AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 658
OFFERED BY MR. MICA OF FLORIDA

Page 30, line 25, insert "or near" after "adjacent to".

Page 31, line 8, after "property owner" insert "(or an association representing such property owner)".

Page 31, line 16, after "property owner" insert "(or an association representing such property owner)".

Page 32, line 2, insert "or near" after "adjacent to".

Page 32, line 12, after "property owner" insert "(or an association representing such property owner)".

Page 87, strike lines 16 through 20 and insert the following:

1 (2) READINESS VERIFICATION.—Before the Administrator completes an ADS–B In equipage rule-making proceeding or issues and interim or final rule pursuant to paragraph (1), the Chief NextGen Officer shall verify that—
Page 106, after line 5, insert the following (and conform the table of contents accordingly):

1 SEC. 220. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.
2   (a) DEVELOPMENT OF PLAN.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a plan to expedite the equipage of general aviation and commercial aircraft with NextGen technologies.
3   (b) CONTENTS.—At a minimum, the plan shall—
4       (1) be based on public-private partnership principles; and
5       (2) leverage the use of private sector capital.
6   (c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Administrator shall submit to Congress a report containing the plan.

Page 118, strike line 11 and all that follows through line 5 on page 119 (and redesignate subsequent sections, and conform the table of contents, accordingly).

Page 130, line 24, strike "44733" and insert "44732".

Page 139, line 21, strike "COMMERCIAL" and insert "CIVIL" (and conform the table of contents accordingly).
Page 140, line 4, strike “commercial” and insert “civil”.

Page 140, line 12, strike “commercial” and insert “civil”.

Page 140, lines 18 and 19, strike “commercial” and insert “civil”.

Page 140, line 20, strike “commercial” and insert “civil”.

Page 141, line 10, strike “commercial” and insert “civil”.

Page 141, line 16, strike “commercial” and insert “civil”.

Page 142, line 10, strike “Secretary” and insert “Secretary of Transportation”.

Page 143, strike line 12, and all that follows through line 10 on page 144 and insert the following:

1 SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.
2 (a) GUIDANCE.—Not later than 270 days after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall issue guidance regarding the operation of pub-
5 lic unmanned aircraft systems to—
(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures, as the necessary safety analysis and data become available, and until standards are completed and technology issues are resolved;

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems; and

(d) provide guidance on a public entity’s responsibility when operating an unmanned aircraft without a civil airworthiness certificate issued by the Federal Aviation Administration.

(b) STANDARDS FOR OPERATION AND CERTIFICATION.—Not later than December 31, 2015, the Secretary shall develop and implement operational and certification requirements for operational procedures for public unmanned aircraft systems in the national airspace system.

(e) AGREEMENTS WITH GOVERNMENT AGENCIES.—
(1) IN GENERAL.—Not later than 90 days after
the date of enactment of this Act, the Secretary
shall enter into agreements with appropriate govern-
ment agencies to simplify the process for issuing cer-
tificates of waiver or authorization with respect to
applications seeking authorization to operate public
unmanned aircraft systems in the national airspace
system.

(2) CONTENTS.—The agreements shall—

(A) with respect to an application de-
scribed in paragraph (1)—

(i) provide for an expedited review of
the application;

(ii) require a decision by the Adminis-
trator on approval or disapproval within 60
business days of the date of submission of
the application; and

(iii) allow for an expedited appeal if
the application is disapproved;

(B) allow for a one-time approval of simi-
lar operations carried out during a fixed period
of time; and

(C) allow a government public safety agen-
cy to operate unmanned aircraft weighing 4.4
pounds or less, within the line of sight of the
operator, less than 400 feet above the ground
during daylight conditions, within Class G air-
space, outside of 5 statute miles from any air-
port, heliport, seaplane base or spaceport, or
any location with aviation activities.

Page 144, line 16, insert “not fewer than” before “4
test ranges”

Page 145, line 4, strike “commercial” and insert
“civil”.

Page 157, after line 14, insert the following (and
conform the table of contents accordingly):

6 SEC. 336. DISCLOSURE AND USE OF INFORMATION.
7 (a) IN GENERAL.—Chapter 447 (as amended by this
8 Act) is further amended by adding at the end the fol-
9 lowing:
10 “§ 44734. Disclosure and use of information
11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of law, and except as provided in this section, the
13 following reports and data shall not be subject to discovery
14 or subpoena or admitted into evidence in a Federal or
15 State court proceeding or considered for other purposes
16 in any such proceeding:
17 “(1) A report developed under the Aviation
18 Safety Action Program.
"(2) Data produced or collected under the Flight Operational Quality Assurance Program.

