 2016.

1 **SEC. 610. STATE ADMINISTRATION OF ASSISTANCE FOR DI-**
 2 **RECT TEMPORARY HOUSING AND PERMA-**
 3 **NENT HOUSING CONSTRUCTION.**

4 Section 408(f) of the Robert T. Stafford Disaster Re-
 5 lief and Emergency Assistance Act (42 U.S.C. 5174(f))
 6 is amended—

7 (1) in paragraph (1), by striking the paragraph
 8 heading and inserting “STATE- OR TRIBAL-ADMINIS-
 9 TERED ASSISTANCE AND OTHER NEEDS ASSIST-
 10 ANCE.—”;

11 (2) in paragraph (1)(A)—

12 (A) by striking “financial”; and

13 (B) by striking “subsection (e)” and in-
 14 serting “subsections (c)(1)(B), (c)(4), and (e) if
 15 the President and the State or Tribal govern-
 16 ment comply, as determined by the Adminis-
 17 trator, with paragraph (3)”;

18 (3) in paragraph (1)(B)—

19 (A) by striking “financial”; and

20 (B) by striking “subsection (e)” and in-
 21 serting “subsections (c)(1)(B), (c)(4), and (e)”;
 22 and

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

24 “(3) IN GENERAL.—

25 “(A) APPLICATION.—A State or Tribal
 26 government desiring to provide assistance under

1 subsection (c)(1)(B), (c)(4), or (e) shall submit
2 to the President an application for a grant to
3 provide financial assistance under the program.

4 “(B) CRITERIA.—The President, in con-
5 sultation and coordination with State, Tribal,
6 and local governments, shall establish criteria
7 for the approval of applications submitted
8 under subparagraph (A). The criteria shall in-
9 clude, at a minimum—

10 “(i) the demonstrated ability of the
11 State or Tribal government to manage the
12 program under this section;

13 “(ii) there being in effect a plan ap-
14 proved by the President as to how the
15 State or Tribal government will comply
16 with applicable Federal laws and regula-
17 tions and how the State or Tribal govern-
18 ment will provide assistance under its plan;

19 “(iii) a requirement that the State,
20 Tribal, or local government comply with
21 rules and regulations established pursuant
22 to subsection (j); and

23 “(iv) a requirement that the Presi-
24 dent, or the designee of the President,
25 comply with subsection (i).

1 “(C) QUALITY ASSURANCE.—Before ap-
2 proving an application submitted under this
3 section, the President, or the designee of the
4 President, shall institute adequate policies, pro-
5 cedures, and internal controls to prevent waste,
6 fraud, abuse, and program mismanagement for
7 this program and for programs under sub-
8 sections (c)(1)(B), (c)(4), and (e). The Presi-
9 dent shall monitor and conduct quality assur-
10 ance activities on a State or Tribal govern-
11 ment’s implementation of programs under sub-
12 sections (c)(1)(B), (c)(4), and (e). If, after ap-
13 proving an application of a State or Tribal gov-
14 ernment submitted under this section, the
15 President determines that the State or Tribal
16 government is not administering the program
17 established by this section in a manner satisfac-
18 tory to the President, the President shall with-
19 draw the approval.

20 “(D) AUDITS.—The Office of the inspector
21 general shall provide for periodic audits of the
22 programs administered by States and Tribal
23 governments under this subsection.

24 “(E) APPLICABLE LAWS.—All Federal
25 laws applicable to the management, administra-

tion, or contracting of the programs by the Federal Emergency Management Agency under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.

“(F) REPORT.—Not later than 18 months after the date of enactment of this paragraph, the inspector general of the Department of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Tribal government’s role to provide assistance under this section. The report shall contain an assessment of the effectiveness of the State or Tribal government’s role to provide assistance under this section, including—

“(i) whether the State or Tribal government’s role helped to improve the general speed of disaster recovery;

“(ii) whether the State or Tribal government providing assistance under this section had the capacity to administer this section; and

1 “(iii) recommendations for changes to
2 improve the program if the State or Tribal
3 government’s role to administer the pro-
4 grams should be continued.

5 “(G) PROHIBITION.—The President may
6 not condition the provision of Federal assist-
7 ance under this Act by a State or Tribal gov-
8 ernment requesting a grant under this section.

9 “(H) MISCELLANEOUS.—

10 “(i) NOTICE AND COMMENT.—The
11 Administrator may waive notice and com-
12 ment rulemaking, if the Administrator de-
13 termines doing so is necessary to expedi-
14 tiously implement this section, and may
15 carry out this section as a pilot program
16 until such regulations are promulgated.

17 “(ii) FINAL RULE.—Not later than 2
18 years after the date of enactment of this
19 paragraph, the Administrator shall issue
20 final regulations to implement this sub-
21 section as amended by the Disaster Recov-
22 ery Reform Act.

23 “(iii) WAIVER AND EXPIRATION.—The
24 authority under clause (i) and any pilot
25 program implemented pursuant to such

1 clause shall expire 2 years after the date of
2 enactment of this paragraph or upon
3 issuance of final regulations pursuant to
4 clause (ii), whichever occurs sooner.”.

5 **SEC. 611. ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.**

6 Section 408(h) of the Robert T. Stafford Disaster
7 Relief and Emergency Assistance Act (42 U.S.C. 5174(h))
8 is amended—

9 (1) in paragraph (1), by inserting “, excluding
10 financial assistance to rent alternate housing accom-
11 modations under subsection (c)(1)(A)(i) and finan-
12 cial assistance to address other needs under sub-
13 section (e)” after “disaster”;

14 (2) by redesignating paragraph (2) as para-
15 graph (3);

16 (3) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) OTHER NEEDS ASSISTANCE.—The max-
19 imum financial assistance any individual or house-
20 hold may receive under subsection (e) shall be equiv-
21 alent to the amount set forth in paragraph (1) with
22 respect to a single major disaster.”;

23 (4) in paragraph (3) (as so redesignated), by
24 striking “paragraph (1)” and inserting “paragraphs
25 (1) and (2)”;

1 (5) by inserting after paragraph (3) (as so re-
2 designated) the following:

3 “(4) EXCLUSION OF NECESSARY EXPENSES FOR
4 INDIVIDUALS WITH DISABILITIES.—

5 “(A) The maximum amount of assistance
6 established under paragraph (1) shall exclude
7 expenses to repair or replace damaged accessi-
8 bility-related improvements under paragraphs
9 (2), (3), and (4) of subsection (c) for individ-
10 uals with disabilities.

11 “(B) The maximum amount of assistance
12 established under paragraph (2) shall exclude
13 expenses to repair or replace accessibility-re-
14 lated personal property under subsection (e)(2)
15 for individuals with disabilities.”.

16 **SEC. 612. MULTIFAMILY LEASE AND REPAIR ASSISTANCE.**

17 (a) LEASE AND REPAIR OF RENTAL UNITS FOR
18 TEMPORARY HOUSING.—Section 408(c)(1)(B)(ii)(II) of
19 the Robert T. Stafford Disaster Relief and Emergency As-
20 sistance Act (42 U.S.C. 5174(c)(1)(B)(ii)(II)) is amended
21 to read as follows:

22 “(II) IMPROVEMENTS OR RE-
23 PAIRS.—Under the terms of any lease
24 agreement for property entered into
25 under this subsection, the value of the

1 improvements or repairs shall be de-
2 ducted from the value of the lease
3 agreement.”.

4 (b) RENTAL PROPERTIES IMPACTED.—Section
5 408(c)(1)(B)(ii)(I)(aa) of the Robert T. Stafford Disaster
6 Relief and Emergency Assistance Act (42 U.S.C.
7 5174(c)(1)(B)(ii)(I)(aa)) is amended to read as follows:

8 “(aa) enter into lease agree-
9 ments with owners of multifamily
10 rental property impacted by a
11 major disaster or located in areas
12 covered by a major disaster dec-
13 laration to house individuals and
14 households eligible for assistance
15 under this section; and”.

16 (c) INSPECTOR GENERAL REPORT.—Not later than
17 2 years after the date of the enactment of this Act, the
18 inspector general of the Department of Homeland Security
19 shall assess the use of the authority provided under section
20 408(c)(1)(B) of the Robert T. Stafford Disaster Relief
21 and Emergency Assistance Act (42 U.S.C.
22 5174(c)(1)(B)), including the adequacy of any benefit-cost
23 analysis done to justify the use of this alternative, and
24 submit a report on the results of that review to the appro-
25 priate committees of Congress.

1 **SEC. 613. PRIVATE NONPROFIT FACILITY.**

2 Section 102 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5122) is
4 amended in paragraph (11)(B) by inserting “food banks,”
5 after “shelter workshops,”.

6 **SEC. 614. MANAGEMENT COSTS.**

7 Section 324 of the Robert T. Stafford Disaster Relief
8 and Emergency Assistance Act (42 U.S.C. 5165b) is
9 amended—

10 (1) in subsection (a) by striking “any adminis-
11 trative expense, and any other expense not directly
12 chargeable to” and inserting “direct administrative
13 cost, and any other administrative expense associ-
14 ated with”; and

15 (2) in subsection (b)—

16 (A) by striking “Notwithstanding” and in-
17 serting the following:

18 “(1) IN GENERAL.—Notwithstanding”;

19 (B) by striking “establish” and inserting
20 the following: “implement”; and

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

22 “(2) SPECIFIC MANAGEMENT COSTS.—The Ad-
23 ministrator shall provide the following percentage
24 rates, in addition to the eligible project costs, to
25 cover direct and indirect costs of administering the
26 following programs:

1 “(A) HAZARD MITIGATION.—A grantee
2 under section 404 may be reimbursed not more
3 than 15 percent of the total amount of the
4 grant award under such section of which not
5 more than 10 percent may be used by the
6 grantee and 5 percent by the subgrantee for
7 such costs.

8 “(B) PUBLIC ASSISTANCE.—A grantee
9 under sections 403, 406, 407, and 502 may be
10 reimbursed not more than 12 percent of the
11 total award amount under such sections, of
12 which not more than 7 percent may be used by
13 the grantee and 5 percent by the subgrantee for
14 such costs.”.

15 **SEC. 615. FLEXIBILITY.**

16 (a) DEFINITION.—In this section, the term “covered
17 assistance” means assistance provided—

18 (1) under section 408 of the Robert T. Stafford
19 Disaster Relief and Emergency Assistance Act (42
20 U.S.C. 5174); and

21 (2) in relation to a major disaster or emergency
22 declared by the President under section 401 or 501
23 of the Robert T. Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C. 5170; 42 U.S.C.
25 5191) on or after October 28, 2012.

1 (b) WAIVER AUTHORITY.—Notwithstanding section
2 3716(e) of title 31, United States Code, the Administrator
3 of the Federal Emergency Management Agency—

4 (1) subject to paragraph (2), may waive a debt
5 owed to the United States related to covered assist-
6 ance provided to an individual or household if—

7 (A) the covered assistance was distributed
8 based on an error by the Federal Emergency
9 Management Agency;

10 (B) there was no fault on behalf of the
11 debtor; and

12 (C) the collection of the debt would be
13 against equity and good conscience; and

14 (2) may not waive a debt under paragraph (1)
15 if the debt involves fraud, the presentation of a false
16 claim, or misrepresentation by the debtor or any
17 party having an interest in the claim.

18 (c) MONITORING OF COVERED ASSISTANCE DISTRIB-
19 UTED BASED ON ERROR.—

20 (1) IN GENERAL.—The inspector general of the
21 Department of Homeland Security shall monitor the
22 distribution of covered assistance to individuals and
23 households to determine the percentage of such as-
24 sistance distributed based on an error.

1 (2) REMOVAL OF WAIVER AUTHORITY BASED
2 ON EXCESSIVE ERROR RATE.—If the inspector gen-
3 eral determines, with respect to any 12-month pe-
4 riod, that the amount of covered assistance distrib-
5 uted based on an error by the Federal Emergency
6 Management Agency exceeds 4 percent of the total
7 amount of covered assistance distributed—

8 (A) the inspector general shall notify the
9 Administrator and publish the determination in
10 the Federal Register; and

11 (B) with respect to any major disaster or
12 emergency declared by the President under sec-
13 tion 401 or section 501, respectively, of the
14 Robert T. Stafford Disaster Relief and Emer-
15 gency Assistance Act (42 U.S.C. 5170; 42
16 U.S.C. 5191) after the date on which the deter-
17 mination is published under subparagraph (A),
18 the authority of the Administrator to waive
19 debt under subsection (b) shall no longer be ef-
20 fective.

21 **SEC. 616. ADDITIONAL DISASTER ASSISTANCE.**

22 (a) DISASTER MITIGATION.—Section 209 of the Pub-
23 lic Works and Economic Development Act of 1965 (42
24 U.S.C. 3149) is amended by adding at the end the fol-
25 lowing:

1 “(e) DISASTER MITIGATION.—In providing assist-
2 ance pursuant to subsection (c)(2), if appropriate and as
3 applicable, the Secretary may encourage hazard mitigation
4 in assistance provided pursuant to such subsection.”.

5 (b) EMERGENCY MANAGEMENT ASSISTANCE COM-
6 PACT GRANTS.—Section 661(d) of the Post-Katrina
7 Emergency Management Reform Act of 2006 (6 U.S.C.
8 761(d)) is amended by striking “for fiscal year 2008” and
9 inserting “for each of fiscal years 2018 through 2022”.

10 (c) EMERGENCY MANAGEMENT PERFORMANCE
11 GRANTS PROGRAM.—Section 662(f) of the Post-Katrina
12 Emergency Management Reform Act of 2006 (6 U.S.C.
13 762(f)) is amended by striking “the program” and all that
14 follows through “2012” and inserting “the program, for
15 each of fiscal years 2018 through 2022”.

16 (d) TECHNICAL AMENDMENT.—Section 403(a)(3) of
17 the Robert T. Stafford Disaster Relief and Emergency As-
18 sistance Act (42 U.S.C. 5170b(a)(3)) is amended by strik-
19 ing the second subparagraph (J).

