
ORAL ARGUMENT NOT YET SCHEDULED

Nos. 16-1297 & 16-1302

**IN THE UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT**

ELECTRONIC PRIVACY INFORMATION CENTER

Petitioner,

v.

The FEDERAL AVIATION ADMINISTRATION, MICHAEL P. HUERTA, in his official capacity as Administrator of the Federal Aviation Administration, and ELAINE L. CHAO, in her official capacity as United States Secretary of Transportation,

Respondents.

**On Petition for Review of an Order of the
Federal Aviation Administration**

ADDENDUM OF PETITIONER

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United States Code Annotated
Title 5. Government Organization and Employees (Refs & Annos)
Part I. The Agencies Generally
Chapter 5. Administrative Procedure (Refs & Annos)
Subchapter II. Administrative Procedure (Refs & Annos)

5 U.S.C.A. § 551

§ 551. Definitions

Effective: January 4, 2011

Currentness

For the purpose of this subchapter--

(1) “agency” means each authority of the Government of the United States, whether or not it is within or subject to review by another agency, but does not include--

(A) the Congress;

(B) the courts of the United States;

(C) the governments of the territories or possessions of the United States;

(D) the government of the District of Columbia;

or except as to the requirements of section 552 of this title--

(E) agencies composed of representatives of the parties or of representatives of organizations of the parties to the disputes determined by them;

(F) courts martial and military commissions;

(G) military authority exercised in the field in time of war or in occupied territory; or

(H) functions conferred by sections 1738, 1739, 1743, and 1744 of title 12; subchapter II of chapter 471 of title 49; or sections 1884, 1891-1902, and former section 1641(b)(2), of title 50, appendix;¹

(2) “person” includes an individual, partnership, corporation, association, or public or private organization other than an agency;

(3) “party” includes a person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in an agency proceeding, and a person or agency admitted by an agency as a party for limited purposes;

(4) “rule” means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(5) “rule making” means agency process for formulating, amending, or repealing a rule;

(6) “order” means the whole or a part of a final disposition, whether affirmative, negative, injunctive, or declaratory in form, of an agency in a matter other than rule making but including licensing;

(7) “adjudication” means agency process for the formulation of an order;

(8) “license” includes the whole or a part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption or other form of permission;

(9) “licensing” includes agency process respecting the grant, renewal, denial, revocation, suspension, annulment, withdrawal, limitation, amendment, modification, or conditioning of a license;

(10) “sanction” includes the whole or a part of an agency--

(A) prohibition, requirement, limitation, or other condition affecting the freedom of a person;

(B) withholding of relief;

(C) imposition of penalty or fine;

(D) destruction, taking, seizure, or withholding of property;

(E) assessment of damages, reimbursement, restitution, compensation, costs, charges, or fees;

(F) requirement, revocation, or suspension of a license; or

(G) taking other compulsory or restrictive action;

(11) “relief” includes the whole or a part of an agency--

(A) grant of money, assistance, license, authority, exemption, exception, privilege, or remedy;

(B) recognition of a claim, right, immunity, privilege, exemption, or exception; or

(C) taking of other action on the application or petition of, and beneficial to, a person;

(12) “agency proceeding” means an agency process as defined by paragraphs (5), (7), and (9) of this section;

(13) “agency action” includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act; and

(14) “ex parte communication” means an oral or written communication not on the public record with respect to which reasonable prior notice to all parties is not given, but it shall not include requests for status reports on any matter or proceeding covered by this subchapter.

CREDIT(S)

(Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 381; Pub.L. 94-409, § 4(b), Sept. 13, 1976, 90 Stat. 1247; Pub.L. 103-272, § 5(a), July 5, 1994, 108 Stat. 1373; Pub.L. 111-350, § 5(a)(2), Jan. 4, 2011, 124 Stat. 3841.)

Footnotes

1 See References in Text note set out under this section.

5 U.S.C.A. § 551, 5 USCA § 551

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

United States Code Annotated

Title 5. Government Organization and Employees (Refs & Annos)

Part I. The Agencies Generally

Chapter 7. Judicial Review (Refs & Annos)

5 U.S.C.A. § 704

§ 704. Actions reviewable

Currentness

Agency action made reviewable by statute and final agency action for which there is no other adequate remedy in a court are subject to judicial review. A preliminary, procedural, or intermediate agency action or ruling not directly reviewable is subject to review on the review of the final agency action. Except as otherwise expressly required by statute, agency action otherwise final is final for the purposes of this section whether or not there has been presented or determined an application for a declaratory order, for any form of reconsideration, or, unless the agency otherwise requires by rule and provides that the action meanwhile is inoperative, for an appeal to superior agency authority.

CREDIT(S)

(Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 392.)

