

REVISED

**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 Ad-
- 2 ministrator completes an ADS-B In equipage rule-
- 3 making proceeding or issues and interim or final
- 4 rule pursuant to paragraph (1), the Chief NextGen
- 5 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
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration shall de-
5 velop a plan to expedite the equipage of general aviation
6 and commercial aircraft with NextGen technologies.

7 (b) **CONTENTS.**—At a minimum, the plan shall—

8 (1) be based on public-private partnership prin-
9 ciples; and

10 (2) leverage the use of private sector capital.

11 (c) **REPORT.**—Not later than 150 days after the date
12 of enactment of this Act, the Administrator shall submit
13 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 (1) expedite the issuance of a certificate of au-
2 thorization process;

3 (2) provide for a collaborative process with pub-
4 lic agencies to allow for an incremental expansion of
5 access to the national airspace system as technology
6 matures, as the necessary safety analysis and data
7 become available, and until standards are completed
8 and technology issues are resolved;

9 (3) facilitate the capability of public agencies to
10 develop and use test ranges, subject to operating re-
11 strictions required by the Federal Aviation Adminis-
12 tration, to test and operate unmanned aircraft sys-
13 tems; and

14 (4) provide guidance on a public entity's re-
15 sponsibility when operating an unmanned aircraft
16 without a civil airworthiness certificate issued by the
17 Federal Aviation Administration.

18 (b) STANDARDS FOR OPERATION AND CERTIFI-
19 CATION.—Not later than December 31, 2015, the Sec-
20 retary shall develop and implement operational and certifi-
21 cation requirements for operational procedures for public
22 unmanned aircraft systems in the national airspace sys-
23 tem.

24 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

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

9 (2) CONTENTS.—The agreements shall—

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

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

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

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

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

23 (C) allow a government public safety agen-
24 cy to operate unmanned aircraft weighing 4.4
25 pounds or less, within the line of sight of the

1 operator, less than 400 feet above the ground
2 during daylight conditions, within Class G air-
3 space, outside of 5 statute miles from any air-
4 port, heliport, seaplane base or spaceport, or
5 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.

1 “(2) Data produced or collected under the
2 Flight Operational Quality Assurance Program.

3 “(3) A report developed under the Line Oper-
4 ations Safety Audit Program.

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

8 “(A) assessing and improving aviation
9 safety; or

10 “(B) developing and implementing a safety
11 management system acceptable to the Adminis-
12 trator.

13 “(5) Reports, analyses, and directed studies
14 based in whole or in part on reports or data de-
15 scribed in paragraphs (1) through (4), including
16 those prepared under the Aviation Safety Informa-
17 tion Analysis and Sharing Program.

18 “(b) PROTECTION OF VOLUNTARILY SUBMITTED IN-
19 FORMATION.—Any report or data described in subsection
20 (a) that is voluntarily provided to the Federal Aviation Ad-
21 ministration shall be considered to be voluntarily sub-
22 mitted information within the meaning of section 40123,
23 and shall not be disclosed to the public pursuant to section
24 552(b)(3)(B) of title 5.

1 “(c) FAA REPORTS.—Notwithstanding any other
2 provision of this section, the Administrator of the Federal
3 Aviation Administration may release documents to the
4 public that include summaries, aggregations, or statistical
5 analyses based on reports or data described in subsection
6 (a).

7 “(d) SAFETY RECOMMENDATIONS.—Nothing in this
8 section shall be construed to prevent the National Trans-
9 portation Safety Board, in connection with an ongoing ac-
10 cident investigation, from referring to relevant information
11 contained in reports or data described in subsection (a)
12 in making safety recommendations.

13 “(e) WAIVER.—Subsection (a) shall not apply with
14 respect to a report developed, or data produced or col-
15 lected, by or on behalf of a person if that person waives
16 the privileges provided under subsection (a). A waiver
17 under this subsection shall be made in writing or occa-
18 sioned by the person’s own use of the information in pre-
19 senting a claim or defense.”.

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

“44734. Disclosure and use of information.”.