20 **SEC. 617. NATIONAL VETERINARY EMERGENCY TEAMS.**

21 (a) IN GENERAL.—The Administrator of the Federal
22 Emergency Management Agency may establish one or
23 more national veterinary emergency teams at accredited
24 colleges of veterinary medicine.

1 (b) RESPONSIBILITIES.—A national veterinary emer-
2 gency team shall—

3 (1) deploy with a team of the National Urban
4 Search and Rescue Response System to assist
5 with—

6 (A) veterinary care of canine search teams;

7 (B) locating and treating companion ani-
8 mals, service animals, livestock, and other ani-
9 mals; and

10 (C) surveillance and treatment of zoonotic
11 diseases;

12 (2) recruit, train, and certify veterinary profes-
13 sionals, including veterinary students, in accordance
14 with an established set of plans and standard oper-
15 ating guidelines to carry out the duties associated
16 with planning for and responding to emergencies as
17 described in paragraph (1);

18 (3) assist State, Tribal, and local governments
19 and nonprofit organizations in developing emergency
20 management and evacuation plans that account for
21 the care and rescue of animals and in improving
22 local readiness for providing veterinary medical re-
23 sponse during a disaster; and

24 (4) coordinate with the Department of Home-
25 land Security, the Department of Health and

1 Human Services, the Department of Agriculture,
2 State, Tribal, and local governments (including de-
3 partments of animal and human health), veterinary
4 and health care professionals, and volunteers.

5 **SEC. 618. RIGHT OF ARBITRATION.**

6 Section 423 of the Robert T. Stafford Disaster Relief
7 and Emergency Assistance Act (42 U.S.C. 5189a) is
8 amended by adding at the end the following:

9 “(d) RIGHT OF ARBITRATION.—

10 “(1) IN GENERAL.—Notwithstanding this sec-
11 tion, an applicant for assistance under this title may
12 request arbitration to dispute the eligibility for as-
13 sistance or repayment of assistance provided for a
14 project of more than \$100,000 for any disaster that
15 occurred after January 1, 2016. Such arbitration
16 shall be conducted de novo by the Civilian Board of
17 Contract Appeals and the decision of such Board
18 shall be binding.

19 “(2) ELIGIBILITY.—To participate in arbitra-
20 tion under this subsection, an applicant—

21 “(A) shall submit the dispute to the arbi-
22 tration process established under the authority
23 granted under section 601 of Public Law 111–
24 5; and

1 “(B) may submit a request for arbitration
2 in lieu of an appeal under subsection (a) at any
3 time before the Administrator of FEMA has
4 issued a final agency determination.”.

5 **SEC. 619. UNIFIED FEDERAL ENVIRONMENTAL AND HIS-**
6 **TORIC PRESERVATION REVIEW.**

7 (a) REVIEW AND ANALYSIS.—Not later than 180
8 days after the date of enactment of this Act, the Adminis-
9 trator of the Federal Emergency Management Agency
10 shall review the Unified Federal Environmental and His-
11 toric Preservation review process established pursuant to
12 section 429 of the Robert T. Stafford Disaster Relief and
13 Emergency Assistance Act (42 U.S.C. 5189g), and submit
14 a report to the Committee on Transportation and Infra-
15 structure of the House of Representatives and the Com-
16 mittee on Homeland Security and Governmental Affairs
17 of the Senate that includes the following:

18 (1) An analysis of whether and how the unified
19 process has expedited the interagency review process
20 to ensure compliance with the environmental and
21 historic requirements under Federal law relating to
22 disaster recovery projects.

23 (2) A survey and analysis of categorical exclu-
24 sions used by other Federal agencies that may be
25 applicable to any activity related to a Presidentially

1 declared major disaster or emergency under such
2 Act.

3 (3) Recommendations on any further actions,
4 including any legislative proposals, needed to expedite and streamline the review process.

6 (b) REGULATIONS.—After completing the review,
7 survey, and analyses under subsection (a), but not later
8 than 2 years after the date of enactment of this Act, and
9 after providing notice and opportunity for public comment,
10 the Administrator shall issue regulations to implement any
11 regulatory recommendations, including any categorical ex-
12 clusions identified under subsection (a), to the extent that
13 the categorical exclusions meet the criteria for a categor-
14 ical exclusion under section 1508.4 of title 40, Code of
15 Federal Regulations, and section II of DHS Instruction
16 Manual 023–01–001–01.

17 **SEC. 620. CLOSEOUT INCENTIVES.**

18 (a) FACILITATING CLOSEOUT.—Section 705 of the
19 Robert T. Stafford Disaster Relief and Emergency Assist-
20 ance Act (42 U.S.C. 5205) is amended by adding at the
21 end the following:

22 “(d) FACILITATING CLOSEOUT.—

23 “(1) INCENTIVES.—The Administrator may de-
24 velop incentives and penalties that encourage State,
25 Tribal, or local governments to close out expendi-

1 tures and activities on a timely basis related to dis-
2 aster or emergency assistance.

3 “(2) AGENCY REQUIREMENTS.—The Agency
4 shall, consistent with applicable regulations and re-
5 quired procedures, meet its responsibilities to im-
6 prove closeout practices and reduce the time to close
7 disaster program awards.”.

8 (b) REGULATIONS.—The Administrator shall issue
9 regulations to implement this section.

10 **SEC. 621. PERFORMANCE OF SERVICES.**

11 Section 306 of the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 5149) is
13 amended by adding at the end the following:

14 “(c) The Administrator of the Federal Emergency
15 Management Agency is authorized to appoint temporary
16 personnel, after serving continuously for 3 years, to posi-
17 tions in the Agency in the same manner that competitive
18 service employees with competitive status are considered
19 for transfer, reassignment, or promotion to such positions.
20 An individual appointed under this subsection shall be-
21 come a career-conditional employee, unless the employee
22 has already completed the service requirements for career
23 tenure.”.

1 **SEC. 622. STUDY TO STREAMLINE AND CONSOLIDATE IN-**
2 **FORMATION COLLECTION.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the Federal Emergency
5 Management Agency shall—

6 (1) in coordination with the Small Business Ad-
7 ministration, the Department of Housing and Urban
8 Development, the Disaster Assistance Working
9 Group of the Council of the Inspectors General on
10 Integrity and Efficiency, and other appropriate
11 agencies, conduct a study and develop a plan, con-
12 sistent with law, under which the collection of infor-
13 mation from disaster assistance applicants and
14 grantees will be modified, streamlined, expedited, ef-
15 ficient, flexible, consolidated, and simplified to be
16 less burdensome, duplicative, and time consuming
17 for applicants and grantees;

18 (2) in coordination with the Small Business Ad-
19 ministration, the Department of Housing and Urban
20 Development, the Disaster Assistance Working
21 Group of the Council of the Inspectors General on
22 Integrity and Efficiency, and other appropriate
23 agencies, develop a plan for the regular collection
24 and reporting of information on Federal disaster as-
25 sistance awarded, including the establishment and

1 maintenance of a website for presenting the informa-
2 tion to the public; and

3 (3) submit the plans to the Committee on
4 Transportation and Infrastructure of the House of
5 Representatives and the Committee on Homeland
6 Security and Governmental Affairs of the Senate.

7 **SEC. 623. AGENCY ACCOUNTABILITY.**

8 Title IV of the Robert T. Stafford Disaster Relief and
9 Emergency Assistance Act is amended by adding at the
10 end the following:

11 **“SEC. 430. AGENCY ACCOUNTABILITY.**

12 “(a) PUBLIC ASSISTANCE.—Not later than 5 days
13 after an award of a public assistance grant is made under
14 section 406 that is in excess of \$1,000,000, the Adminis-
15 trator shall publish on the Agency’s website the specifics
16 of each such grant award, including—

17 “(1) identifying the Federal Emergency Man-
18 agement Agency Region;

19 “(2) the disaster or emergency declaration
20 number;

21 “(3) the State, county, and applicant name;

22 “(4) if the applicant is a private nonprofit orga-
23 nization;

24 “(5) the damage category code;

1 “(6) the amount of the Federal share obligated;
2 and

3 “(7) the date of the award.

4 “(b) MISSION ASSIGNMENTS.—

5 “(1) IN GENERAL.—Not later than 5 days after
6 the issuance of a mission assignment or mission as-
7 signment task order, the Administrator shall publish
8 on the Agency’s website any mission assignment or
9 mission assignment task order to another Federal
10 department or agency regarding a major disaster in
11 excess of \$1,000,000, including—

12 “(A) the name of the impacted State or
13 Tribe;

14 “(B) the disaster declaration for such
15 State or Tribe;

16 “(C) the assigned agency;

17 “(D) the assistance requested;

18 “(E) a description of the disaster;

19 “(F) the total cost estimate;

20 “(G) the amount obligated;

21 “(H) the State or Tribal cost share, if ap-
22 plicable;

23 “(I) the authority under which the mission
24 assignment or mission assignment task order
25 was directed; and

1 “(J) if applicable, the date a State or
2 Tribe requested the mission assignment.

3 “(2) RECORDING CHANGES.—Not later than 10
4 days after the last day of each month until a mission
5 assignment or mission assignment task order de-
6 scribed in paragraph (1) is completed and closed
7 out, the Administrator shall update any changes to
8 the total cost estimate and the amount obligated.

9 “(c) DISASTER RELIEF MONTHLY REPORT.—Not
10 later than 10 days after the first day of each month, the
11 Administrator shall publish on the Agency’s website re-
12 ports, including a specific description of the methodology
13 and the source data used in developing such reports, in-
14 cluding—

15 “(1) an estimate of the amounts for the fiscal
16 year covered by the President’s most recent budget
17 pursuant to section 1105(a) of title 31, United
18 States Code, including—

19 “(A) the unobligated balance of funds to
20 be carried over from the prior fiscal year to the
21 budget year;

22 “(B) the unobligated balance of funds to
23 be carried over from the budget year to the
24 budget year plus 1;

1 “(C) the amount of obligations for non-
2 catastrophic events for the budget year;

3 “(D) the amount of obligations for the
4 budget year for catastrophic events delineated
5 by event and by State;

6 “(E) the total amount that has been pre-
7 viously obligated or will be required for cata-
8 strophic events delineated by event and by State
9 for all prior years, the current fiscal year, the
10 budget year, and each fiscal year thereafter;

11 “(F) the amount of previously obligated
12 funds that will be recovered for the budget
13 year;

14 “(G) the amount that will be required for
15 obligations for emergencies, as described in sec-
16 tion 102(1), major disasters, as described in
17 section 102(2), fire management assistance
18 grants, as described in section 420, surge ac-
19 tivities, and disaster readiness and support ac-
20 tivities; and

21 “(H) the amount required for activities not
22 covered under section 251(b)(2)(D)(iii) of the
23 Balanced Budget and Emergency Deficit Con-
24 trol Act of 1985 (2 U.S.C. 901(b)(2)(D)(iii));
25 and

1 “(2) an estimate or actual amounts, if available,
2 of the following for the current fiscal year shall be
3 submitted not later than the fifth day of each
4 month, published by the Administrator on the Agen-
5 cy’s website not later than the fifth day of each
6 month:

7 “(A) A summary of the amount of appro-
8 priations made available by source, the trans-
9 fers executed, the previously allocated funds re-
10 covered, and the commitments, allocations, and
11 obligations made.

12 “(B) A table of disaster relief activity de-
13 lineated by month, including—

14 “(i) the beginning and ending bal-
15 ances;

16 “(ii) the total obligations to include
17 amounts obligated for fire assistance,
18 emergencies, surge, and disaster support
19 activities;

20 “(iii) the obligations for catastrophic
21 events delineated by event and by State;
22 and

23 “(iv) the amount of previously obli-
24 gated funds that are recovered.

1 “(C) A summary of allocations, obligations,
2 and expenditures for catastrophic events delin-
3 eated by event.

4 “(D) The cost of the following categories
5 of spending:

6 “(i) Public assistance.

7 “(ii) Individual assistance.

8 “(iii) Mitigation.

9 “(iv) Administrative.

10 “(v) Operations.

11 “(vi) Any other relevant category (in-
12 cluding emergency measures and disaster
13 resources) delineated by disaster.

14 “(E) The date on which funds appro-
15 priated will be exhausted.

16 “(d) CONTRACTS.—

17 “(1) INFORMATION.—Not later than 10 days
18 after the first day of each month, the Administrator
19 shall publish on the Agency’s website the specifics of
20 each contract in excess of \$1,000,000 that the Agen-
21 cy enters into, including—

22 “(A) the name of the party;

23 “(B) the date the contract was awarded;

24 “(C) the amount and scope of the contract;

1 “(D) if the contract was awarded through
2 competitive bidding process;

3 “(E) if no competitive bidding process was
4 used, the reason why competitive bidding was
5 not used; and

6 “(F) the authority used to bypass the com-
7 petitive bidding process.

8 The information shall be delineated by disaster, if
9 applicable, and specify the damage category code, if
10 applicable.

11 “(2) REPORT.—Not later than 10 days after
12 the last day of the fiscal year, the Administrator
13 shall provide a report to the appropriate committees
14 of Congress summarizing the following information
15 for the preceding fiscal year:

16 “(A) The number of contracts awarded
17 without competitive bidding.

18 “(B) The reasons why a competitive bid-
19 ding process was not used.

20 “(C) The total amount of contracts award-
21 ed with no competitive bidding.

22 “(D) The damage category codes, if appli-
23 cable, for contracts awarded without competi-
24 tive bidding.”.

1 **SEC. 624. AUDIT OF CONTRACTS.**

2 Notwithstanding any other provision of law, the Ad-
3 ministrators of the Federal Emergency Management Agen-
4 cy shall not reimburse a State, Tribe, or local government
5 or the owner or operator of a private nonprofit facility for
6 any activities made pursuant to a contract entered into
7 after August 1, 2017, that prohibits the Administrator or
8 the Comptroller General of the United States from audit-
9 ing or otherwise reviewing all aspects relating to the con-
10 tract.