5 U.S.C.A. § 704, 5 USCA § 704

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

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United States Code Annotated
 Title 5. Government Organization and Employees (Refs & Annos)
 Part I. The Agencies Generally
 Chapter 7. Judicial Review (Refs & Annos)

5 U.S.C.A. § 706

§ 706. Scope of review

Currentness

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall--

- (1) compel agency action unlawfully withheld or unreasonably delayed; and
- (2) hold unlawful and set aside agency action, findings, and conclusions found to be--
 - (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;
 - (B) contrary to constitutional right, power, privilege, or immunity;
 - (C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;
 - (D) without observance of procedure required by law;
 - (E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or
 - (F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

CREDIT(S)

(Pub.L. 89-554, Sept. 6, 1966, 80 Stat. 393.)

5 U.S.C.A. § 706, 5 USCA § 706

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

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United States Code Annotated

Title 49. Transportation (Refs & Annos)

Subtitle VII. Aviation Programs

Part A. Air Commerce and Safety (Refs & Annos)

Subpart IV. Enforcement and Penalties (Refs & Annos)

Chapter 461. Investigations and Proceedings

49 U.S.C.A. § 46110

§ 46110. Judicial review

Effective: December 12, 2003

Currentness

(a) Filing and venue.--Except for an order related to a foreign air carrier subject to disapproval by the President under section 41307 or 41509(f) of this title, a person disclosing a substantial interest in an order issued by the Secretary of Transportation (or the Under Secretary of Transportation for Security with respect to security duties and powers designated to be carried out by the Under Secretary or the Administrator of the Federal Aviation Administration with respect to aviation duties and powers designated to be carried out by the Administrator) in whole or in part under this part, part B, or subsection (l) or (s) of section 114 may apply for review of the order by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit or in the court of appeals of the United States for the circuit in which the person resides or has its principal place of business. The petition must be filed not later than 60 days after the order is issued. The court may allow the petition to be filed after the 60th day only if there are reasonable grounds for not filing by the 60th day.

(b) Judicial procedures.--When a petition is filed under subsection (a) of this section, the clerk of the court immediately shall send a copy of the petition to the Secretary, Under Secretary, or Administrator, as appropriate. The Secretary, Under Secretary, or Administrator shall file with the court a record of any proceeding in which the order was issued, as provided in section 2112 of title 28.

(c) Authority of court.--When the petition is sent to the Secretary, Under Secretary, or Administrator, the court has exclusive jurisdiction to affirm, amend, modify, or set aside any part of the order and may order the Secretary, Under Secretary, or Administrator to conduct further proceedings. After reasonable notice to the Secretary, Under Secretary, or Administrator, the court may grant interim relief by staying the order or taking other appropriate action when good cause for its action exists. Findings of fact by the Secretary, Under Secretary, or Administrator, if supported by substantial evidence, are conclusive.

(d) Requirement for prior objection.--In reviewing an order under this section, the court may consider an objection to an order of the Secretary, Under Secretary, or Administrator only if the objection was made in the proceeding conducted by the Secretary, Under Secretary, or Administrator or if there was a reasonable ground for not making the objection in the proceeding.

(e) Supreme Court review.--A decision by a court under this section may be reviewed only by the Supreme Court under section 1254 of title 28.

CREDIT(S)

(Added Pub.L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1230; amended Pub.L. 107-71, Title I, § 140(b)(1), (2), Nov. 19, 2001, 115 Stat. 641; Pub.L. 108-176, Title II, § 228, Dec. 12, 2003, 117 Stat. 2532.)

49 U.S.C.A. § 46110, 49 USCA § 46110

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

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United States Code Annotated
Title 49. Transportation (Refs & Annos)
Subtitle VII. Aviation Programs
Part A. Air Commerce and Safety (Refs & Annos)
Subpart I. General
Chapter 401. General Provisions (Refs & Annos)

49 U.S.C.A. § 40103

§ 40103. Sovereignty and use of airspace

Currentness

(a) Sovereignty and public right of transit.--(1) The United States Government has exclusive sovereignty of airspace of the United States.

(2) A citizen of the United States has a public right of transit through the navigable airspace. To further that right, the Secretary of Transportation shall consult with the Architectural and Transportation Barriers Compliance Board established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792) before prescribing a regulation or issuing an order or procedure that will have a significant impact on the accessibility of commercial airports or commercial air transportation for handicapped individuals.

(b) Use of airspace.--(1) The Administrator of the Federal Aviation Administration shall develop plans and policy for the use of the navigable airspace and assign by regulation or order the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. The Administrator may modify or revoke an assignment when required in the public interest.