1 **SEC. 337. LIABILITY PROTECTION FOR PERSONS IMPLE-**
2 **MENTING SAFETY MANAGEMENT SYSTEMS.**

3 (a) IN GENERAL.—Chapter 447 (as amended by this
4 Act) is further amended by adding at the end the fol-
5 lowing:

6 **“§ 44735. Liability protection for persons imple-**
7 **menting safety management systems**

8 **“(a) PERSONS IMPLEMENTING SAFETY MANAGE-**
9 **MENT SYSTEMS.—**

10 **“(1) IN GENERAL.—**Notwithstanding any other
11 provision of law, a person that is required by the
12 Administrator of the Federal Aviation Administra-
13 tion to implement a safety management system may
14 not be held liable for damages in connection with a
15 claim filed in a State or Federal court (including a
16 claim for compensatory, punitive, contributory, or in-
17 demnity damages) relating to the person’s prepara-
18 tion or implementation of, or an event or occurrence
19 contemplated by, the safety management system.

20 **“(2) LIMITATION.—**Nothing in this section
21 shall relieve a person from liability for damages re-
22 sulting from the person’s own willful or reckless acts
23 or omissions as demonstrated by clear and con-
24 vincing evidence.

25 **“(b) ACCOUNTABLE EXECUTIVES.—**

1 “(1) IN GENERAL.—Notwithstanding any other
2 provision of law, a person who is employed by a per-
3 son described in subsection (a) and who is respon-
4 sible for performing the functions of an accountable
5 executive pursuant to a safety management system
6 required by the Administrator—

7 “(A) shall be deemed to be acting in the
8 person’s official capacity as an officer or em-
9 ployee of the person described in subsection (a)
10 when performing such functions; and

11 “(B) except as provided in paragraph (2),
12 may not be held personally liable for damages
13 in connection with a claim filed in a State or
14 Federal court (including a claim for compen-
15 satory, punitive, contributory, or indemnity
16 damages) relating to the person’s responsibil-
17 ities pursuant to the safety management sys-
18 tem.

19 “(2) LIMITATION.—Nothing in this subsection
20 shall relieve a person performing the functions of an
21 accountable executive pursuant to a safety manage-
22 ment system from personal liability for damages re-
23 sulting from the person’s willful or reckless acts or
24 omissions as demonstrated by clear and convincing
25 evidence.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
2 chapter (as amended by this Act) is further amended by
3 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:

4 **SEC. 424. MUSICAL INSTRUMENTS.**

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

7 “§ 41724. **Musical instruments**

8 “(a) IN GENERAL.—

9 “(1) **SMALL INSTRUMENTS AS CARRY-ON BAG-**
10 **GAGE.**—An air carrier providing air transportation
11 shall permit a passenger to carry a violin, guitar, or
12 other musical instrument in the aircraft cabin if—

13 “(A) the instrument can be stowed safely
14 in a suitable baggage compartment in the air-
15 craft cabin or under a passenger seat, in ac-
16 cordance with the requirements for carriage of
17 carry-on baggage or cargo established by the
18 Administrator; and

19 “(B) there is space for such stowage at the
20 time the passenger boards the aircraft.

1 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-
2 GAGE.—An air carrier providing air transportation
3 shall permit a passenger to carry a musical instru-
4 ment that is too large to meet the requirements of
5 paragraph (1) in the aircraft cabin if—

6 “(A) the instrument is contained in a case
7 or covered so as to avoid injury to other pas-
8 sengers;

9 “(B) the weight of the instrument, includ-
10 ing the case or covering, does not exceed 165
11 pounds or the applicable weight restrictions for
12 the aircraft;

13 “(C) the instrument can be stowed in ac-
14 cordance with the requirements for carriage of
15 carry-on baggage or cargo established by the
16 Administrator;

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

21 “(E) the passenger wishing to carry the in-
22 strument in the aircraft cabin has purchased an
23 additional seat to accommodate the instrument.

24 “(3) LARGE INSTRUMENTS AS CHECKED BAG-
25 GAGE.—An air carrier shall transport as baggage a

1 musical instrument that is the property of a pas-
2 senger traveling in air transportation that may not
3 be carried in the aircraft cabin if—

4 “(A) the sum of the length, width, and
5 height measured in inches of the outside linear
6 dimensions of the instrument (including the
7 case) does not exceed 150 inches or the applica-
8 ble size restrictions for the aircraft;

9 “(B) the weight of the instrument does not
10 exceed 165 pounds or the applicable weight re-
11 strictions for the aircraft; and

12 “(C) the instrument can be stowed in ac-
13 cordance with the requirements for carriage of
14 carry-on baggage or cargo established by the
15 Administrator.