11 **SEC. 625. INSPECTOR GENERAL AUDIT OF FEMA CON-**
12 **TRACTS FOR TARPS AND PLASTIC SHEETING.**

13 (a) IN GENERAL.—Not later than 30 days after the
14 date of enactment of this Act, the inspector general of the
15 Department of Homeland Security shall initiate an audit
16 of the contracts awarded by the Federal Emergency Man-
17 agement Agency (in this section referred to as “FEMA”)
18 for tarps and plastic sheeting for the Commonwealth of
19 Puerto Rico and the United States Virgin Islands in re-
20 sponse to Hurricane Irma and Hurricane Maria.

21 (b) CONSIDERATIONS.—In carrying out the audit
22 under subsection (a), the inspector general shall review—

23 (1) the contracting process used by FEMA to
24 evaluate offerors and award the relevant contracts to
25 contractors;

1 (2) FEMA’s assessment of the past perform-
2 ance of the contractors, including any historical in-
3 formation showing that the contractors had sup-
4 ported large-scale delivery quantities in the past;

5 (3) FEMA’s assessment of the capacity of the
6 contractors to carry out the relevant contracts, in-
7 cluding with respect to inventory, production, and fi-
8 nancial capabilities;

9 (4) how FEMA ensured that the contractors
10 met the terms of the relevant contracts; and

11 (5) whether the failure of the contractors to
12 meet the terms of the relevant contracts and
13 FEMA’s subsequent cancellation of the relevant con-
14 tracts affected the provision of tarps and plastic
15 sheeting to the Commonwealth of Puerto Rico and
16 the United States Virgin Islands.

17 (c) REPORT.—Not later than 270 days after the date
18 of initiation of the audit under subsection (a), the inspec-
19 tor general shall submit to the Committee on Transpor-
20 tation and Infrastructure of the House of Representatives
21 and the Committee on Homeland Security and Govern-
22 mental Affairs of the Senate a report on the results of
23 the audit, including findings and recommendations.

1 **SEC. 626. RELIEF ORGANIZATIONS.**

2 Section 309 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5152) is
4 amended—

5 (1) in subsection (a), by striking “and other re-
6 lief or” and inserting “long-term recovery groups,
7 domestic hunger relief, and other relief, or”; and

8 (2) in subsection (b), by striking “and other re-
9 lief or” and inserting “long-term recovery groups,
10 domestic hunger relief, and other relief, or”.

11 **SEC. 627. GUIDANCE ON INUNDATED AND SUBMERGED**
12 **ROADS.**

13 The Administrator of the Federal Emergency Man-
14 agement Agency, in coordination with the Administrator
15 of the Federal Highway Administration, shall develop and
16 issue guidance for State, local, and Tribal governments
17 regarding repair, restoration, and replacement of unin-
18 dated and submerged roads damaged or destroyed by a
19 major disaster, and for associated expenses incurred by
20 the Government, with respect to roads eligible for assist-
21 ance under section 406 of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C. 5172).

23 **SEC. 628. AUTHORITIES.**

24 Notwithstanding any other provision of law, the non-
25 federally funded actions of private parties and State, local,
26 or Tribal governments, on State, local, Tribal, and private

1 land, and the effects of those actions, shall not be attrib-
2 uted to the Federal Emergency Management Agency's ac-
3 tions under the National Flood Insurance Act of 1968 (42
4 U.S.C. 4001 et seq.), the Flood Disaster Protection Act
5 of 1973 (42 U.S.C. 4002 et seq.), the Biggert-Waters
6 Flood Insurance Reform Act of 2012 (subtitle A of title
7 II of division F of Public Law 112–141; 126 Stat. 916),
8 and the Homeowner Flood Insurance Affordability Act of
9 2014 (Public Law 113–89; 128 Stat. 1020) for the pur-
10 poses of section 7 (16 U.S.C. 1536) and section 9 (16
11 U.S.C. 1538) of the Endangered Species Act. Actions
12 taken under the National Flood Insurance Act of 1968,
13 the Flood Disaster Protection Act of 1973, the Biggert-
14 Waters Flood Insurance Reform Act of 2012, and the
15 Homeowner Flood Insurance Affordability Act of 2014,
16 that may influence private actions do not create a Federal
17 nexus for the purpose of applying the requirements of sec-
18 tion 7 of the Endangered Species Act of 1973 (16 U.S.C.
19 1536).

20 **SEC. 629. RECOUPMENT OF CERTAIN ASSISTANCE PROHIB-**
21 **ITED.**

22 (a) IN GENERAL.—Notwithstanding section 3716(e)
23 of title 31, United States Code, and unless there is evi-
24 dence of civil or criminal fraud, the Federal Emergency
25 Management Agency may not take any action to recoup

1 covered assistance from the recipient of such assistance
2 if the receipt of such assistance occurred on a date that
3 is more than 3 years before the date on which the Federal
4 Emergency Management Agency first provides to the re-
5 cipient written notification of an intent to recoup.

6 (b) COVERED ASSISTANCE DEFINED.—In this sec-
7 tion, the term “covered assistance” means assistance pro-
8 vided—

9 (1) under section 408 of the Robert T. Stafford
10 Disaster Relief and Emergency Assistance Act (42
11 U.S.C. 5174); and

12 (2) in relation to a major disaster or emergency
13 declared by the President under section 401 or 501
14 of such Act (42 U.S.C. 5170; 42 U.S.C. 5191) on
15 or after January 1, 2012.

16 **SEC. 630. STATUTE OF LIMITATIONS.**

17 (a) IN GENERAL.—Section 705 of the Robert T.
18 Stafford Disaster Relief and Emergency Assistance Act
19 (42 U.S.C. 5205) is amended—

20 (1) in subsection (a)(1)—

21 (A) by striking “Except” and inserting
22 “Notwithstanding section 3716(e) of title 31,
23 United States Code, and except”; and

1 (B) by striking “report for the disaster or
2 emergency” and inserting “report for project
3 completion as certified by the grantee”; and
4 (2) in subsection (b)—

5 (A) in paragraph (1) by striking “report
6 for the disaster or emergency” and inserting
7 “report for project completion as certified by
8 the grantee”; and

9 (B) in paragraph (3) by inserting “for
10 project completion as certified by the grantee”
11 after “final expenditure report”.

12 (b) APPLICABILITY.—

13 (1) IN GENERAL.—With respect to disaster or
14 emergency assistance provided to a State or local
15 government on or after January 1, 2004—

16 (A) no administrative action may be taken
17 to recover a payment of such assistance after
18 the date of enactment of this Act if the action
19 is prohibited under section 705(a)(1) of the
20 Robert T. Stafford Disaster Relief and Emer-
21 gency Assistance Act (42 U.S.C. 5205(a)(1)),
22 as amended by subsection (a); and

23 (B) any administrative action to recover a
24 payment of such assistance that is pending on
25 such date of enactment shall be terminated if

1 the action is prohibited under section 705(a)(1)
2 of that Act, as amended by subsection (a).

3 (2) LIMITATION.—This section, including the
4 amendments made by this section, may not be con-
5 strued to invalidate or otherwise affect any adminis-
6 tration action completed before the date of enact-
7 ment of this Act.

8 **SEC. 631. TECHNICAL ASSISTANCE AND RECOMMENDA-**
9 **TIONS.**

10 (a) TECHNICAL ASSISTANCE.—The Administrator of
11 the Federal Emergency Management Agency shall provide
12 technical assistance to a common interest community that
13 provides essential services of a governmental nature on ac-
14 tions that a common interest community may take in
15 order to be eligible to receive reimbursement from a grant-
16 ee that receives funds from the Agency for certain activi-
17 ties performed after an event that results in a disaster
18 declaration.

19 (b) RECOMMENDATIONS.—Not later than 90 days
20 after the date of enactment of this Act, the Administrator
21 shall provide to the Committee on Transportation and In-
22 frastructure of the House of Representatives and the Com-
23 mittee on Homeland Security and Governmental Affairs
24 of the Senate a legislative proposal on how to provide eligi-

1 bility for disaster assistance with respect to common areas
2 of condominiums and housing cooperatives.

3 **SEC. 632. GUIDANCE ON HAZARD MITIGATION ASSISTANCE.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Administrator of the
6 Federal Emergency Management Agency shall issue guid-
7 ance regarding the acquisition of property for open space
8 as a mitigation measure under section 404 of the Robert
9 T. Stafford Disaster Relief and Emergency Assistance Act
10 (42 U.S.C. 5170c) that includes—

11 (1) a process by which the State hazard mitiga-
12 tion officer appointed for such an acquisition shall,
13 not later than 60 days after the applicant for assist-
14 ance enters into an agreement with the Adminis-
15 trator regarding the acquisition, provide written no-
16 tification to each affected unit of local government
17 for such acquisition that includes—

18 (A) the location of the acquisition;

19 (B) the State-local assistance agreement
20 for the hazard mitigation grant program;

21 (C) a description of the acquisition; and

22 (D) a copy of the deed restriction; and

23 (2) recommendations for entering into and im-
24 plementing a memorandum of understanding be-
25 tween units of local government and covered entities

1 that includes provisions to allow an affected unit of
2 local government notified under paragraph (1) to—

3 (A) use and maintain the open space cre-
4 ated by such a project, consistent with section
5 404 (including related regulations, standards,
6 and guidance) and consistent with all adjoining
7 property, subject to the notification of the ad-
8 joining property, so long as the cost of the
9 maintenance is borne by the local government;
10 and

11 (B) maintain the open space pursuant to
12 standards exceeding any local government
13 standards defined in the agreement with the
14 Administrator described under paragraph (1).

15 (b) DEFINITIONS.—In this section the following defi-
16 nitions apply:

17 (1) AFFECTED UNIT OF LOCAL GOVERN-
18 MENT.—The term “affected unit of local govern-
19 ment” means any entity covered by the definition of
20 local government in section 102 of the Robert T.
21 Stafford Disaster Relief and Emergency Assistance
22 Act (42 U.S.C. 5122), that has jurisdiction over the
23 property subject to the acquisition described in sub-
24 section (a).

1 (2) COVERED ENTITY.—The term “covered en-
2 tity” means—

3 (A) the grantee or subgrantee receiving as-
4 sistance for an open space project described in
5 subsection (a);

6 (B) the State in which such project is lo-
7 cated; and

8 (C) the applicable Regional Administrator
9 of the Federal Emergency Management Agency.

10 **SEC. 633. LOCAL IMPACT.**

11 In making recommendations to the President regard-
12 ing a major disaster declaration, the Administrator of the
13 Federal Emergency Management Agency shall give great-
14 er weight and consideration to severe local impact or re-
15 cent multiple disasters. Further, the Administrator shall
16 make corresponding adjustments to the Agency’s policies
17 and regulations regarding such consideration. Not later
18 than 1 year after the date of enactment of this section,
19 the Administrator shall report to the Committee on Trans-
20 portation and Infrastructure of the House of Representa-
21 tives and the Committee on Homeland Security and Gov-
22 ernmental Affairs of the Senate on the changes made to
23 regulations and policies and the number of declarations
24 that have been declared based on the new criteria.

1 **SEC. 634. ADDITIONAL HAZARD MITIGATION ACTIVITIES.**

2 Section 404 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5170e) is fur-
4 ther amended by adding at the end the following:

5 “(g) USE OF ASSISTANCE.—Recipients of hazard
6 mitigation assistance provided under this section and sec-
7 tion 203 may use the assistance to conduct activities to
8 help reduce the risk of future damage, hardship, loss, or
9 suffering in any area affected by earthquake hazards, in-
10 cluding—

11 “(1) improvements to regional seismic networks
12 in support of building a capability for earthquake
13 early warning;

14 “(2) improvements to geodetic networks in sup-
15 port of building a capability for earthquake early
16 warning; and

17 “(3) improvements to seismometers, Global Po-
18 sitioning System receivers, and associated infrastruc-
19 ture in support of building a capability for earth-
20 quake early warning.”.

21 **SEC. 635. NATIONAL PUBLIC INFRASTRUCTURE**
22 **PREDISASTER HAZARD MITIGATION.**

23 (a) PREDISASTER HAZARD MITIGATION.—Section
24 203 of the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5133) is amended—

1 (1) in subsection (c) by inserting “Public Infra-
2 structure” after “the National”;

3 (2) in subsection (e)(1)(B)—

4 (A) by striking “or” at the end of clause
5 (ii);

6 (B) by striking the period at the end of
7 clause (iii) and inserting “; or”; and

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

9 “(iv) to establish and carry out en-
10 forcement activities to implement the latest
11 published editions of relevant consensus-
12 based codes, specifications, and standards
13 that incorporate the latest hazard-resistant
14 designs and establish minimum acceptable
15 criteria for the design, construction, and
16 maintenance of residential structures and
17 facilities that may be eligible for assistance
18 under this Act for the purpose of pro-
19 tecting the health, safety, and general wel-
20 fare of the buildings’ users against disas-
21 ters.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1) by inserting “for
24 mitigation activities that are cost effective”
25 after “competitive basis”; and

1 (B) by adding at the end the following:

2 “(3) REDISTRIBUTION OF UNOBLIGATED
3 AMOUNTS.—The President may—

4 “(A) withdraw amounts of financial assist-
5 ance made available to a State (including
6 amounts made available to local governments of
7 a State) under this subsection that remain un-
8 obligated by the end of the third fiscal year
9 after the fiscal year for which the amounts were
10 allocated; and

11 “(B) in the fiscal year following a fiscal
12 year in which amounts were withdrawn under
13 subparagraph (A), add the amounts to any
14 other amounts available to be awarded on a
15 competitive basis pursuant to paragraph (1).”;
16 (4) in subsection (g)—

17 (A) in paragraph (9) by striking “and” at
18 the end;

19 (B) by redesignating paragraph (10) as
20 paragraph (12); and

21 (C) by adding after paragraph (9) the fol-
22 lowing:

23 “(10) the extent to which the State or local
24 government has facilitated the adoption and enforce-
25 ment of the latest published editions of relevant con-

1 sensus-based codes, specifications, and standards
2 that incorporate the latest hazard-resistant designs
3 and establish criteria for the design, construction,
4 and maintenance of residential structures and facili-
5 ties that may be eligible for assistance under this
6 Act for the purpose of protecting the health, safety,
7 and general welfare of the buildings' users against
8 disasters;

9 “(11) the extent to which the assistance will
10 fund activities that increase the level of resiliency;
11 and”;

12 (5) by striking subsection (i) and inserting the
13 following:

14 “(i) NATIONAL PUBLIC INFRASTRUCTURE
15 PREDISASTER MITIGATION ASSISTANCE.—

16 “(1) IN GENERAL.—The President may set
17 aside from the Disaster Relief Fund, with respect to
18 each major disaster, an amount equal to 6 percent
19 of the estimated aggregate amount of the grants to
20 be made pursuant to sections 403, 406, 407, 408,
21 410, and 416 for the major disaster in order to pro-
22 vide technical and financial assistance under this
23 section.