(2) The Administrator shall prescribe air traffic regulations on the flight of aircraft (including regulations on safe altitudes) for--

(A) navigating, protecting, and identifying aircraft;

(B) protecting individuals and property on the ground;

(C) using the navigable airspace efficiently; and

(D) preventing collision between aircraft, between aircraft and land or water vehicles, and between aircraft and airborne objects.

(3) To establish security provisions that will encourage and allow maximum use of the navigable airspace by civil aircraft consistent with national security, the Administrator, in consultation with the Secretary of Defense, shall--

- (A) establish areas in the airspace the Administrator decides are necessary in the interest of national defense; and
- (B) by regulation or order, restrict or prohibit flight of civil aircraft that the Administrator cannot identify, locate, and control with available facilities in those areas.
- (4) Notwithstanding the military exception in section 553(a)(1) of title 5, subchapter II of chapter 5 of title 5 applies to a regulation prescribed under this subsection.
- (c) **Foreign aircraft.**--A foreign aircraft, not part of the armed forces of a foreign country, may be navigated in the United States as provided in section 41703 of this title.
- (d) **Aircraft of armed forces of foreign countries.**--Aircraft of the armed forces of a foreign country may be navigated in the United States only when authorized by the Secretary of State.
- (e) **No exclusive rights at certain facilities.**--A person does not have an exclusive right to use an air navigation facility on which Government money has been expended. However, providing services at an airport by only one fixed-based operator is not an exclusive right if--
- (1) it is unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide the services; and
- (2) allowing more than one fixed-based operator to provide the services requires a reduction in space leased under an agreement existing on September 3, 1982, between the operator and the airport.

CREDIT(S)

(Added Pub.L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1101.)

49 U.S.C.A. § 40103, 49 USCA § 40103

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

United States Code Annotated
Title 49. Transportation (Refs & Annos)
Subtitle VII. Aviation Programs
Part A. Air Commerce and Safety (Refs & Annos)
Subpart III. Safety (Refs & Annos)
Chapter 447. Safety Regulation (Refs & Annos)

49 U.S.C.A. § 44701

§ 44701. General requirements

Effective: April 5, 2000

Currentness

(a) Promoting safety.--The Administrator of the Federal Aviation Administration shall promote safe flight of civil aircraft in air commerce by prescribing--

(1) minimum standards required in the interest of safety for appliances and for the design, material, construction, quality of work, and performance of aircraft, aircraft engines, and propellers;

(2) regulations and minimum standards in the interest of safety for--

(A) inspecting, servicing, and overhauling aircraft, aircraft engines, propellers, and appliances;

(B) equipment and facilities for, and the timing and manner of, the inspecting, servicing, and overhauling; and

(C) a qualified private person, instead of an officer or employee of the Administration, to examine and report on the inspecting, servicing, and overhauling;

(3) regulations required in the interest of safety for the reserve supply of aircraft, aircraft engines, propellers, appliances, and aircraft fuel and oil, including the reserve supply of fuel and oil carried in flight;

(4) regulations in the interest of safety for the maximum hours or periods of service of airmen and other employees of air carriers; and

(5) regulations and minimum standards for other practices, methods, and procedure the Administrator finds necessary for safety in air commerce and national security.

(b) Prescribing minimum safety standards.--The Administrator may prescribe minimum safety standards for--

(1) an air carrier to whom a certificate is issued under section 44705 of this title; and

(2) operating an airport serving any passenger operation of air carrier aircraft designed for at least 31 passenger seats.

(c) Reducing and eliminating accidents.--The Administrator shall carry out this chapter in a way that best tends to reduce or eliminate the possibility or recurrence of accidents in air transportation. However, the Administrator is not required to give preference either to air transportation or to other air commerce in carrying out this chapter.

(d) Considerations and classification of regulations and standards.--When prescribing a regulation or standard under subsection (a) or (b) of this section or any of sections 44702-44716 of this title, the Administrator shall--

(1) consider--

(A) the duty of an air carrier to provide service with the highest possible degree of safety in the public interest; and

(B) differences between air transportation and other air commerce; and

(2) classify a regulation or standard appropriate to the differences between air transportation and other air commerce.

(e) Bilateral exchanges of safety oversight responsibilities.--

(1) **In general.**--Notwithstanding the provisions of this chapter, the Administrator, pursuant to Article 83 bis of the Convention on International Civil Aviation and by a bilateral agreement with the aeronautical authorities of another country, may exchange with that country all or part of their respective functions and duties with respect to registered aircraft under the following articles of the Convention: Article 12 (Rules of the Air); Article 31 (Certificates of Airworthiness); or Article 32a (Licenses of Personnel).

(2) **Relinquishment and acceptance of responsibility.**--The Administrator relinquishes responsibility with respect to the functions and duties transferred by the Administrator as specified in the bilateral agreement, under the Articles listed in paragraph (1) for United States-registered aircraft described in paragraph (4)(A) transferred abroad and accepts responsibility with respect to the functions and duties under those Articles for aircraft registered abroad and described in paragraph (4)(B) that are transferred to the United States.