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

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

22 (b) CONFORMING AMENDMENT.—The analysis for
23 such subchapter is amended by adding at the end the fol-
24 lowing:

“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:

1 (3) officials the United States Government, and
2 particularly the Secretary of Transportation and the
3 Administrator of the Federal Aviation Administra-
4 tion, should use all political, diplomatic, and legal
5 tools at the disposal of the United States to ensure
6 that the European Union’s emissions trading scheme
7 is not applied to aircraft registered by the United
8 States or the operators of those aircraft, including
9 the mandates that United States carriers provide
10 emissions data to and purchase emissions allowances
11 from or surrender emissions allowances to the Euro-
12 pean Union Member States.

Page 211, line 9, strike “(a) DISPUTE RESOLU-
TION.—”.

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):

1 **SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS-**
2 **TORY RECORD CHECKS.**

3 (a) **IN GENERAL.**—Chapter 401 is amended by add-
4 ing at the end the following:

5 **“§ 40130. FAA authority to conduct criminal history**
6 **record checks**

7 **“(a) CRIMINAL HISTORY BACKGROUND CHECKS.—**

8 **“(1) ACCESS TO INFORMATION.**—The Adminis-
9 trator of the Federal Aviation Administration, for
10 certification purposes of the Administration only, is
11 authorized—

12 **“(A)** to conduct, in accordance with the es-
13 tablished request process, a criminal history
14 background check of an airman in the criminal
15 repositories of the Federal Bureau of Investiga-
16 tion and States by submitting positive identi-
17 fication of the airman to a fingerprint-based re-
18 pository in compliance with section 217 of the
19 National Crime Prevention and Privacy Com-
20 pact Act of 1998 (42 U.S.C. 14616); and

21 **“(B)** to receive relevant criminal history
22 record information regarding the airman
23 checked.

24 **“(2) RELEASE OF INFORMATION.**—In accessing
25 a repository referred to in paragraph (1), the Ad-
26 ministrator shall be subject to the conditions and

1 procedures established by the Department of Justice
2 or the State, as appropriate, for other governmental
3 agencies conducting background checks for non-
4 criminal justice purposes.

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

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

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

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 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**
20 **BATTERIES.**

21 (a) IN GENERAL.—The Administrator of the Federal
22 Aviation Administration may not issue or enforce any reg-

1 ulation or other requirement regarding the transportation
2 by aircraft of lithium metal cells or batteries or lithium
3 ion cells or batteries, whether transported separately or
4 packed with or contained in equipment, if the requirement
5 is more stringent than the requirements of the Inter-
6 national Civil Aviation Organization Technical Instruc-
7 tions for the Safe Transport of Dangerous Goods by Air,
8 2009–2010 edition, as amended (including amendments
9 adopted after the date of enactment of this Act).

10 (b) EXCEPTION.—Notwithstanding subsection (a),
11 the Administrator may enforce the prohibition on trans-
12 porting primary (nonrechargeable) lithium batteries and
13 cells aboard passenger carrying aircraft set forth in special
14 provision A100 of the table contained in section
15 172.102(c)(2) of title 49, Code of Federal Regulations, as
16 in effect on the date of enactment of this Act.

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

19 (a) IN GENERAL.—Notwithstanding any other provi-
20 sion of law, the Administrator of the Federal Aviation Ad-
21 ministration may declare certain revenue derived from or
22 generated by mineral extraction at a general aviation air-
23 port to be revenue greater than the long-term project, op-
24 eration, maintenance, planning, and capacity needs of the
25 airport.

1 (b) USE OF REVENUE.—Subject to subsection (c), if
2 the Administrator issues a declaration with respect to an
3 airport under subsection (a), the airport sponsor may allo-
4 cate to itself (or to a governing body within the geo-
5 graphical limits of the airport's locality) the revenues iden-
6 tified in the declaration for use in carrying out a Federal,
7 State, or local transportation infrastructure project.

8 (c) CONDITIONS.—Any declaration made under sub-
9 section (a) with respect to an airport shall be subject to
10 the following conditions:

11 (1) In generating revenue from mineral rights
12 extraction, production, lease, or other means, the
13 airport sponsor shall not charge less than fair mar-
14 ket value.