24 “(2) ESTIMATED AGGREGATE AMOUNT.—Not
25 later than 180 days after each major disaster dec-

1 laration pursuant to this Act, the estimated aggre-
2 gate amount of grants for purposes of paragraph (1)
3 shall be determined by the President and such esti-
4 mated amount need not be reduced, increased, or
5 changed due to variations in estimates.

6 “(3) NO REDUCTION IN AMOUNTS.—The
7 amount set aside pursuant to paragraph (1) shall
8 not reduce the amounts otherwise made available for
9 sections 403, 404, 406, 407, 408, 410, and 416
10 under this Act.”; and

11 (6) by striking subsections (j) and (m) and re-
12 designating subsections (k), (l), and (n) as sub-
13 sections (j), (k), and (l), respectively.

14 (b) APPLICABILITY.—The amendments made to sec-
15 tion 203 of the Robert T. Stafford Disaster Relief and
16 Emergency Assistance Act (42 U.S.C. 5133) by para-
17 graphs (3) and (5) of subsection (a) shall apply to funds
18 appropriated after the date of enactment of this Act.

19 **SEC. 636. ADDITIONAL MITIGATION ACTIVITIES.**

20 (a) HAZARD MITIGATION CLARIFICATION.—Section
21 404(a) of the Robert T. Stafford Disaster Relief and
22 Emergency Assistance Act (42 U.S.C. 5170c(a)) is
23 amended by striking the first sentence and inserting the
24 following: “The President may contribute up to 75 percent
25 of the cost of hazard mitigation measures which the Presi-

1 dent has determined are cost effective and which substan-
2 tially reduce the risk of, or increase resilience to, future
3 damage, hardship, loss, or suffering in any area affected
4 by a major disaster.”.

5 (b) ELIGIBLE COST.—Section 406(e)(1)(A) of such
6 Act (42 U.S.C. 5172(e)(1)(A)) is amended—

7 (1) in the matter preceding clause (i), by insert-
8 ing after “section,” the following: “for disasters de-
9 clared on or after August 1, 2017, or a disaster in
10 which a cost estimate has not yet been finalized for
11 a project,”;

12 (2) in clause (i), by striking “and”;

13 (3) in clause (ii)—

14 (A) by striking “codes, specifications, and
15 standards” and inserting “the latest published
16 editions of relevant consensus-based codes,
17 specifications, and standards that incorporate
18 the latest hazard-resistant designs and establish
19 minimum acceptable criteria for the design,
20 construction, and maintenance of residential
21 structures and facilities that may be eligible for
22 assistance under this Act for the purposes of
23 protecting the health, safety, and general wel-
24 fare of a facility’s users against disasters”;

1 (B) by striking “applicable at the time at
2 which the disaster occurred”; and

3 (C) by striking the period at the end and
4 inserting “; and”; and

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

6 “(iii) in a manner that allows the fa-
7 cility to meet the definition of resilient de-
8 veloped pursuant to this subsection.”.

9 (c) OTHER ELIGIBLE COST.—Section 406(e)(1) of
10 such Act (42 U.S.C. 5172(e)(1)) is further amended by
11 inserting at the end the following:

12 “(C) CONTRIBUTIONS.—Contributions for
13 the eligible cost made under this section may be
14 provided on an actual cost basis or on cost-esti-
15 mation procedures.”.

16 (d) NEW RULES.—Section 406(e) of such Act (42
17 U.S.C. 5172(e)) is further amended by adding at the end
18 the following:

19 “(5) NEW RULES.—

20 “(A) IN GENERAL.—Not later than 18
21 months after the date of enactment of this
22 paragraph, the President, acting through the
23 Administrator of the Federal Emergency Man-
24 agement Agency, shall issue a final rulemaking

1 that defines the terms ‘resilient’ and ‘resiliency’
2 for purposes of this subsection.

3 “(B) INTERIM GUIDANCE.—Not later than
4 60 days after the date of enactment of this
5 paragraph, the Administrator shall issue in-
6 terim guidance to implement this subsection.
7 Such interim guidance shall expire 18 months
8 after the date of enactment of this paragraph
9 or upon issuance of final regulations pursuant
10 to subparagraph (A), whichever occurs first.

11 “(C) GUIDANCE.—Not later than 90 days
12 after the date on which the Administrator
13 issues the final rulemaking under this para-
14 graph, the Administrator shall issue any nec-
15 essary guidance related to the rulemaking.

16 “(D) REPORT.—Not later than 2 years
17 after the date of enactment of this paragraph,
18 the Administrator shall submit to Congress a
19 report summarizing the regulations and guid-
20 ance issued pursuant to this paragraph.”.

21 (e) CONFORMING AMENDMENT.—Section 205(d)(2)
22 of the Disaster Mitigation Act of 2000 (Public Law 106–
23 390) is amended by inserting “(B)” after “except that
24 paragraph (1)”.

1 **SEC. 637. ELIGIBILITY FOR CODE IMPLEMENTATION AND**
2 **ENFORCEMENT.**

3 Section 402 of the Robert T. Stafford Disaster Relief
4 and Emergency Assistance Act (42 U.S.C. 5170a) is
5 amended—

6 (1) by striking “and” at the end of paragraph
7 (4);

8 (2) by redesignating paragraph (5) as para-
9 graph (6); and

10 (3) by inserting after paragraph (4) the fol-
11 lowing:

12 “(5) provide assistance to State and local gov-
13 ernments for building code and floodplain manage-
14 ment ordinance administration and enforcement, in-
15 cluding inspections for substantial damage compli-
16 ance.”.

17 **SEC. 638. GAO REPORT ON LONG-TERM RECOVERY EF-**
18 **FORTS.**

19 (a) IN GENERAL.—Not later than 240 days after the
20 date of enactment of this Act, the Comptroller General
21 shall submit to Congress a report on long-term recovery
22 efforts following Hurricane Andrew, the attacks of Sep-
23 tember 11, 2001, Hurricane Katrina, Hurricane Ike, and
24 Hurricane Sandy.

25 (b) CONTENT OF REPORT.—The report shall contain
26 the following:

1 (1) Information on defining a long-term recovery,
2 the stages of a long-term recovery, and the
3 transition from Federal Government management of
4 long-term recovery efforts to State and local leadership.
5

6 (2) An assessment of the personnel needed, and
7 the types of expertise or certifications required to accomplish the
8 administration and management of recovery efforts for each of the
9 disasters described in
10 subsection (a).

11 (3) An analysis of the success and efficiency of
12 the long-term disaster recovery, and best practices
13 learned that may be applied to future long-term disaster
14 recovery plans.

15 (4) Recommendations of the Comptroller General for what
16 should be defined as a long-term disaster recovery project using
17 existing authority and responsibility of the Federal Emergency
18 Management Agency (FEMA) to advise and make recommendations
19 to the President regarding Presidential Disaster Declarations.
20

21 (5) Recommendations of FEMA on the capacity
22 and competence of FEMA to manage multiple major
23 Presidential Disaster Declarations simultaneously of
24 the magnitude of 3, 4, or all 5 of the disasters de-
25

1 scribed in subsection (a) occurring within weeks of
2 each other.

3 **SEC. 639. GUIDANCE AND TRAINING BY FEMA ON COORDI-**
4 **NATION OF EMERGENCY RESPONSE PLANS.**

5 (a) TRAINING REQUIREMENT.—The Administrator of
6 the Federal Emergency Management Agency shall provide
7 guidance and training on an annual basis to State, local,
8 and Tribal governments, first responders, and facilities
9 that store hazardous materials on coordination of emer-
10 gency response plans in the event of a major disaster or
11 emergency, including severe weather events. The guidance
12 and training shall include the following:

13 (1) Providing a list of equipment required in
14 the event a hazardous substance is released into the
15 environment.

16 (2) Outlining the health risks associated with
17 exposure to hazardous substances to improve treat-
18 ment response.

19 (3) Publishing best practices for mitigating fur-
20 ther danger to communities from hazardous sub-
21 stances.

22 (b) IMPLEMENTATION.—The requirement of sub-
23 section (a) shall be implemented not later than 180 days
24 after the date of enactment of this Act.

1 **SEC. 640. REIMBURSEMENT.**

2 The Federal Emergency Management Agency
3 (FEMA) shall retroactively reimburse State and local
4 units of government (for a period of 3 years after the dec-
5 laration of a major disaster under section 401 of the Rob-
6 ert T. Stafford Disaster Relief and Emergency Assistance
7 Act (42 U.S.C. 5170)) upon determination that a locally-
8 implemented housing solution, implemented by State or
9 local units of government, costs 50 percent of comparable
10 FEMA solution or whatever the locally-implemented solu-
11 tion costs, whichever is lower.

12 **SEC. 641. FLOOD INSURANCE.**

13 Section 406(d)(1) of the Robert T. Stafford Disaster
14 Relief and Emergency Assistance Act (42 U.S.C.
15 5172(d)(1)) is amended by adding at the end the fol-
16 lowing: “This section shall not apply to more than one
17 building of a multi-structure educational, law enforcement,
18 correctional, fire, or medical campus, effective January 1,
19 2016.”.

20 **SEC. 642. CERTAIN RECOUPMENT PROHIBITED.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, the Federal Emergency Management Agency
23 shall deem any covered disaster assistance to have been
24 properly procured, provided, and utilized, and shall restore
25 any funding of covered disaster assistance previously pro-
26 vided but subsequently withdrawn or deobligated.

1 (b) COVERED DISASTER ASSISTANCE DEFINED.—In
2 this section, the term “covered disaster assistance” means
3 assistance—

4 (1) provided to a local government pursuant to
5 section 403, 406, or 407 of the Robert T. Stafford
6 Disaster Relief and Emergency Assistance Act (42
7 U.S.C. 5170b, 5172, or 5173); and

8 (2) with respect to which, the Inspector General
9 of the Department of Homeland Security has deter-
10 mined, after an audit, that—

11 (A) the Federal Emergency Management
12 Agency deployed to the local government a
13 Technical Assistance Contractor to review field
14 operations, provide eligibility advice, and assist
15 with day-to-day decisions;

16 (B) the Technical Assistance Contractor
17 provided inaccurate information to the local
18 government; and

19 (C) the local government relied on the in-
20 accurate information to determine that relevant
21 contracts were eligible, reasonable, and reim-
22 bursable.

1 **TITLE VII—FLIGHT R&D ACT**
2 **Subtitle A—General Provisions**

3 **SEC. 701. SHORT TITLE.**

4 This title may be cited as the “FAA Leadership in
5 Groundbreaking High-Tech Research and Development
6 Act” or the “FLIGHT R&D Act”.

7 **SEC. 702. DEFINITIONS.**

8 In this title, the following definitions apply:

9 (1) ADMINISTRATOR.—The term “Adminis-
10 trator” means the Administrator of the Federal
11 Aviation Administration.

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

14 (3) NASA.—The term “NASA” means the Na-
15 tional Aeronautics and Space Administration.

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Transportation.

18 **SEC. 703. AUTHORIZATION OF APPROPRIATIONS.**

19 (a) AUTHORIZATIONS.—Section 48102(a) of title 49,
20 United States Code, is amended—

21 (1) in the matter before paragraph (1) by strik-
22 ing “and, for each of fiscal years 2012 through
23 2015, under subsection (g)”;

24 (2) at the end of paragraph (9), by striking
25 “and”; and

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

3 “(10) for fiscal year 2018, \$181,000,000, in-
4 cluding—

5 “(A) \$128,500,000 for Safety Research
6 and Development programs, including—

7 “(i) Fire Research and Safety;

8 “(ii) Propulsion and Fuel Systems;

9 “(iii) Advanced Materials/Structural
10 Safety;

11 “(iv) Aircraft Icing/Digital System
12 Safety;

13 “(v) Continued Airworthiness;

14 “(vi) Aircraft Catastrophic Failure
15 Prevention Research;

16 “(vii) Flightdeck/Maintenance/System
17 Integration Human Factors;

18 “(viii) System Safety Management;

19 “(ix) Air Traffic Control/Technical
20 Operations Human Factors;

21 “(x) Aeromedical Research;

22 “(xi) Weather Program;

23 “(xii) Unmanned Aircraft Systems
24 Research;

- 1 “(xiii) NextGen–Alternative Fuels for
2 General Aviation;
3 “(xiv) Joint Planning and Develop-
4 ment Office;
5 “(xv) Ocean and Other Remote Loca-
6 tions ATS Research Program;
7 “(xvi) Cybersecurity Research Pro-
8 gram;
9 “(xvii) Cybersecurity Threat Modeling
10 Program;
11 “(xviii) Single Piloted Commercial
12 Cargo Aircraft Program; and
13 “(xix) UAV-Manned Aircraft Collision
14 Research Program;
15 “(B) \$26,000,000 for Economic Competi-
16 tiveness Research and Development programs,
17 including—
18 “(i) NextGen–Wake Turbulence;
19 “(ii) NextGen–Air Ground Integration
20 Human Factors;
21 “(iii) Next Gen–Weather Technology
22 in the Cockpit; and
23 “(iv) Commercial Space Transpor-
24 tation Safety;

1 “(C) \$20,000,000 for Environmental Sus-
2 tainability Research and Development pro-
3 grams, including—

4 “(i) Environment and Energy; and

5 “(ii) NextGen–Environmental Re-
6 search–Aircraft Technologies, Fuels and
7 Metrics; and

8 “(D) \$6,500,000 for Mission Support pro-
9 grams, including—

10 “(i) System Planning and Resource
11 Management; and

12 “(ii) William J. Hughes Technical
13 Center Laboratory Facility;