(3) **Conditions.**--The Administrator may predicate, in the agreement, the transfer of functions and duties under this subsection on any conditions the Administrator deems necessary and prudent, except that the Administrator may not transfer responsibilities for United States registered aircraft described in paragraph (4)(A) to a country that the Administrator determines is not in compliance with its obligations under international law for the safety oversight of civil aviation.

(4) **Registered aircraft defined.**--In this subsection, the term "registered aircraft" means--

(A) aircraft registered in the United States and operated pursuant to an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in another country; and

(B) aircraft registered in a foreign country and operated under an agreement for the lease, charter, or interchange of the aircraft or any similar arrangement by an operator that has its principal place of business or, if it has no such place of business, its permanent residence in the United States.

(f) Exemptions.--The Administrator may grant an exemption from a requirement of a regulation prescribed under subsection (a) or (b) of this section or any of sections 44702-44716 of this title if the Administrator finds the exemption is in the public interest.

CREDIT(S)

(Added Pub.L. 103-272, § 1(e), July 5, 1994, 108 Stat. 1185; amended Pub.L. 103-429, § 6(55), Oct. 31, 1994, 108 Stat. 4385; Pub.L. 106-181, Title VII, § 714, Apr. 5, 2000, 114 Stat. 161.)

49 U.S.C.A. § 44701, 49 USCA § 44701

Current through P.L. 114-316. Also includes P.L. 114-318 to 114-321, 114-323 to 114-327, and 115-1 to 115-3. Title 26 current through 115-3.

PUBLIC LAW 112–95—FEB. 14, 2012

126 STAT. 11

Public Law 112–95
112th Congress

An Act

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

Feb. 14, 2012
[H.R. 658]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “FAA Modernization and Reform Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

FAA
Modernization
and Reform Act
of 2012.
49 USC 40101
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- Sec. 3. Effective date.

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- Sec. 606. Safety critical staffing.
- Sec. 607. Air traffic control specialist qualification training.
- Sec. 608. FAA air traffic controller staffing.
- Sec. 609. Air traffic controller training and scheduling.
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- Sec. 611. Technical correction.

TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.
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- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.
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- Sec. 814. Contracting.
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- Sec. 818. Sense of Congress.
- Sec. 819. Human Intervention Motivation Study.
- Sec. 820. Study of aeronautical mobile telemetry.
- Sec. 821. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 822. Pilot program for redevelopment of airport properties.
- Sec. 823. Report on New York City and Newark air traffic control facilities.
- Sec. 824. Cylinders of compressed oxygen or other oxidizing gases.
- Sec. 825. Orphan aviation earmarks.
- Sec. 826. Privacy protections for air passenger screening with advanced imaging technology.
- Sec. 827. Commercial space launch license requirements.
- Sec. 828. Air transportation of lithium cells and batteries.
- Sec. 829. Clarification of memorandum of understanding with OSHA.
- Sec. 830. Approval of applications for the airport security screening opt-out program.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. Authorization of appropriations.
- Sec. 902. Definitions.
- Sec. 903. Unmanned aircraft systems.
- Sec. 904. Research program on runways.
- Sec. 905. Research on design for certification.
- Sec. 906. Airport cooperative research program.
- Sec. 907. Centers of excellence.
- Sec. 908. Center of excellence for aviation human resource research.
- Sec. 909. Interagency research on aviation and the environment.
- Sec. 910. Aviation fuel research and development program.
- Sec. 911. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 912. Review of FAA's energy-related and environment-related research programs.
- Sec. 913. Review of FAA's aviation safety-related research programs.
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- Sec. 915. Wake turbulence, volcanic ash, and weather research.
- Sec. 916. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.

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- Sec. 917. Research and development of equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.
 Sec. 918. Expert review of enterprise architecture for NextGen.
 Sec. 919. Airport sustainability planning working group.

TITLE X—NATIONAL MEDIATION BOARD

- Sec. 1001. Rulemaking authority.
 Sec. 1002. Runoff election rules.
 Sec. 1003. Bargaining representative certification.
 Sec. 1004. Oversight.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 1100. Amendment of 1986 code.
 Sec. 1101. Extension of taxes funding airport and airway trust fund.
 Sec. 1102. Extension of airport and airway trust fund expenditure authority.
 Sec. 1103. Treatment of fractional aircraft ownership programs.
 Sec. 1104. Transparency in passenger tax disclosures.
 Sec. 1105. Tax-exempt bond financing for fixed-wing emergency medical aircraft.
 Sec. 1106. Rollover of amounts received in airline carrier bankruptcy.
 Sec. 1107. Termination of exemption for small jet aircraft on nonestablished lines.
 Sec. 1108. Modification of control definition for purposes of section 249.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

- Sec. 1201. Compliance provision.

SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

49 USC 40101
note.

TITLE I—AUTHORIZATIONS**Subtitle A—Funding of FAA Programs****SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.**

(a) AUTHORIZATION.—Section 48103 is amended to read as follows:

“§ 48103. Airport planning and development and noise compatibility planning and programs

“(a) IN GENERAL.—There shall be available to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 to make grants for airport planning and airport development under section 47104, airport noise compatibility planning under section 47505(a)(2), and carrying out noise compatibility programs under section 47504(c) \$3,350,000,000 for each of fiscal years 2012 through 2015.

“(b) AVAILABILITY OF AMOUNTS.—Amounts made available under subsection (a) shall remain available until expended.”.

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended in the matter preceding paragraph (1) by striking “After” and

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(b) **PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.**—A person may perform covered work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, only if the person is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station or a person authorized under section 43.17 of title 14, Code of Federal Regulations (or any successor regulation); or

(3) subject to subsection (c), a person that—

(A) provides contract maintenance workers, services, or maintenance functions to a part 121 air carrier or part 145 repair station; and

(B) meets the requirements of the part 121 air carrier or the part 145 repair station, as appropriate.

(c) **TERMS AND CONDITIONS.**—Covered work performed by a person who is employed by a person described in subsection (b)(3) shall be subject to the following terms and conditions:

(1) The applicable part 121 air carrier shall be directly in charge of the covered work being performed.

(2) The covered work shall be carried out in accordance with the part 121 air carrier’s maintenance manual.

(3) The person shall carry out the covered work under the supervision and control of the part 121 air carrier directly in charge of the covered work being performed on its aircraft.

(d) **DEFINITIONS.**—In this section, the following definitions apply:

(1) **COVERED WORK.**—The term “covered work” means any of the following:

(A) Essential maintenance that could result in a failure, malfunction, or defect endangering the safe operation of an aircraft if not performed properly or if improper parts or materials are used.

(B) Regularly scheduled maintenance.

(C) A required inspection item (as defined by the Administrator).

(2) **PART 121 AIR CARRIER.**—The term “part 121 air carrier” means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) **PART 145 REPAIR STATION.**—The term “part 145 repair station” means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.

(4) **PERSON.**—The term “person” means an individual, firm, partnership, corporation, company, or association that performs maintenance, preventative maintenance, or alterations.

SEC. 320. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.

Deadline.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study of air quality in aircraft cabins to—

(1) assess bleed air quality on the full range of commercial aircraft operating in the United States;

(2) identify oil-based contaminants, hydraulic fluid toxins, and other air toxins that appear in cabin air and measure the quantity and prevalence, or absence, of those toxins through a comprehensive sampling program;

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(3) determine the specific amount and duration of toxic fumes present in aircraft cabins that constitutes a health risk to passengers;

(4) develop a systematic reporting standard for smoke and fume events in aircraft cabins; and

(5) identify the potential health risks to individuals exposed to toxic fumes during flight.

(b) **AUTHORITY TO MONITOR AIR IN AIRCRAFT CABINS.**—For purposes of conducting the study required by subsection (a), the Administrator of the Federal Aviation Administration shall require domestic air carriers to allow air quality monitoring on their aircraft in a manner that imposes no significant costs on the air carrier and does not interfere with the normal operation of the aircraft.

SEC. 321. IMPROVED PILOT LICENSES.49 USC 44703
note.

(a) **IN GENERAL.**—The Administrator of the Federal Aviation Administration shall issue improved pilot licenses consistent with requirements under this section.

(b) **TIMING.**—Not later than 270 days after the date of enactment of this Act, the Administrator shall—

Deadlines.

(1) provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

Reports.

(A) a timeline for the phased issuance of improved pilot licenses under this section that ensures all pilots are issued such licenses not later than 2 years after the initial issuance of such licenses under paragraph (2); and

(B) recommendations for the Federal installation of infrastructure necessary to take advantage of information contained on improved pilot licenses issued under this section, which identify the necessary infrastructure, indicate the Federal entity that should be responsible for installing, funding, and operating the infrastructure at airport sterile areas, and provide an estimate of the costs of the infrastructure; and

(2) begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

(c) **REQUIREMENTS.**—Improved pilot licenses issued under this section shall—

(1) be resistant to tampering, alteration, and counterfeiting;

(2) include a photograph of the individual to whom the license is issued for identification purposes; and

(3) be smart cards that—

(A) accommodate iris and fingerprint biometric identifiers; and

(B) are compliant with Federal Information Processing Standards-201 (FIPS-201) or Personal Identity Verification-Interoperability Standards (PIV-I) for processing through security checkpoints into airport sterile areas.