15 (2) The airport sponsor and the Administrator
16 shall agree on a 20-year capital improvement pro-
17 gram that includes, at a minimum, 20-year projected
18 charges, costs, and fees for the development, im-
19 provement, operation, and maintenance of the air-
20 port, with consideration for costs and charges ad-
21 justed for inflation.

22 (3) The airport sponsor shall agree in writing
23 to waive all rights to receive entitlement funds or
24 discretionary funds to be used at the airport under

1 section 47114 or 47115 of title 49, United States
2 Code, for a period of 20 years:

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

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

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

17 (7) The airport sponsor shall create a provi-
18 sional fund for current and future environmental im-
19 pacts, assessments, and any mitigation plans agreed
20 upon with the Administrator.

21 (d) COMPLETION OF DETERMINATION.—The Admin-
22 istrator shall conduct a review and issue a determination
23 under subsection (a) on or before the 90th day following
24 the date of receipt of an airport sponsor's application and
25 requisite documentation.

1 (e) GENERAL AVIATION AIRPORT DEFINED.—In this
2 section, the term “general aviation airport” means an air-
3 port that does not receive scheduled passenger aircraft
4 service.

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

9 Section 4 of the Volunteer Protection Act of 1997
10 (42 U.S.C. 14503) is amended—

11 (1) in subsection (a)(4) by inserting “(unless
12 the volunteer was operating an aircraft in further-
13 ance of the purpose of a volunteer pilot nonprofit or-
14 ganization that flies for public benefit and was prop-
15 erly licensed and insured for the operation of such
16 aircraft)” after “aircraft” ; and

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

19 “(c) NO EFFECT ON LIABILITY OF ORGANIZATION
20 OR ENTITY.—

21 “(1) IN GENERAL.—Except as provided in para-
22 graph (2), nothing in this section shall be construed
23 to affect the liability of any nonprofit organization
24 or governmental entity with respect to harm caused
25 to any person.

1 “(2) EXCEPTION.—A volunteer pilot nonprofit
2 organization that flies for public benefit, the staff,
3 mission coordinators, officers, and directors (whether
4 volunteer or otherwise) of such nonprofit organiza-
5 tion, and a referring agency of such nonprofit orga-
6 nization shall not be liable for harm caused to any
7 person by a volunteer of such nonprofit organization
8 while such volunteer—

9 “(A) is operating an aircraft in further-
10 ance of the purpose of such nonprofit organiza-
11 tion;

12 “(B) is properly licensed for the operation
13 of such aircraft; and

14 “(C) has certified to such nonprofit organi-
15 zation that such volunteer has insurance cov-
16 ering the volunteer’s operation of such air-
17 craft.”.

18 **SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

19 (a) FINDINGS.—Congress finds the following:

20 (1) The Federal Government’s dissemination to
21 the public of information relating to a noncommer-
22 cial flight carried out by a private owner or operator
23 of an aircraft, whether during or following the flight,
24 does not serve a public policy objective.

1 (2) Upon the request of a private owner or op-
2 erator of an aircraft, the Federal Government should
3 not disseminate to the public information relating to
4 noncommercial flights carried out by that owner or
5 operator, as the information should be private and
6 confidential.

7 (b) AIRCRAFT SITUATIONAL DISPLAY TO INDUS-
8 TRY.—Upon the request of a private owner or operator
9 of an aircraft, the Administrator of the Federal Aviation
10 Administration shall block, with respect to the non-
11 commercial flights of that owner or operator, the display
12 of that owner or operator's aircraft registration number
13 in aircraft situational display data provided by the Admin-
14 istrator to any entity, except a government agency.

15 **SEC. 818. CONTRACTING.**

16 The Administrator of the Federal Aviation Adminis-
17 tration shall conduct a review and submit to the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate and the Committee on Transportation and Infra-
20 structure of the House of Representatives a report de-
21 scribing how the Federal Aviation Administration weighs
22 the economic vitality of a region when considering contract
23 proposals for training facilities under the general con-
24 tracting authority of the Federal Aviation Administration.

1 **SEC. 819. FLOOD PLANNING.**

2 The Administrator of the Federal Aviation Adminis-
3 tration, 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”.