14 “(11) for fiscal year 2019, \$186,000,000, in-
15 cluding—

16 “(A) \$131,000,000 for Safety Research
17 and Development programs, including—

18 “(i) Fire Research and Safety;

19 “(ii) Propulsion and Fuel Systems;

20 “(iii) Advanced Materials/Structural
21 Safety;

22 “(iv) Aircraft Icing/Digital System
23 Safety;

24 “(v) Continued Airworthiness;

- 1 “(vi) Aircraft Catastrophic Failure
- 2 Prevention Research;
- 3 “(vii) Flightdeck/Maintenance/System
- 4 Integration Human Factors;
- 5 “(viii) System Safety Management;
- 6 “(ix) Air Traffic Control/Technical
- 7 Operations Human Factors;
- 8 “(x) Aeromedical Research;
- 9 “(xi) Weather Program;
- 10 “(xii) Unmanned Aircraft Systems
- 11 Research;
- 12 “(xiii) NextGen–Alternative Fuels for
- 13 General Aviation;
- 14 “(xiv) Joint Planning and Develop-
- 15 ment Office;
- 16 “(xv) Ocean and Other Remote Loca-
- 17 tions ATS Research Program;
- 18 “(xvi) Cybersecurity Research Pro-
- 19 gram;
- 20 “(xvii) Cybersecurity Threat Modeling
- 21 Program;
- 22 “(xviii) Single Piloted Commercial
- 23 Cargo Aircraft Program; and
- 24 “(xix) UAV-Manned Aircraft Collision
- 25 Research Program;

1 “(B) \$28,000,000 for Economic Competi-
2 tiveness Research and Development programs,
3 including—

4 “(i) NextGen–Wake Turbulence;

5 “(ii) NextGen–Air Ground Integration
6 Human Factors;

7 “(iii) Next Gen–Weather Technology
8 in the Cockpit; and

9 “(iv) Commercial Space Transpor-
10 tation Safety;

11 “(C) \$20,000,000 for Environmental Sus-
12 tainability Research and Development pro-
13 grams, including—

14 “(i) Environment and Energy; and

15 “(ii) NextGen–Environmental Re-
16 search–Aircraft Technologies, Fuels and
17 Metrics; and

18 “(D) \$7,000,000 for Mission Support pro-
19 grams, including—

20 “(i) System Planning and Resource
21 Management; and

22 “(ii) William J. Hughes Technical
23 Center Laboratory Facility;

24 “(12) for fiscal year 2020, \$190,000,000, in-
25 cluding—

1 “(A) \$133,500,000 for Safety Research
2 and Development programs, including—
3 “(i) Fire Research and Safety;
4 “(ii) Propulsion and Fuel Systems;
5 “(iii) Advanced Materials/Structural
6 Safety;
7 “(iv) Aircraft Icing/Digital System
8 Safety;
9 “(v) Continued Airworthiness;
10 “(vi) Aircraft Catastrophic Failure
11 Prevention Research;
12 “(vii) Flightdeck/Maintenance/System
13 Integration Human Factors;
14 “(viii) System Safety Management;
15 “(ix) Air Traffic Control/Technical
16 Operations Human Factors;
17 “(x) Aeromedical Research;
18 “(xi) Weather Program;
19 “(xii) Unmanned Aircraft Systems
20 Research;
21 “(xiii) NextGen–Alternative Fuels for
22 General Aviation;
23 “(xiv) Joint Planning and Develop-
24 ment Office;

1 “(xv) Ocean and Other Remote Loca-
2 tions ATS Research Program;

3 “(xvi) Cybersecurity Research Pro-
4 gram;

5 “(xvii) Cybersecurity Threat Modeling
6 Program;

7 “(xviii) Single Piloted Commercial
8 Cargo Aircraft Program; and

9 “(xix) UAV-Manned Aircraft Collision
10 Research Program;

11 “(B) \$29,000,000 for Economic Competi-
12 tiveness Research and Development programs,
13 including—

14 “(i) NextGen–Wake Turbulence;

15 “(ii) NextGen–Air Ground Integration
16 Human Factors;

17 “(iii) Next Gen–Weather Technology
18 in the Cockpit; and

19 “(iv) Commercial Space Transpor-
20 tation Safety;

21 “(C) \$20,000,000 for Environmental Sus-
22 tainability Research and Development pro-
23 grams, including—

24 “(i) Environment and Energy; and

1 “(ii) NextGen–Environmental Re-
2 search–Aircraft Technologies, Fuels and
3 Metrics; and

4 “(D) \$7,500,000 for Mission Support pro-
5 grams, including—

6 “(i) System Planning and Resource
7 Management; and

8 “(ii) William J. Hughes Technical
9 Center Laboratory Facility;

10 “(13) for fiscal year 2021, \$195,000,000;

11 “(14) for fiscal year 2022, \$200,000,000; and

12 “(15) for fiscal year 2023, \$204,000,000.”.

13 (b) ANNUAL SUBMISSION OF THE NATIONAL AVIA-
14 TION RESEARCH PLAN.—Section 48102(g) of title 49,
15 United States, Code, is amended to read as follows:

16 “(g) ANNUAL SUBMISSION OF THE NATIONAL AVIA-
17 TION RESEARCH PLAN.—Notwithstanding subsection (a),
18 no funds are authorized to be appropriated for the Office
19 of the Administrator for a fiscal year unless the Secretary
20 has submitted the national aviation research plan to Con-
21 gress no later than the date of submission of the Presi-
22 dent’s budget request to Congress for that fiscal year, as
23 required under section 44501(c).”.

1 **Subtitle B—FAA Research and**
2 **Development Organization**

3 **SEC. 711. ASSOCIATE ADMINISTRATOR FOR RESEARCH AND**
4 **DEVELOPMENT.**

5 (a) APPOINTMENT.—Not later than 3 months after
6 the date of enactment of this Act, the Administrator shall
7 appoint an Associate Administrator for Research and De-
8 velopment.

9 (b) SENIOR EXECUTIVE SERVICE.—The Associate
10 Administrator for Research and Development shall be a
11 Senior Executive Service position.

12 (c) RESPONSIBILITIES.—The Associate Adminis-
13 trator for Research and Development shall, at a minimum,
14 be responsible for—

15 (1) management and oversight of all the FAA’s
16 research and development programs and activities;
17 and

18 (2) production of all congressional reports from
19 the FAA relevant to research and development, in-
20 cluding the national aviation research plan required
21 under section 44501(c) of title 49, United States
22 Code.

23 (d) DUAL APPOINTMENT.—The Associate Adminis-
24 trator for Research and Development may be a dual-ap-

1 pointment, holding the responsibilities of another Asso-
2 ciate Administrator.

3 **SEC. 712. RESEARCH ADVISORY COMMITTEE.**

4 (a) ADVICE AND RECOMMENDATIONS.—Section
5 44508(a)(1)(A) of title 49, United States Code, is amend-
6 ed to read as follows:

7 “(A) provide advice and recommendations to
8 the Administrator of the Federal Aviation Adminis-
9 tration and Congress about needs, objectives, plans,
10 approaches, content, and accomplishments of all
11 aviation research and development activities and
12 programs carried out, including those under sections
13 40119, 44504, 44505, 44507, 44511–44513, and
14 44912 of this title;”.

15 (b) WRITTEN REPLY TO RESEARCH ADVISORY COM-
16 MITTEE.—Section 44508 of title 49, United States Code,
17 is amended by adding at the end the following:

18 “(f) WRITTEN REPLY.—

19 “(1) IN GENERAL.—Not later than 60 days
20 after receiving any recommendation from the re-
21 search advisory committee, the Administrator shall
22 provide a written reply to the research advisory com-
23 mittee that, at a minimum—

24 “(A) clearly states whether the Adminis-
25 trator accepts or rejects the recommendations;

1 “(B) explains the rationale for the Admin-
2 istrator’s decision;

3 “(C) sets forth the timeframe in which the
4 Administrator will implement the recommenda-
5 tion; and

6 “(D) describes the steps the Administrator
7 will take to implement the recommendation.

8 “(2) TRANSPARENCY.—The written reply to the
9 research advisory committee, when transmitted to
10 the research advisory committee, shall be—

11 “(A) made publicly available on the re-
12 search advisory committee website; and

13 “(B) transmitted to the Committee on
14 Science, Space, and Technology of the House of
15 Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Sen-
17 ate.

18 “(3) NATIONAL AVIATION RESEARCH PLAN.—
19 The national aviation research plan required under
20 section 44501(c) shall include a summary of all re-
21 search advisory committee recommendations and a
22 description of the status of their implementation.”.

1 **Subtitle C—Unmanned Aircraft**
2 **Systems**

3 **SEC. 721. UNMANNED AIRCRAFT SYSTEMS RESEARCH AND**
4 **DEVELOPMENT ROADMAP.**

5 No funds are authorized to be appropriated for the
6 Office of the Administrator for a fiscal year unless the
7 Secretary has submitted the unmanned aircraft systems
8 roadmap to Congress on an annual basis as required
9 under section 45502(a) of title 49, United States Code,
10 (as added by this Act).

11 **SEC. 722. PROBABILISTIC METRICS FOR EXEMPTIONS.**

12 (a) STUDY.—Not later than 30 days after the date
13 of enactment of this Act, the Administrator shall commis-
14 sion an independent study to—

15 (1) develop parameters to conduct research and
16 development for probabilistic metrics to enable the
17 identification of hazards and the assessment of risks
18 as necessary to make determinations under section
19 45505(a) of title 49, United States Code, (as added
20 by this Act) that certain unmanned aircraft systems
21 may operate safely in the national airspace system;

22 (2) identify additional research needed to more
23 effectively develop and use such metrics and make
24 such determinations; and

1 (3) in developing parameters for probabilistic
2 metrics, this study shall take into account the utility
3 of performance standards to make determinations
4 under section 45505(a) of title 49, United States
5 Code, (as added by this Act).

6 (b) CONSIDERATION OF RESULTS.—The Adminis-
7 trator shall consider the results of the study conducted
8 under subsection (a) when making a determination de-
9 scribed in subsection (a)(1).

10 (c) REPORT.—Not later than 9 months after the date
11 of enactment of this Act, the Administrator shall transmit
12 the results of the study conducted under subsection (a)
13 to the Committee on Science, Space, and Technology of
14 the House of Representatives and the Committee on Com-
15 merce, Science, and Transportation of the Senate.

16 **SEC. 723. PROBABILISTIC ASSESSMENT OF RISKS.**

17 The Administrator shall conduct research and devel-
18 opment to enable a probabilistic assessment of risks to in-
19 form requirements for standards for operational certifi-
20 cation of public unmanned aircraft systems in the national
21 airspace.

22 **SEC. 724. UNMANNED AERIAL VEHICLE-MANNED AIRCRAFT**
23 **COLLISION RESEARCH.**

24 (a) RESEARCH.—The Administrator shall coordinate
25 with NASA to conduct comprehensive testing of un-

1 manned aerial vehicles colliding with a manned aircraft,
2 including—

3 (1) collisions between unmanned aerial vehicles
4 of various sizes, traveling at various speeds, and
5 commercial jet airliners of various sizes, traveling at
6 various speeds;

7 (2) collisions between unmanned aerial vehicles
8 of various sizes, traveling at various speeds, and pro-
9 peller planes of various sizes, traveling at various
10 speeds;

11 (3) collisions between unmanned aerial vehicles
12 of various sizes, traveling at various speeds, and
13 blimps of various sizes, traveling at various speeds;

14 (4) collisions between unmanned aerial vehicles
15 of various sizes, traveling at various speeds, and
16 rotorcraft of various sizes, traveling at various
17 speeds; and

18 (5) collisions between unmanned aerial vehicles
19 and various parts of the aforementioned aircraft, in-
20 cluding—

21 (A) windshields;

22 (B) noses;

23 (C) engines;

24 (D) radomes;

25 (E) propellers; and

1 (F) wings.

2 (b) REPORT.—Not later than one year after the date
3 of enactment of this Act, the Administrator shall transmit
4 a report summarizing the costs and results of research
5 under this section to the Committee on Science, Space,
6 and Technology of the House of Representatives and the
7 Committee on Commerce, Science, and Transportation of
8 the Senate.

9 **SEC. 725. SPECIAL RULE FOR RESEARCH AND DEVELOP-**
10 **MENT.**

11 Except as necessary to support enforcement action
12 under applicable provisions of law against persons oper-
13 ating unmanned aircraft in a manner that endangers the
14 safety of the national airspace system, notwithstanding
15 any other provision of law relating to the incorporation
16 of unmanned aircraft systems into FAA plans and policies,
17 the Administrator may not promulgate any rule or regula-
18 tion regarding the operation of an unmanned aircraft sys-
19 tem—

20 (1) that is flown strictly for research and devel-
21 opment use;

22 (2) that is operated less than 400 feet above
23 the ground and in Class G airspace;

1 (3) that is operated in a manner that does not
2 interfere with and gives way to any manned aircraft;
3 and

4 (4) when flown within 5 miles of an airport, the
5 operator of the aircraft provides the airport operator
6 and the airport air traffic control tower (when an air
7 traffic facility is located at the airport) with prior
8 notice of the operation (unmanned aircraft operators
9 flying from a permanent location within 5 miles of
10 an airport should establish a mutually-agreed upon
11 operating procedure with the airport operator and
12 the airport air traffic control tower (when an air
13 traffic facility is located at the airport)).

14 **SEC. 726. BEYOND LINE-OF-SIGHT RESEARCH AND DEVEL-**
15 **OPMENT.**

16 (a) AMENDMENTS.—Section 332(c)(2) the FAA
17 Modernization and Reform Act of 2012 (49 U.S.C. 40101
18 note) is amended—

19 (1) by striking “Administrator shall” and in-
20 serting “Administrator”;

21 (2) at the beginning of each of subparagraphs
22 (A) through (F), by inserting “shall”;

23 (3) at the end of subparagraph (E), by striking
24 “and”;

1 (4) at the end of subparagraph (F), by striking
2 the period and inserting a semicolon; and

3 (5) by adding at the end the following new sub-
4 paragraphs:

5 “(G) shall allow beyond line-of-sight oper-
6 ation of unmanned aircraft systems to be flown
7 within the boundaries of a test range estab-
8 lished under this subsection;

9 “(H) may promulgate regulations gov-
10 erning beyond line-of-sight operation of un-
11 manned aircraft systems flown within the
12 boundaries of a test range established under
13 this subsection for the purposes of public safe-
14 ty; and

15 “(I) shall allow NASA to authorize oper-
16 ation of beyond line-of-sight unmanned aircraft
17 systems within the boundaries of any NASA
18 center or facility.”.