(d) **TAMPERING.**—To the extent practicable, the Administrator shall develop methods to determine or reveal whether any component or security feature of an improved pilot license issued under this section has been tampered with, altered, or counterfeited.

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(e) USE OF DESIGNEES.—The Administrator may use designees to carry out subsection (a) to the extent practicable in order to minimize the burdens on pilots.

(f) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

(2) EXPIRATION.—The Administrator shall not be required to submit annual reports under this subsection after the date on which the Administrator has issued improved pilot licenses under this section to all pilots.

Subtitle B—Unmanned Aircraft Systems

49 USC 40101
note.
Applicability.

SEC. 331. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) ARCTIC.—The term “Arctic” means the United States zone of the Chukchi Sea, Beaufort Sea, and Bering Sea north of the Aleutian chain.

(2) CERTIFICATE OF WAIVER; CERTIFICATE OF AUTHORIZATION.—The terms “certificate of waiver” and “certificate of authorization” mean a Federal Aviation Administration grant of approval for a specific flight operation.

(3) PERMANENT AREAS.—The term “permanent areas” means areas on land or water that provide for launch, recovery, and operation of small unmanned aircraft.

(4) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term “public unmanned aircraft system” means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft (as defined in section 40102 of title 49, United States Code).

(5) SENSE AND AVOID CAPABILITY.—The term “sense and avoid capability” means the capability of an unmanned aircraft to remain a safe distance from and to avoid collisions with other airborne aircraft.

(6) SMALL UNMANNED AIRCRAFT.—The term “small unmanned aircraft” means an unmanned aircraft weighing less than 55 pounds.

(7) TEST RANGE.—The term “test range” means a defined geographic area where research and development are conducted.

(8) UNMANNED AIRCRAFT.—The term “unmanned aircraft” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(9) UNMANNED AIRCRAFT SYSTEM.—The term “unmanned aircraft system” means an unmanned aircraft and associated elements (including communication links and the components that control the unmanned aircraft) that are required for the pilot in command to operate safely and efficiently in the national airspace system.

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SEC. 332. INTEGRATION OF CIVIL UNMANNED AIRCRAFT SYSTEMS INTO NATIONAL AIRSPACE SYSTEM.49 USC 40101
note.**(a) REQUIRED PLANNING FOR INTEGRATION.—**

(1) **COMPREHENSIVE PLAN.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with representatives of the aviation industry, Federal agencies that employ unmanned aircraft systems technology in the national airspace system, and the unmanned aircraft systems industry, shall develop a comprehensive plan to safely accelerate the integration of civil unmanned aircraft systems into the national airspace system.

Deadline.

(2) **CONTENTS OF PLAN.**—The plan required under paragraph (1) shall contain, at a minimum, recommendations or projections on—

(A) the rulemaking to be conducted under subsection (b), with specific recommendations on how the rulemaking will—

(i) define the acceptable standards for operation and certification of civil unmanned aircraft systems;

(ii) ensure that any civil unmanned aircraft system includes a sense and avoid capability; and

(iii) establish standards and requirements for the operator and pilot of a civil unmanned aircraft system, including standards and requirements for registration and licensing;

(B) the best methods to enhance the technologies and subsystems necessary to achieve the safe and routine operation of civil unmanned aircraft systems in the national airspace system;

(C) a phased-in approach to the integration of civil unmanned aircraft systems into the national airspace system;

(D) a timeline for the phased-in approach described under subparagraph (C);

(E) creation of a safe

(F) airspace designation for cooperative manned and unmanned flight operations in the national airspace system;

(G) establishment of a process to develop certification, flight standards, and air traffic requirements for civil unmanned aircraft systems at test ranges where such systems are subject to testing;

(H) the best methods to ensure the safe operation of civil unmanned aircraft systems and public unmanned aircraft systems simultaneously in the national airspace system; and

(I) incorporation of the plan into the annual NextGen Implementation Plan document (or any successor document) of the Federal Aviation Administration.

(3) **DEADLINE.**—The plan required under paragraph (1) shall provide for the safe integration of civil unmanned aircraft systems into the national airspace system as soon as practicable, but not later than September 30, 2015.

(4) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan required under paragraph (1).

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Deadlines.
Publication.
Web posting.

(5) ROADMAP.—Not later than 1 year after the date of enactment of this Act, the Secretary shall approve and make available in print and on the Administration's Internet Web site a 5-year roadmap for the introduction of civil unmanned aircraft systems into the national airspace system, as coordinated by the Unmanned Aircraft Program Office of the Administration. The Secretary shall update the roadmap annually.