"(3) A report developed under the Line Operations Safety Audit Program.

"(4) Hazard identification, risk assessment, risk control, and safety assurance data produced or collected for purposes of—

"(A) assessing and improving aviation safety; or

"(B) developing and implementing a safety management system acceptable to the Administrator.

"(5) Reports, analyses, and directed studies based in whole or in part on reports or data described in paragraphs (1) through (4), including those prepared under the Aviation Safety Information Analysis and Sharing Program.

"(b) PROTECTION OF VOLUNTARILY SUBMITTED INFORMATION.—Any report or data described in subsection (a) that is voluntarily provided to the Federal Aviation Administration shall be considered to be voluntarily submitted information within the meaning of section 40123, and shall not be disclosed to the public pursuant to section 552(b)(3)(B) of title 5.
“(c) FAA REPORTS.—Notwithstanding any other provision of this section, the Administrator of the Federal Aviation Administration may release documents to the public that include summaries, aggregations, or statistical analyses based on reports or data described in subsection (a).

“(d) SAFETY RECOMMENDATIONS.—Nothing in this section shall be construed to prevent the National Transportation Safety Board, in connection with an ongoing accident investigation, from referring to relevant information contained in reports or data described in subsection (a) in making safety recommendations.

“(e) WAIVER.—Subsection (a) shall not apply with respect to a report developed, or data produced or collected, by or on behalf of a person if that person waives the privileges provided under subsection (a). A waiver under this subsection shall be made in writing or occasioned by the person’s own use of the information in presenting a claim or defense.”.

(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

“44734. Disclosure and use of information.”.
SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Chapter 447 (as amended by this Act) is further amended by adding at the end the following:

"§ 44735. Liability protection for persons implementing safety management systems

(a) PERSONS IMPLEMENTING SAFETY MANAGEMENT SYSTEMS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, a person that is required by the Administrator of the Federal Aviation Administration to implement a safety management system may not be held liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s preparation or implementation of, or an event or occurrence contemplated by, the safety management system.

"(2) LIMITATION.—Nothing in this section shall relieve a person from liability for damages resulting from the person’s own willful or reckless acts or omissions as demonstrated by clear and convincing evidence.

"(b) ACCOUNTABLE EXECUTIVES.—
“(1) IN GENERAL.—Notwithstanding any other provision of law, a person who is employed by a person described in subsection (a) and who is responsible for performing the functions of an accountable executive pursuant to a safety management system required by the Administrator—

“(A) shall be deemed to be acting in the person’s official capacity as an officer or employee of the person described in subsection (a) when performing such functions; and

“(B) except as provided in paragraph (2), may not be held personally liable for damages in connection with a claim filed in a State or Federal court (including a claim for compensatory, punitive, contributory, or indemnity damages) relating to the person’s responsibilities pursuant to the safety management system.

“(2) LIMITATION.—Nothing in this subsection shall relieve a person performing the functions of an accountable executive pursuant to a safety management system from personal liability for damages resulting from the person’s willful or reckless acts or omissions as demonstrated by clear and convincing evidence.”.
(b) CLERICAL AMENDMENT.—The analysis for such chapter (as amended by this Act) is further amended by adding at the end the following:

"44735. Liability protection for persons implementing safety management systems."

Page 170, strike line 13 and all that follows before line 22 on page 172 and insert the following:

SEC. 424. MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

§ 41724. Musical instruments

(a) IN GENERAL.—

(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin if—

(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat, in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator; and

(B) there is space for such stowage at the time the passenger boards the aircraft.
"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin if—

"(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

"(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds or the applicable weight restrictions for the aircraft;

"(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator;

"(D) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

"(E) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

"(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage a
musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches or the applicable size restrictions for the aircraft;

"(B) the weight of the instrument does not exceed 165 pounds or the applicable weight restrictions for the aircraft; and

"(C) the instrument can be stowed in accordance with the requirements for carriage of carry-on baggage or cargo established by the Administrator.

"(b) REGULATIONS.—Not later than 2 years after the date of enactment of this section, the Secretary shall issue final regulations to carry out subsection (a).

"(c) EFFECTIVE DATE.—The requirements of this section shall become effective on the date of issuance of the final regulations under subsection (b).”.

(b) CONFORMING AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

"41724. Musical instruments.”.
Page 205, line 12, strike "2014" and insert "2016".