19 (b) STATUTORY CONSTRUCTION.—Nothing in the
20 amendments made by subsection (a) shall be construed to
21 limit the authority of the Administrator to pursue enforce-
22 ment action under applicable provisions of law against per-
23 sons operating unmanned aircraft in a manner that en-
24 dangers the safety of the national airspace system.

1 **Subtitle D—Cybersecurity**

2 **SEC. 731. CYBER TESTBED.**

3 Not later than 6 months after the date of enactment
4 of this Act, the Administrator shall develop an integrated
5 Cyber Testbed for research, development, evaluation, and
6 validation of air traffic control modernization programs or
7 technologies, before they enter the national airspace sys-
8 tem, as being compliant with FAA data security regula-
9 tions. The Cyber Testbed shall be part of an integrated
10 research and development test environment capable of cre-
11 ating, identifying, defending, and solving cybersecurity-re-
12 lated problems for the national airspace system. This inte-
13 grated test environment shall incorporate integrated test
14 capacities within the FAA related to the national airspace
15 system and NextGen.

16 **SEC. 732. CABIN COMMUNICATIONS, ENTERTAINMENT, AND** 17 **INFORMATION TECHNOLOGY SYSTEMS CY-** 18 **BERSECURITY VULNERABILITIES.**

19 (a) EVALUATION.—The Administrator shall evaluate
20 and determine the research and development needs associ-
21 ated with cybersecurity vulnerabilities of cabin commu-
22 nications, entertainment, and information technology sys-
23 tems on civil passenger aircraft. This evaluation shall in-
24 clude research and development to address—

25 (1) technical risks and vulnerabilities;

1 (2) potential impacts on the national airspace
2 and public safety; and

3 (3) identification of deficiencies in cabin-based
4 cybersecurity.

5 (b) ASSESSMENT.—The Administrator shall—

6 (1) conduct an assessment of opportunities to
7 cooperate with the private sector in conducting air-
8 craft in-cabin cybersecurity research and develop-
9 ment; and

10 (2) provide recommendations to improve re-
11 search and development on cabin-based cybersecurity
12 vulnerabilities.

13 (c) REPORT.—Not later than 9 months after the date
14 of enactment of this Act, the Administrator shall transmit
15 a report on the results of activities under this section to
16 the Committee on Science, Space, and Technology of the
17 House of Representatives and the Committee on Com-
18 merce, Science, and Transportation of the Senate. This
19 report may contain classified annexes.

20 **SEC. 733. CYBERSECURITY THREAT MODELING.**

21 (a) PROGRAM.—

22 (1) IN GENERAL.—The Administrator shall con-
23 sult the National Institute of Standards and Tech-
24 nology to research and develop an internal FAA cy-
25 bersecurity threat modeling program to detect cyber-

1 security vulnerabilities, track how those
2 vulnerabilities might be exploited, and assess the
3 magnitude of harm that could be caused by the ex-
4 ploitation of those vulnerabilities.

5 (2) UPDATES.—This program shall be updated
6 regularly, not less than once every 5 years.

7 (b) REPORT.—Not later than one year after the date
8 of enactment of this Act, and within 7 days of each threat
9 modeling program update under subsection (a)(2), the Ad-
10 ministrator shall transmit a report to the Committee on
11 Science, Space, and Technology of the House of Rep-
12 resentatives and the Committee on Commerce, Science,
13 and Transportation of the Senate detailing the status, re-
14 sults, and composition of the threat modeling program.

15 **SEC. 734. NATIONAL INSTITUTE OF STANDARDS AND TECH-**
16 **NOLOGY CYBERSECURITY STANDARDS.**

17 Not later than 6 months after the date of enactment
18 of this Act, the FAA shall, in consultation with the Na-
19 tional Institute of Standards and Technology, transmit to
20 the Committee on Science, Space, and Technology of the
21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate a report
23 that includes—

24 (1) a cybersecurity standards plan to implement
25 National Institute of Standards and Technology re-

1 visions to cybersecurity guidance documents within
2 timeframes set by the Office of Management and
3 Budget; and

4 (2) an explanation of why any such rec-
5 ommendations are not incorporated in the plan or
6 are not incorporated within such timeframes.

7 **SEC. 735. CYBERSECURITY RESEARCH COORDINATION.**

8 The Administrator shall, where feasible, cooperate on
9 cybersecurity research and development with other inter-
10 national air traffic management organizations, including
11 the European Aviation Safety Agency, the United King-
12 dom Civil Aviation Authority, Nav Canada, and
13 Airservices Australia.

14 **SEC. 736. CYBERSECURITY RESEARCH AND DEVELOPMENT**
15 **PROGRAM.**

16 (a) ESTABLISHMENT.—Not later than 6 months after
17 the date of enactment of this Act, the FAA, in consulta-
18 tion with other agencies as appropriate, shall establish a
19 research and development program to improve the cyber-
20 security of civil aircraft and the national airspace system.

21 (b) PLAN.—

22 (1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this Act, the FAA shall de-
24 velop a plan for the research and development pro-
25 gram established under subsection (a) that contains

1 objectives, proposed tasks, milestones, and a 5-year
2 budgetary profile.

3 (2) NATIONAL ACADEMIES' STUDY.—The Ad-
4 ministrator shall—

5 (A) enter into an arrangement with the
6 National Academies for a study of the plan de-
7 veloped under paragraph (1); and

8 (B) provide the results of that study to the
9 Committee on Science, Space, and Technology
10 of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transpor-
12 tation of the Senate not later than 18 months
13 after the date of enactment of this Act.

14 **Subtitle E—FAA Research and**
15 **Development Activities**

16 **SEC. 741. RESEARCH PLAN FOR THE CERTIFICATION OF**
17 **NEW TECHNOLOGIES INTO THE NATIONAL**
18 **AIRSPACE SYSTEM.**

19 Not later than 1 year after the date of enactment
20 of this Act, the Administrator, in consultation with NASA,
21 shall transmit a comprehensive research plan for the cer-
22 tification of new technologies into the national airspace
23 system to the Committee on Science, Space, and Tech-
24 nology of the House of Representatives and the Committee
25 on Commerce, Science, and Transportation of the Senate.

1 This plan shall identify research necessary to support the
2 certification and implementation of NextGen, including
3 both ground and air elements, and explain the plan's rela-
4 tionship to other activities and procedures required for
5 certification and implementation of new technologies into
6 the national airspace system. This plan shall be informed
7 by and conform to the recommendations of the National
8 Research Council report titled "Transformation in the
9 Air—A Review of the FAA Research Plan", issued on
10 June 8, 2015. This report shall include, at a minimum—

11 (1) a description of the strategic and prescrip-
12 tive value of the research plan;

13 (2) an explanation of the expected outcomes
14 from executing the plan;

15 (3) an assessment of the FAA's plan to use re-
16 search and development to improve cybersecurity
17 over the next 5 years, taking into account the cyber-
18 security research and development plan developed
19 under section 736(b);

20 (4) an assessment of the current software as-
21 surance practices, and the desired level or attributes
22 to target in the software assurance program;

23 (5) cost estimates, planned schedules, and per-
24 formance benchmarks, including specific tasks, mile-
25 stones, and timelines and including an identification

1 of cost and schedule reserves, for the certification of
2 new technologies into the national airspace system,
3 including NextGen, Automatic Dependent Surveil-
4 lance-Broadcast, Data Communications, National
5 Airspace System Voice System, Collaborative Air
6 Traffic Management Technologies, NextGen Weath-
7 er, and System Wide Information Management;

8 (6) methods for integrating emerging tech-
9 nologies throughout NextGen's development, certifi-
10 cation, and implementation process; and

11 (7) best practices in research and development
12 used by other organizations, such as NASA,
13 NavCanada, and Eurocontrol.

14 **SEC. 742. AVIATION FUEL RESEARCH, DEVELOPMENT, AND**
15 **USAGE.**

16 The Administrator may conduct or supervise re-
17 search, development, and service testing, currently being
18 conducted under the Piston Aviation Fuels Initiative
19 (PAFI) unleaded avgas program, that is required to allow
20 the use of an unleaded aviation gasoline in existing air-
21 craft as a replacement for leaded gasoline.

22 **SEC. 743. AIR TRAFFIC SURVEILLANCE OVER OCEANS AND**
23 **OTHER REMOTE LOCATIONS.**

24 (a) ESTABLISHMENT OF PROGRAM.—The Adminis-
25 trator, in consultation with NASA and other relevant

1 agencies, shall establish a research and development pro-
2 gram on civilian air traffic surveillance over oceans and
3 other remote locations. Such program shall—

4 (1) take into account the need for international
5 interoperability of technologies and air traffic control
6 systems; and

7 (2) recognize that Automatic Dependent Sur-
8 veillance-Broadcast (ADS-B) is an element of the
9 Next Generation Air Transportation System.

10 (b) PILOT PROGRAM.—The Administrator shall es-
11 tablish a pilot program to test, evaluate, and certify for
12 integration into the national airspace system air traffic
13 surveillance equipment for oceans and other remote loca-
14 tions.

15 (c) PARTNERSHIP WITH PRIVATE INDUSTRY.—The
16 Administrator shall partner with private industry on the
17 research, development, testing, and evaluation under this
18 section.

19 (d) REPORT.—Not later than 18 months after the
20 date of enactment of this Act, the Administrator shall
21 transmit a report on activities under this section to the
22 Committee on Science, Space, and Technology of the
23 House of Representatives and the Committee on Com-
24 merce, Science, and Transportation of the Senate.

1 **SEC. 744. SINGLE-PILOTED COMMERCIAL CARGO AIR-**
2 **CRAFT.**

3 (a) PROGRAM.—The FAA, in consultation with
4 NASA and other relevant agencies, shall establish a re-
5 search and development program in support of single-pi-
6 loted cargo aircraft assisted with remote piloting and com-
7 puter piloting.

8 (b) REVIEW.—The FAA, in consultation with NASA,
9 shall conduct a review of FAA research and development
10 activities in support of single-piloted cargo aircraft as-
11 sisted with remote piloting and computer piloting.

12 (c) REPORT.—Not later than 6 months after the date
13 of enactment of this Act, the Administrator shall transmit
14 a report to the Committee on Science, Space, and Tech-
15 nology of the House of Representatives and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 that describes—

18 (1) the program established under subsection

19 (a); and

20 (2) the results of the review conducted under
21 subsection (b).

22 **SEC. 745. ELECTROMAGNETIC SPECTRUM RESEARCH AND**
23 **DEVELOPMENT.**

24 The Administrator shall develop a program to re-
25 search the use of spectrum in the civil aviation domain,

1 including aircraft and unmanned aircraft systems. This
2 research shall, at a minimum, address—

3 (1) how, operating within an Unmanned Air-
4 craft System Traffic Management system, un-
5 manned aircraft systems can safely use, for control
6 link, tracking, diagnostics, payload communication,
7 collaborative-collision avoidance (e.g. vehicle-to-vehi-
8 cle communications), and other purposes—

9 (A) aviation-protected spectrum;

10 (B) commercial communications networks,
11 such as mobile communications networks; and

12 (C) any other licensed or unlicensed spec-
13 trum;

14 (2) how the reallocation of spectrum assigned
15 for use within frequency bands adjacent to those al-
16 located for position, navigation, and timing may im-
17 pact the safety of civil aviation; and

18 (3) measures to protect and mitigate against
19 spectrum interference in frequency bands used by
20 the civil aviation community to ensure public safety.

1 **TITLE VIII—AVIATION REVENUE**
2 **PROVISIONS**

3 **SEC. 801. EXPENDITURE AUTHORITY FROM AIRPORT AND**
4 **AIRWAY TRUST FUND.**

5 (a) IN GENERAL.—Section 9502(d)(1) of the Inter-
6 nal Revenue Code of 1986 is amended—

7 (1) in the matter preceding subparagraph (A)
8 by striking “October 1, 2018” and inserting “Octo-
9 ber 1, 2023”; and

10 (2) in subparagraph (A) by striking the semi-
11 colon at the end and inserting “or the FAA Reau-
12 thorization Act of 2018;”.

13 (b) CONFORMING AMENDMENT.—Section 9502(e)(2)
14 of such Code is amended by striking “October 1, 2018”
15 and inserting “October 1, 2023”.

16 **SEC. 802. EXTENSION OF TAXES FUNDING AIRPORT AND**
17 **AIRWAY TRUST FUND.**

18 (a) FUEL TAXES.—Section 4081(d)(2)(B) of the In-
19 ternal Revenue Code of 1986 is amended by striking “Sep-
20 tember 30, 2018” and inserting “September 30, 2023”.

21 (b) TICKET TAXES.—

22 (1) PERSONS.—Section 4261(k)(1)(A)(ii) of
23 such Code is amended by striking “September 30,
24 2018” and inserting “September 30, 2023”.

1 (2) PROPERTY.—Section 4271(d)(1)(A)(ii) of
 2 such Code is amended by striking “September 30,
 3 2018” and inserting “September 30, 2023”.

4 (c) FRACTIONAL OWNERSHIP PROGRAMS.—

5 (1) FUEL TAX.—Section 4043(d) of such Code
 6 is amended by striking “September 30, 2021” and
 7 inserting “September 30, 2023”.

8 (2) TREATMENT AS NONCOMMERCIAL AVIA-
 9 TION.—Section 4083(b) of such Code is amended by
 10 striking “October 1, 2018” and inserting “October
 11 1, 2023”.

12 (3) EXEMPTION FROM TICKET TAXES.—Section
 13 4261(j) of such Code is amended by striking “Sep-
 14 tember 30, 2018” and inserting “September 30,
 15 2023”.