Deadline.
Federal Register,
publication.

(b) RULEMAKING.—Not later than 18 months after the date on which the plan required under subsection (a)(1) is submitted to Congress under subsection (a)(4), the Secretary shall publish in the Federal Register—

(1) a final rule on small unmanned aircraft systems that will allow for civil operation of such systems in the national airspace system, to the extent the systems do not meet the requirements for expedited operational authorization under section 333 of this Act;

(2) a notice of proposed rulemaking to implement the recommendations of the plan required under subsection (a)(1), with the final rule to be published not later than 16 months after the date of publication of the notice; and

(3) an update to the Administration's most recent policy statement on unmanned aircraft systems, contained in Docket No. FAA–2006–25714.

(c) PILOT PROJECTS.—

Deadline.

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall establish a program to integrate unmanned aircraft systems into the national airspace system at 6 test ranges. The program shall terminate 5 years after the date of enactment of this Act.

Termination
date.

(2) PROGRAM REQUIREMENTS.—In establishing the program under paragraph (1), the Administrator shall—

(A) safely designate airspace for integrated manned and unmanned flight operations in the national airspace system;

Standards.

(B) develop certification standards and air traffic requirements for unmanned flight operations at test ranges;

(C) coordinate with and leverage the resources of the National Aeronautics and Space Administration and the Department of Defense;

(D) address both civil and public unmanned aircraft systems;

(E) ensure that the program is coordinated with the Next Generation Air Transportation System; and

(F) provide for verification of the safety of unmanned aircraft systems and related navigation procedures before integration into the national airspace system.

(3) TEST RANGE LOCATIONS.—In determining the location of the 6 test ranges of the program under paragraph (1), the Administrator shall—

(A) take into consideration geographic and climatic diversity;

(B) take into consideration the location of ground infrastructure and research needs; and

Consultation.

(C) consult with the National Aeronautics and Space Administration and the Department of Defense.

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(4) TEST RANGE OPERATION.—A project at a test range shall be operational not later than 180 days after the date on which the project is established. Deadline.

(5) REPORT TO CONGRESS.—

(A) IN GENERAL.—Not later than 90 days after the date of the termination of the program under paragraph (1), the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Science, Space, and Technology of the House of Representatives a report setting forth the Administrator's findings and conclusions concerning the projects.

(B) ADDITIONAL CONTENTS.—The report under subparagraph (A) shall include a description and assessment of the progress being made in establishing special use airspace to fill the immediate need of the Department of Defense—

(i) to develop detection techniques for small unmanned aircraft systems; and

(ii) to validate the sense and avoid capability and operation of unmanned aircraft systems.

(d) EXPANDING USE OF UNMANNED AIRCRAFT SYSTEMS IN ARCTIC.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall develop a plan and initiate a process to work with relevant Federal agencies and national and international communities to designate permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day for research and commercial purposes. The plan for operations in these permanent areas shall include the development of processes to facilitate the safe operation of unmanned aircraft beyond line of sight. Such areas shall enable over-water flights from the surface to at least 2,000 feet in altitude, with ingress and egress routes from selected coastal launch sites. Deadline.
Plans.

(2) AGREEMENTS.—To implement the plan under paragraph (1), the Secretary may enter into an agreement with relevant national and international communities.

(3) AIRCRAFT APPROVAL.—Not later than 1 year after the entry into force of an agreement necessary to effectuate the purposes of this subsection, the Secretary shall work with relevant national and international communities to establish and implement a process, or may apply an applicable process already established, for approving the use of unmanned aircraft in the designated permanent areas in the Arctic without regard to whether an unmanned aircraft is used as a public aircraft, a civil aircraft, or a model aircraft. Deadline.

SEC. 333. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

49 USC 40101 note.

(a) IN GENERAL.—Notwithstanding any other requirement of this subtitle, and not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rule-making required by section 332 of this Act or the guidance required by section 334 of this Act.

Deadline.
Determination.

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Determination.

(b) **ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.**—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and populated areas, and operation within visual line of sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of waiver, certificate of authorization, or airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) **REQUIREMENTS FOR SAFE OPERATION.**—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

49 USC 40101
note.
Deadline.

SEC. 334. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

(a) **GUIDANCE.**—Not later than 270 days after the date of enactment of this Act, the Secretary of Transportation shall issue guidance regarding the operation of public 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 and 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

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

Deadline.

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

Deadline.

(c) **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 government agencies to simplify the process for issuing certificates 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 described in paragraph (1)—

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

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

Deadline.

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

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

(C) allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less, if operated—

(i) within the line of sight of the operator;

(ii) less than 400 feet above the ground;

(iii) during daylight conditions;

(iv) within Class G airspace; and

(v) outside of 5 statute miles from any airport, heliport, seaplane base, spaceport, or other location with aviation activities.