Page 210, line 6, strike "and".

Page 210, line 11, strike the period at the end and insert "; and".

Page 210, after line 11, insert the following:

(3) officials the United States Government, and particularly the Secretary of Transportation and the Administrator of the Federal Aviation Administration, should use all political, diplomatic, and legal tools at the disposal of the United States to ensure that the European Union’s emissions trading scheme is not applied to aircraft registered by the United States or the operators of those aircraft, including the mandates that United States carriers provide emissions data to and purchase emissions allowances from or surrender emissions allowances to the European Union Member States.

Page 211, line 9, strike "(a) DISPUTE RESOLUTION.—".

Page 234, strike line 13 and all that follows before line 7 on page 237 and insert the following (and conform the table of contents accordingly):


SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HISTORY RECORD CHECKS.

(a) In General.—Chapter 401 is amended by adding at the end the following:

§ 40130. FAA authority to conduct criminal history record checks

"(a) Criminal History Background Checks.—

"(1) Access to Information.—The Administrator of the Federal Aviation Administration, for certification purposes of the Administration only, is authorized—

"(A) to conduct, in accordance with the established request process, a criminal history background check of an airman in the criminal repositories of the Federal Bureau of Investigation and States by submitting positive identification of the airman to a fingerprint-based repository in compliance with section 217 of the National Crime Prevention and Privacy Compact Act of 1998 (42 U.S.C. 14616); and

"(B) to receive relevant criminal history record information regarding the airman checked.

"(2) Release of Information.—In accessing a repository referred to in paragraph (1), the Administrator shall be subject to the conditions and
procedures established by the Department of Justice
or the State, as appropriate, for other governmental
agencies conducting background checks for non-
criminal justice purposes.

"(3) LIMITATION.—The Administrator may not
use the authority under paragraph (1) to conduct
criminal investigations.

"(4) REIMBURSEMENT.—The Administrator
may collect reimbursement to process the finger-
print-based checks under this subsection, to be used
for expenses incurred, including Federal Bureau of
Investigation fees, in providing these services.

"(b) DESIGNATED EMPLOYEES.—The Administrator
shall designate, by order, employees of the Federal Avia-
tion Administration to carry out the authority described
in subsection (a).”.

(b) CLERICAL AMENDMENT.—The analysis for chap-
ter 401 is amended by adding at the end the following:

"40130. FAA authority to conduct criminal history record checks.”.

Page 256, after line 9, insert the following (and con-
form the table of contents accordingly):

19 SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND
BATTERIES.

(a) IN GENERAL.—The Administrator of the Federal
Aviation Administration may not issue or enforce any reg-
ulation or other requirement regarding the transportation
by aircraft of lithium metal cells or batteries or lithium
ion cells or batteries, whether transported separately or
packed with or contained in equipment, if the requirement
is more stringent than the requirements of the Inter-
national Civil Aviation Organization Technical Instruc-
tions for the Safe Transport of Dangerous Goods by Air,
2009–2010 edition, as amended (including amendments
adopted after the date of enactment of this Act).

(b) EXCEPTION.—Notwithstanding subsection (a),
the Administrator may enforce the prohibition on trans-
porting primary (nonrechargeable) lithium batteries and
cells aboard passenger carrying aircraft set forth in special
provision A100 of the table contained in section
172.102(e)(2) of title 49, Code of Federal Regulations, as
in effect on the date of enactment of this Act.

SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIR-
PORTS.

(a) IN GENERAL.—Notwithstanding any other provi-
sion of law, the Administrator of the Federal Aviation Ad-
ministration may declare certain revenue derived from or
generated by mineral extraction at a general aviation air-
port to be revenue greater than the long-term project, op-
eration, maintenance, planning, and capacity needs of the
airport.
(b) USE OF REVENUE.—Subject to subsection (c), if the Administrator issues a declaration with respect to an airport under subsection (a), the airport sponsor may allocate to itself (or to a governing body within the geographical limits of the airport's locality) the revenues identified in the declaration for use in carrying out a Federal, State, or local transportation infrastructure project.

(c) CONDITIONS.—Any declaration made under subsection (a) with respect to an airport shall be subject to the following conditions:

(1) In generating revenue from mineral rights extraction, production, lease, or other means, the airport sponsor shall not charge less than fair market value.

(2) The airport sponsor and the Administrator shall agree on a 20-year capital improvement program that includes, at a minimum, 20-year projected charges, costs, and fees for the development, improvement, operation, and maintenance of the airport, with consideration for costs and charges adjusted for inflation.