16 **TITLE IX—PREPAREDNESS AND**
 17 **RISK MANAGEMENT FOR EX-**
 18 **TRME WEATHER PATTERNS**
 19 **ASSURING RESILIENCE AND**
 20 **EFFECTIVENESS**

21 **SEC. 901. SHORT TITLE.**

22 This title may be cited as the “Preparedness and
 23 Risk Management for Extreme Weather Patterns Assur-
 24 ing Resilience and Effectiveness Act of 2018” or the
 25 “PREPARE Act of 2018”.

1 **SEC. 902. INTERAGENCY COUNCIL ON EXTREME WEATHER**
2 **RESILIENCE, PREPAREDNESS, AND RISK**
3 **IDENTIFICATION AND MANAGEMENT.**

4 (a) ESTABLISHMENT.—There is hereby established a
5 council to be known as the “Interagency Council on Ex-
6 treme Weather Resilience, Preparedness, and Risk Identi-
7 fication and Management”.

8 (b) MEMBERSHIP.—The Interagency Council shall be
9 composed of the following:

10 (1) Senior officials, to be appointed by the
11 President, including representation from the fol-
12 lowing:

13 (A) The Council on Environmental Qual-
14 ity.

15 (B) The Office of Science and Technology
16 Policy.

17 (C) The National Security Council.

18 (D) The Office of Management and Budg-
19 et.

20 (E) The Department of Transportation.

21 (F) The Environmental Protection Agency.

22 (G) The National Oceanic and Atmos-
23 pheric Administration.

24 (H) The Department of Energy.

25 (I) The Department of Homeland Security.

1 (J) The Federal Emergency Management
2 Agency.

3 (K) The Department of Defense.

4 (L) The National Aeronautics and Space
5 Administration.

6 (M) The Department of Agriculture.

7 (N) The Department of Housing and
8 Urban Development.

9 (O) The Department of Justice.

10 (2) Senior officials, to be appointed by the
11 President, who have relevant policy expertise and
12 policy responsibilities, including in the following
13 areas:

14 (A) Economic policy and risk analysis.

15 (B) Foreign affairs.

16 (C) Defense and intelligence.

17 (D) Homeland security.

18 (E) Energy.

19 (F) Environmental protection.

20 (G) Natural resources.

21 (H) Coasts, oceans, rivers, and floodplains.

22 (I) Agriculture.

23 (J) Health.

24 (K) Transportation and infrastructure.

25 (L) Housing.

1 (M) Education.

2 (N) Extreme weather data analysis or me-
3 teorological science.

4 (O) Social science.

5 (P) Strategic planning.

6 (Q) Urban and land use planning.

7 (R) Other areas the President determines
8 appropriate.

9 (c) CO-CHAIRPERSONS.—

10 (1) IN GENERAL.—The Interagency Council
11 shall be co-chaired by the Deputy Secretary of the
12 Department of Homeland Security and the Deputy
13 Director of the Office of Management and Budget.
14 The President may appoint one or more additional
15 members as co-chairs, as appropriate.

16 (2) DUTIES.—The co-chairpersons shall—

17 (A) oversee the Interagency Council’s re-
18 sponse to the Government Accountability Of-
19 fice’s recommendations under subsection (f)(5);

20 (B) use the evaluation framework and per-
21 formance metrics developed pursuant to sub-
22 section (f)(6) to evaluate agency progress in
23 meeting the goals and implementing the prior-
24 ities described in subsection (f)(1)(A); and

1 (C) work to ensure that sufficient re-
2 sources are available for agencies to—

3 (i) meet the goals and implement the
4 priorities described in subsection (f)(1)(A);
5 and

6 (ii) implement the recommendations
7 developed under subsection (f)(2).

8 (d) ADMINISTRATION.—The co-chairpersons of the
9 Interagency Council (or staff designed by the co-chair-
10 persons) shall provide administrative support and addi-
11 tional resources, as appropriate, to the Interagency Coun-
12 cil to the extent permitted by law and within existing ap-
13 propriations. The Interagency Council co-chairpersons
14 shall determine the amount of funding and personnel nec-
15 essary for the Interagency Council to carry out its duties
16 and the amount of funding and personnel each agency rep-
17 resented on the Interagency Council should contribute in
18 order for the Interagency Council to carry out such duties.
19 Agencies shall, upon the request of the co-chairpersons of
20 the Interagency Council, make available personnel, admin-
21 istrative support services, and information to the Inter-
22 agency Council.

23 (e) STRUCTURE.—

24 (1) STEERING COMMITTEE.—The co-chair-
25 persons of the Interagency Council shall designate a

1 subset of members of the Interagency Council to
2 serve on a steering committee. Such steering com-
3 mittee shall assist the Interagency Council in deter-
4 mining its priorities and its strategic direction.

5 (2) WORKING GROUPS.—The co-chairpersons of
6 the Interagency Council and its steering committee
7 may establish working groups as needed.

8 (f) DUTIES OF THE INTERAGENCY COUNCIL.—

9 (1) GOALS AND PRIORITIES.—

10 (A) IN GENERAL.—The Interagency Coun-
11 cil shall establish Governmentwide goals and
12 priorities for extreme weather resilience, pre-
13 paredness, and risk identification and manage-
14 ment. In establishing such goals and priorities,
15 the Interagency Council shall consider the Na-
16 tional Oil and Hazardous Substances Pollution
17 Contingency Plan, agency continuity of oper-
18 ations plans, the National Preparedness Goal,
19 the National Preparedness Report, the National
20 Global Change Research Plan, the Mitigation
21 Framework Leadership Group’s National Miti-
22 gation Investment Strategy (if available), State
23 and local mitigation plans, and all relevant pro-
24 visions of the Government Accountability Of-
25 fice’s High-Risk Series.

1 (B) COORDINATION.—In executing the du-
2 ties pursuant to this subsection, the Inter-
3 agency Council shall coordinate with other
4 groups in the Federal Government focused on
5 extreme weather mitigation and recovery (in-
6 cluding the Mitigation Framework Leadership
7 Group, the Recovery Support Functions Lead-
8 ers Group, and the Emergency Support Func-
9 tions Leaders Group), to avoid duplication
10 among Federal activities to the extent prac-
11 ticable.

12 (C) INCORPORATION INTO AGENCY ACTIVI-
13 TIES.—In carrying out subparagraph (A), the
14 Interagency Council shall, in order to ensure
15 that information relating to extreme weather re-
16 silience, preparedness, and risk identification
17 and management is incorporated into everyday
18 agency activities—

19 (i) work with agencies to assist such
20 agencies in considering the goals and prior-
21 ities described in subparagraph (A) in
22 agency strategic, programmatic, and budg-
23 et planning;

24 (ii) identify details to be included in
25 agency extreme weather plans; and

1 (iii) work to identify and communicate
2 localized extreme weather and natural haz-
3 ard risk to the extent possible using the
4 best available information regarding risk,
5 and encourage the development of thor-
6 ough, updated maps, models, and tools to
7 measure and evaluate risk.

8 (2) PRIORITY INTERAGENCY FEDERAL AC-
9 TIONS.—The Interagency Council shall develop, rec-
10 ommend, coordinate, and track implementation of
11 priority interagency Federal Government actions re-
12 lated to extreme weather resilience, preparedness,
13 and risk identification and management.

14 (3) SUPPORT REGIONAL, STATE, AND LOCAL
15 ACTIONS.—The Interagency Council shall support
16 regional, State, and local action to assess extreme
17 weather-related vulnerabilities and cost effectively in-
18 crease extreme weather resilience, preparedness, and
19 risk identification and management of communities,
20 critical economic sectors, natural and built infra-
21 structure, and natural resources, including by—

22 (A) conducting inventories under section
23 906;

24 (B) convening meetings under section 907;

1 (C) providing guidance to agencies to
2 produce tools and products that enhance ex-
3 treme weather resilience planning, risk knowl-
4 edge, and actions for use in all levels of govern-
5 ment, including guidance on how to prioritize
6 funding in order to produce such tools and
7 products; and

8 (D) reviewing State and local mitigation
9 plans.

10 (4) METEOROLOGICAL AND EXTREME WEATHER
11 SCIENCE.—The Interagency Council shall facilitate
12 the integration of meteorological and extreme weath-
13 er science, in addition to other scientific disciplines
14 such as physical, natural, and social science that the
15 Council determines to be appropriate, in the policies
16 risk evaluation and communication, and planning of
17 agencies and the private sector, including by—

18 (A) promoting the development of innova-
19 tive, actionable, and accessible Federal extreme
20 weather resilience, preparedness, and risk iden-
21 tification and management-related information,
22 data, tools, and examples of successful actions
23 at appropriate scales for decisionmakers; and

24 (B) providing such information, data,
25 tools, and examples to the agency or agencies

1 designated under section 904 to include on the
2 website established and maintained or des-
3 ignated pursuant to such section.

4 (5) HIGH-RISK REPORT RECOMMENDATIONS.—
5 The Interagency Council shall assess the specific
6 recommendations relating to extreme weather in all
7 relevant provisions of the Government Accountability
8 Office’s High-Risk Series, identify the feasibility of
9 revising Federal programs to implement such rec-
10 ommendations, and develop a plan to address such
11 recommendations when feasible that does not dupli-
12 cate the National Preparedness Goal.

13 (6) FRAMEWORK AND PERFORMANCE
14 METRICS.—The Interagency Council shall use exist-
15 ing and emerging science to develop or adopt—

16 (A) a framework for evaluating the
17 progress and success of extreme weather resil-
18 ience, preparedness, and risk identification and
19 management-related efforts that is complemen-
20 tary to and not duplicative of any local or na-
21 tional indicator system developed as part of the
22 National Preparedness Goal; and

23 (B) performance metrics that allow track-
24 ing of the actions taken and progress made to-

ward meeting the goals and implementing the priorities described in paragraph (1)(A).

(7) RECOMMENDATIONS FOR THE CEQ AND OMB.—The Interagency Council shall provide to the Council on Environmental Quality, the Office of Management and Budget, and the Department of Homeland Security recommendations on how agencies should—

(A) develop or update agency extreme weather plans;

(B) remove barriers to State and local extreme weather resilience, preparedness, and risk identification and management, in agency regulations, guidance, and policies; and

(C) avoid duplication among Federal activities to the extent practicable.

(8) PUBLIC INPUT AND COMMENT.—The Interagency Council shall solicit and incorporate public input and comment as appropriate into the decisions of the Interagency Council.

(9) INVENTORY AND MEETINGS.—The Interagency Council shall conduct inventories under section 906 and convene meetings under section 907.

(10) DEFINITION OF EXTREME WEATHER.—The Interagency Council shall consider and may up-

1 date, not less frequently than every two years, in
2 consultation with appropriate scientific bodies, the
3 definition of “extreme weather” and what other
4 weather events (in addition to those described in sec-
5 tion 909(3)) qualify as extreme weather for purposes
6 of this title. The definition of “extreme weather”
7 shall be published and updated, as necessary, on the
8 website of the Council and in the Federal Register.

9 (11) OTHER DUTIES.—The Interagency Council
10 shall carry out any other duties the co-chairpersons
11 of the Interagency Council determine appropriate.

12 (12) PUBLIC INFORMATION.—The Interagency
13 Council shall—

14 (A) make information available online—

15 (i) for tracking implementation of
16 agency extreme weather plans and Govern-
17 mentwide goals and priorities described in
18 paragraph (1)(A);

19 (ii) on recommendations relating to
20 extreme weather in all relevant provisions
21 of the Government Accountability Office’s
22 High-Risk Series; and

23 (iii) on the results of the Council’s ef-
24 forts to identify nationwide and localized

1 risks (including updated mapping efforts);
2 and

3 (B) make such High-Risk Series and the
4 reports submitted under paragraph (13) avail-
5 able as the Council determines appropriate.

6 (13) ANNUAL REPORT.—Not later than 1 year
7 after the date of the enactment of this Act, and an-
8 nually thereafter (concurrently with the United
9 States Global Change Research Program Annual Re-
10 port and the National Preparedness Report), the
11 Interagency Council shall submit to Congress, and
12 make available to the United States Global Change
13 Research Program and the Federal Emergency Man-
14 agement Agency, a report that—

15 (A) describes how the goals and priorities
16 described in paragraph (1)(A) are being met
17 and implemented using—

18 (i) the performance metrics developed
19 under paragraph (6)(B); and

20 (ii) information on—

21 (I) agency expenditures, broken
22 down by program activity level if prac-
23 ticable, that are directly related to ex-
24 treme weather resilience, prepared-
25 ness, and risk identification and man-

1 agement, including extreme weather
2 resilience, preparedness, and risk
3 identification and management of
4 Federal facilities; and

5 (II) the effectiveness of such ex-
6 penditures, along with associated fi-
7 nancial impacts and community, in-
8 frastructure, and environmental bene-
9 fits, to the extent such data are avail-
10 able;

11 (B) provides recommendations to enhance
12 the effectiveness of such implementation and
13 sets benchmarks to meet;

14 (C) describes the progress of the regional
15 coordination efforts described in sections 906,
16 907, and 908; and

17 (D) includes a summary of public com-
18 ments solicited under paragraph (8) and any
19 action the Interagency Council took to respond
20 to such comments.

21 (g) CONSULTATION.—In carrying out paragraphs (2)
22 through (12) of subsection (f), the Interagency Council
23 shall consult with agencies, State and local governments,
24 academic and research institutions, and the private and
25 nonprofit sectors.

1 (h) OMB GUIDANCE.—The Director of the Office of
2 Management and Budget, taking into consideration the
3 recommendations provided by the Interagency Council
4 under subsection (f)(7), shall issue guidance to agencies
5 on—

6 (1) developing agency extreme weather plans,
7 which shall incorporate existing agency reports,
8 where appropriate, to prevent duplication and reduce
9 overlap; and

10 (2) developing agency regulations, guidance,
11 and policies to remove barriers to State and local ex-
12 treme weather resilience, preparedness, and risk
13 identification and management.

14 **SEC. 903. AGENCY PLANNING FOR EXTREME WEATHER-RE-**
15 **LATED RISKS.**

16 (a) AGENCY EXTREME WEATHER RESILIENCE, PRE-
17 PAREDNESS, AND RISK IDENTIFICATION AND MANAGE-
18 MENT PLANS.—

19 (1) AGENCY SUBMISSION.—Not later than 1
20 year after the date of the enactment of this Act, and
21 every 2 years thereafter, the head of each agency, in
22 coordination with the Director of the Federal Emer-
23 gency Management Agency to avoid duplication with
24 the National Planning Frameworks, shall submit to
25 the Director of the Office of Management and Budg-

1 et and to the Interagency Council a comprehensive
2 plan that integrates consideration of extreme weath-
3 er into such agency’s operations and overall mission
4 objectives (hereinafter referred to as an “agency ex-
5 tremе weather plan”).

6 (2) HEARING.—Not later than 1 year after the
7 date of the enactment of this Act, and every 2 years
8 thereafter, the Director of the Office of Management
9 and Budget shall convene an interagency budget
10 crosscut and policy hearing to review and integrate
11 all the agency extreme weather plans and to ensure
12 that such extreme weather plans and the activities of
13 agencies align with the goals and priorities estab-
14 lished under section 902(f)(1)(A).

15 (3) OMB SUBMISSION.—The Director of the
16 Office of Management and Budget, upon receipt of
17 all agency extreme weather plans in a given year,
18 shall consolidate and submit to Congress such plans.

19 (b) INCLUSIONS.—Each agency extreme weather plan
20 shall include—

21 (1) identification and assessment of extreme
22 weather-related impacts on, and risks to—

23 (A) the agency’s ability to accomplish its
24 missions, operations, and programs over time

1 periods to be designated by the Interagency
2 Council; and

3 (B) State and local entities;

4 (2) identification and assessment of barriers
5 posed by Federal programs the agency administers
6 to State and local extreme weather resilience, pre-
7 paredness, and risk identification and management
8 efforts;

9 (3) a description of programs, policies, and
10 plans the agency has already put in place, as well as
11 additional actions the agency will take, to manage
12 extreme weather risks in the near term and build re-
13 silience in the short and long term;

14 (4) a description of how the agency will con-
15 sider the need to improve extreme weather resilience,
16 preparedness, and risk identification and manage-
17 ment, including the costs and benefits of such im-
18 provement, with respect to agency suppliers, supply
19 chain, real property investments, and capital equip-
20 ment purchases, including by updating agency poli-
21 cies for leasing, building upgrades, relocation of ex-
22 isting facilities and equipment, and construction of
23 new facilities;

24 (5) a description of how the agency will support
25 any ongoing or future public-private partnership to

1 improve extreme weather resilience, preparedness,
2 and risk identification and management, including
3 the cost and benefits of technology and methodology
4 improvements, hardening, or rapid restoration;

5 (6) a description of how the agency will con-
6 tribute to coordinated interagency efforts to support
7 extreme weather resilience, preparedness, and risk
8 identification and management at all levels of gov-
9 ernment, including collaborative work across agen-
10 cies' regional offices and hubs, and through coordi-
11 nated development of information, data, and tools,
12 consistent with sections 906, 907, and 908; and

13 (7) any other details identified by the Inter-
14 agency Council under section 902(f)(1)(B)(ii).

15 **SEC. 904. WEBSITE.**

16 (a) IN GENERAL.—The Interagency Council shall
17 designate an agency or agencies to establish, maintain, or
18 designate a website that provides timely, actionable, and
19 accessible information, data, and tools on current and fu-
20 ture risks related to extreme weather, preparedness, resil-
21 ience, and risk identification and management, to support
22 Federal, regional, State, local, private sector, and other
23 decisionmakers.

24 (b) INTERAGENCY PROGRESS.—The website de-
25 scribed under subsection (a), shall identify interagency

1 progress, and propose the next interagency steps, towards
2 responding to threats posed by extreme weather.

3 (c) BEST PRACTICES.—The website described under
4 subsection (a) shall provide best practices and examples
5 from Federal, regional, State, and local decisionmakers in
6 the public and private sectors about how to use extreme
7 weather-related information in planning and decision-
8 making.

9 (d) INTERAGENCY COUNCIL INFORMATION AND
10 TOOLS.—The website described under subsection (a) shall
11 include the information, data, tools, and examples pro-
12 vided by the Interagency Council pursuant to section
13 902(f)(4).

14 (e) BEST AVAILABLE METEOROLOGICAL SCIENCE.—
15 The website described under subsection (a) shall identify
16 best available meteorological science relating to extreme
17 weather resilience, preparedness, and risk identification
18 and management.

19 (f) PUBLIC OUTREACH AND EDUCATION.—The
20 Interagency Council shall designate one or more agencies
21 to conduct outreach and educational activities to inform
22 the public and regional, State, and local decisionmakers
23 about the tools and information available on the website
24 described under subsection (a).

1 **SEC. 905. PROVIDING ADEQUATE RESOURCES AND SUP-**
2 **PORT.**

3 The Director of the Office of Management and Budg-
4 et shall ensure that each agency provides adequate re-
5 sources to the Interagency Council, including administra-
6 tive services and personnel support, as appropriate—

7 (1) for the website described under section 904;

8 and

9 (2) to otherwise carry out this title.

10 **SEC. 906. INVENTORY.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, and every 2 years there-
13 after, the Interagency Council, or a working group of such
14 Interagency Council established by the co-chairpersons
15 thereof, shall conduct and publish an inventory of all re-
16 gional offices, centers, and programs of agencies that are
17 assisting with extreme weather resilience, preparedness,
18 and risk identification and management efforts at the
19 State or local level, including—

20 (1) the National Oceanic and Atmospheric Ad-
21 ministration's regional programs;

22 (2) the Department of the Interior's Fish and
23 Wildlife Service Landscape Conservation Coopera-
24 tives;

25 (3) the United States Geological Survey's Cli-
26 mate Science Centers;

1 (4) the Department of Agriculture’s Climate
2 Hubs;

3 (5) the regional offices of—

4 (A) the Environmental Protection Agency;

5 (B) the Federal Emergency Management
6 Agency;

7 (C) the Department of Transportation;
8 and

9 (D) the Forest Service;

10 (6) the division offices of the Army Corps of
11 Engineers; and

12 (7) such other offices, centers, and programs or
13 other agency efforts as determined appropriate by
14 the Interagency Council.

15 (b) ASSISTANCE DESCRIBED.—An inventory con-
16 ducted and published under subsection (a) shall include
17 a description of the assistance each agency office, center,
18 or program is providing to assist with extreme weather
19 resilience, preparedness, and risk identification and man-
20 agement efforts at the State or local level.

21 **SEC. 907. MEETINGS.**

22 Not later than 6 months after the publication of each
23 inventory under section 906, the Interagency Council shall
24 convene a meeting of representatives of the offices, cen-
25 ters, and programs included in such inventory and invite

1 other local and regional stakeholders to participate and
2 develop plans to coordinate the efforts of such offices, cen-
3 ters, and programs and facilitate efficient services to
4 stakeholders. At such meetings, such representatives
5 shall—

6 (1) share information regarding their office,
7 center, or program’s extreme weather resilience, pre-
8 paredness, and risk identification and management
9 efforts;

10 (2) identify opportunities for collaboration and
11 coordination of research agendas, extreme weather
12 assessment activities, vulnerability assessments, data
13 collection and analysis, and planning and imple-
14 menting extreme weather resilience, preparedness,
15 and risk identification and management projects;

16 (3) identify extreme weather resilience, pre-
17 paredness, and risk identification and management
18 information needs, research gaps, and decision sup-
19 port needs that are not met by any of the offices,
20 centers, or programs included in the inventory under
21 section 906 and make available such identification
22 for purposes of information to be submitted to the
23 Interagency Council under section 907;

24 (4) identify common and complementary goals
25 for extreme weather resilience, preparedness, and

1 risk identification and management within each re-
2 gion to be prioritized for the coming year and be-
3 yond;

4 (5) identify barriers to regional extreme weath-
5 er resilience, preparedness, and risk identification
6 and management planning and implementation that
7 can be overcome or minimized through Federal ac-
8 tion and specific suggestions for improvement;

9 (6) evaluate progress and jointly develop a
10 strategy for realizing extreme weather resilience,
11 preparedness, and risk identification and manage-
12 ment-related goals, including clearly identified re-
13 sponsibilities by each collaborating regional office,
14 center, or program; and

15 (7) share experiences and best practices in
16 stakeholder engagement and communication, deci-
17 sion support, and science-practice interactions that
18 support the realization of identified extreme weather
19 resilience, preparedness, and risk identification and
20 management goals.

21 **SEC. 908. PROGRESS UPDATES.**

22 Not later than 90 days after each meeting under sec-
23 tion 907, each agency that participates in such meeting
24 shall submit to the Interagency Council, and make avail-
25 able to the United States Global Change Research Pro-

1 gram and the Federal Emergency Management Agency,
2 information describing progress in regional coordination
3 and collaboration in aligning Federal resilience, prepared-
4 ness, and risk identification and management efforts at
5 the State and local level, and the benefits of such regional
6 coordination and collaboration.

7 **SEC. 909. DEFINITIONS.**

8 In this title:

9 (1) AGENCY.—The term “agency” has the
10 meaning given the term “Executive agency” under
11 section 105 of title 5, but does not include the Gov-
12 ernment Accountability Office.

13 (2) AGENCY EXTREME WEATHER PLAN.—The
14 term “agency extreme weather plan” means a plan
15 required under section 903(a).

16 (3) EXTREME WEATHER.—The term “extreme
17 weather” includes observed or anticipated severe and
18 unseasonable atmospheric conditions, including
19 drought, wildfire, heavy precipitation, wave, high
20 water, snowstorm, landslide, mudslide, hurricanes,
21 tornadoes and other windstorms (including
22 derechos), extreme heat, extreme cold, sustained
23 temperatures or precipitation that deviate from his-
24 torical averages, and any other weather event that

1 the Interagency Council determines qualifies as ex-
2 treme weather pursuant to section 902(f)(10).

3 (4) INTERAGENCY COUNCIL.—The term “Inter-
4 agency Council” means the Interagency Council on
5 Extreme Weather Resilience, Preparedness, and
6 Risk Identification and Management established
7 under section 902(a).

8 (5) MITIGATION PLAN.—The term “mitigation
9 plan” means the mitigation plan required under sec-
10 tion 322 of the Robert T. Stafford Disaster Relief
11 and Emergency Assistance Act (42 U.S.C. 5165).

12 (6) NATIONAL GLOBAL CHANGE RESEARCH
13 PLAN.—The term “National Global Change Re-
14 search Plan” means the National Global Change Re-
15 search Plan developed under section 104 of the
16 Global Change Research Act of 1990 (15 U.S.C.
17 2934), or any revision thereof.

18 (7) NATIONAL OIL AND HAZARDOUS SUB-
19 STANCES POLLUTION CONTINGENCY PLAN.—The
20 term “National Oil and Hazardous Substances Pol-
21 lution Contingency Plan” means the National Oil
22 and Hazardous Substances Pollution Contingency
23 Plan described under part 300 of title 40, Code of
24 Federal Regulations, or any revision thereof.

1 (8) NATIONAL PREPAREDNESS GOAL.—The
2 term “National Preparedness Goal” means the na-
3 tional preparedness goal developed under section 643
4 of the Post-Katrina Emergency Management Reform
5 Act of 2006 (6 U.S.C. 743).

6 (9) NATIONAL PREPAREDNESS REPORT.—The
7 term “National Preparedness Report” means the re-
8 port required by section 652(a) of the Post-Katrina
9 Emergency Management Reform Act of 2006 (6
10 U.S.C. 752(a); Public Law 109–295).

11 (10) PREPAREDNESS.—The term “prepared-
12 ness” means actions taken to plan, organize, equip,
13 train, and exercise to build, apply, and sustain the
14 capabilities necessary to prevent, protect against,
15 ameliorate the effects of, respond to, and recover
16 from extreme weather related damages to life,
17 health, property, livelihoods, ecosystems, and na-
18 tional security.

19 (11) RESILIENCE.—The term “resilience”
20 means the ability to anticipate, prepare for, and
21 adapt to changing conditions and withstand, respond
22 to, and recover rapidly from disruptions.

23 (12) SENIOR OFFICIAL.—The term “senior offi-
24 cial” means a Deputy Secretary (or an equivalent of-
25 ficer) of an agency.

1 (13) STATE.—The term “State” means each of
2 the several States, the District of Columbia, each
3 commonwealth, territory, or possession of the United
4 States, and each federally recognized Indian Tribe.

5 (14) UNITED STATES GLOBAL CHANGE RE-
6 SEARCH PROGRAM.—The term “United States Glob-
7 al Change Research Program” means the United
8 States Global Change Research Program established
9 under section 103 of the Global Change Research
10 Act of 1990 (15 U.S.C. 2933).

11 (15) UNITED STATES GLOBAL CHANGE RE-
12 SEARCH PROGRAM ANNUAL REPORT.—The term
13 “United States Global Change Research Program
14 Annual Report” means the report required by sec-
15 tion 102(e)(7) of the Global Change Research Act of
16 1990 (15 U.S.C. 2932(e)(7)).

17 **SEC. 910. REQUIREMENT TO INCLUDE AGENCY EXTREME**
18 **WEATHER PLAN IN AGENCY PERFORMANCE**
19 **PLAN.**

20 A description of the most recent agency extreme
21 weather plan, as required under section 903, shall be in-
22 cluded in the performance plan of an agency (as defined
23 in section 909) required pursuant to section 1115(b) of
24 title 31, United States Code.

1 **SEC. 911. SUNSET AND REPEAL.**

2 This title ceases to be effective and is repealed on
3 the date that is 5 years after the date of the enactment
4 of this Act.

Passed the House of Representatives April 27, 2018.

Attest:

KAREN L. HAAS,
Clerk.

Calendar No. 401

115TH CONGRESS
2^D Session

H. R. 4

AN ACT

To reauthorize programs of the Federal Aviation
Administration, and for other purposes.

MAY 8, 2018

Read the second time and placed on the calendar