(3) The airport sponsor shall agree in writing to waive all rights to receive entitlement funds or discretionary funds to be used at the airport under...
section 47114 or 47115 of title 49, United States Code, for a period of 20 years:

(4) The airport sponsor shall comply, during the 20-year period beginning on the date of enactment of this Act, with all grant assurance obligations in effect as of such date of enactment for the airport under section 47107 of such title.

(5) The airport sponsor shall agree in writing to comply with sections 47107(b) and 47133 of such title, except for any exemptions specifically granted by the Administrator in accordance with this section, in perpetuity.

(6) The airport sponsor shall agree in writing to operate the airport as a public-use airport unless the Administrator specifically grants a request to allow the airport to close.

(7) The airport sponsor shall create a provisional fund for current and future environmental impacts, assessments, and any mitigation plans agreed upon with the Administrator.

(d) COMPLETION OF DETERMINATION.—The Administrator shall conduct a review and issue a determination under subsection (a) on or before the 90th day following the date of receipt of an airport sponsor's application and requisite documentation.
(e) General Aviation Airport Defined.—In this section, the term "general aviation airport" means an airport that does not receive scheduled passenger aircraft service.

SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT NONPROFIT ORGANIZATIONS THAT FLY FOR PUBLIC BENEFIT AND TO PILOTS AND STAFF OF SUCH NONPROFIT ORGANIZATIONS.

Section 4 of the Volunteer Protection Act of 1997 (42 U.S.C. 14503) is amended—

(1) in subsection (a)(4) by inserting "(unless the volunteer was operating an aircraft in furtherance of the purpose of a volunteer pilot nonprofit organization that flies for public benefit and was properly licensed and insured for the operation of such aircraft)" after "aircraft"; and

(2) by striking subsection (c) and inserting the following:

"(c) No Effect on Liability of Organization or Entity.—

"(1) In General.—Except as provided in paragraph (2), nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person."
"(2) EXCEPTION.—A volunteer pilot nonprofit organization that flies for public benefit, the staff, mission coordinators, officers, and directors (whether volunteer or otherwise) of such nonprofit organization, and a referring agency of such nonprofit organization shall not be liable for harm caused to any person by a volunteer of such nonprofit organization while such volunteer—

"(A) is operating an aircraft in furtherance of the purpose of such nonprofit organization;

"(B) is properly licensed for the operation of such aircraft; and

"(C) has certified to such nonprofit organization that such volunteer has insurance covering the volunteer’s operation of such aircraft.”.

SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.

(a) FINDINGS.—Congress finds the following:

(1) The Federal Government’s dissemination to the public of information relating to a noncommercial flight carried out by a private owner or operator of an aircraft, whether during or following the flight, does not serve a public policy objective.
(2) Upon the request of a private owner or operator of an aircraft, the Federal Government should not disseminate to the public information relating to noncommercial flights carried out by that owner or operator, as the information should be private and confidential.

(b) AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.—Upon the request of a private owner or operator of an aircraft, the Administrator of the Federal Aviation Administration shall block, with respect to the non-commercial flights of that owner or operator, the display of that owner or operator's aircraft registration number in aircraft situational display data provided by the Administrator to any entity, except a government agency.

SEC. 818. CONTRACTING.

The Administrator of the Federal Aviation Administration shall conduct a review and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing how the Federal Aviation Administration weighs the economic vitality of a region when considering contract proposals for training facilities under the general contracting authority of the Federal Aviation Administration.
1 SEC. 819. FLOOD PLANNING.

2 The Administrator of the Federal Aviation Administra-
3 tion, in consultation with the Administrator of the Fed-
4 eral Emergency Management Agency, shall conduct a re-
5 view and submit to the Committee on Commerce, Science,
6 and Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives a report on the state of preparedness and re-
9 sponse capability for airports located in flood plains to re-
10 spond to and seek assistance in rebuilding after cata-
11 strophic flooding.

Page 280, after line 2, insert the following (and con-
form the table of contents accordingly):

12 TITLE XIII—COMMERCIAL SPACE

13 SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE RE-
14 QUIREMENTS.

15 Section 50905(c)(3) of title 51, United States Code,
16 is amended by striking “the date of enactment of the Com-
17 mercial Space Launch Amendments Act of 2004” and in-
18 serting “the first licensed launch of a space flight partici-
19 pant”.

X