SEC. 335. SAFETY STUDIES.49 USC 40101
note.

The Administrator of the Federal Aviation Administration shall carry out all safety studies necessary to support the integration of unmanned aircraft systems into the national airspace system.

SEC. 336. SPECIAL RULE FOR MODEL AIRCRAFT.49 USC 40101
note.

(a) **IN GENERAL.**—Notwithstanding any other provision of law relating to the incorporation of unmanned aircraft systems into Federal Aviation Administration plans and policies, including this subtitle, the Administrator of the Federal Aviation Administration may not promulgate any rule or regulation regarding a model aircraft, or an aircraft being developed as a model aircraft, if—

(1) the aircraft is flown strictly for hobby or recreational use;

(2) the aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;

(3) the aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;

(4) the aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and

(5) when flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

(b) **STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed to limit the authority of the Administrator to pursue enforcement action against persons operating model aircraft who endanger the safety of the national airspace system.

(c) **MODEL AIRCRAFT DEFINED.**—In this section, the term “model aircraft” means an unmanned aircraft that is—

(1) capable of sustained flight in the atmosphere;

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- (2) flown within visual line of sight of the person operating the aircraft; and
- (3) flown for hobby or recreational purposes.

Subtitle C—Safety and Protections

SEC. 341. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 (as amended by this Act) is further amended by adding at the end the following:

“(t) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

“(1) ESTABLISHMENT.—There is established in the Federal Aviation Administration (in this subsection referred to as the ‘Agency’) an Aviation Safety Whistleblower Investigation Office (in this subsection referred to as the ‘Office’).

“(2) DIRECTOR.—

“(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

“(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

“(C) TERM.—The Director shall be appointed for a term of 5 years.

“(D) VACANCIES.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual’s predecessor was appointed shall be appointed for the remainder of that term.

“(3) COMPLAINTS AND INVESTIGATIONS.—

“(A) AUTHORITY OF DIRECTOR.—The Director shall—

“(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations (if the certificate holder does not have a similar in-house whistleblower or safety and regulatory noncompliance reporting process) and employees of the Agency concerning the possible existence of an activity relating to a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety;

“(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, a regulation, or any other provision of Federal law relating to aviation safety has occurred; and

“(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator of the Agency, in writing, regarding further investigation or corrective actions.

“(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

“(i) the individual consents to the disclosure in writing; or

Recommendations.

* * *

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oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 344. IMPROVED VOLUNTARY DISCLOSURE REPORTING SYSTEM.49 USC 40123
note.

(a) **VOLUNTARY DISCLOSURE REPORTING PROGRAM DEFINED.**—In this section, the term “Voluntary Disclosure Reporting Program” means the program established by the Federal Aviation Administration through Advisory Circular 00–58A, dated September 8, 2006, including any subsequent revisions thereto.

(b) **VERIFICATION.**—The Administrator of the Federal Aviation Administration shall modify the Voluntary Disclosure Reporting Program to require inspectors to—

(1) verify that air carriers are implementing comprehensive solutions to correct the underlying causes of the violations voluntarily disclosed by such air carriers; and

(2) confirm, before approving a final report of a violation, that a violation with the same root causes, has not been previously discovered by an inspector or self-disclosed by the air carrier.

(c) **SUPERVISORY REVIEW OF VOLUNTARY SELF-DISCLOSURES.**—The Administrator shall establish a process by which voluntary self-disclosures received from air carriers are reviewed and approved by a supervisor after the initial review by an inspector.

(d) **INSPECTOR GENERAL STUDY.**—

(1) **IN GENERAL.**—The Inspector General of the Department of Transportation shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) **REVIEW.**—In conducting the study, the Inspector General shall examine, at a minimum, if the Administration—

(A) conducts comprehensive reviews of voluntary disclosure reports before closing a voluntary disclosure report under the provisions of the program;

(B) evaluates the effectiveness of corrective actions taken by air carriers; and

(C) effectively prevents abuse of the voluntary disclosure reporting program through its secondary review of self-disclosures before they are accepted and closed by the Administration.

(3) **REPORT TO CONGRESS.**—Not later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 345. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.49 USC 44701
note.

(a) **RULEMAKING ON APPLICABILITY OF PART 121 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART 91 OPERATIONS.**—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding, if such a proceeding has not already been initiated, to require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment

Deadline.

* * *

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of the Administrator associated with issuing certifications to such candidates.

“(B) TREATMENT OF REIMBURSEMENTS.—Notwithstanding section 3302 of title 31, any reimbursement authorized to be collected under subparagraph (A) shall—

“(i) be credited as offsetting collections to the account that finances the activities and services for which the reimbursement is accepted;

“(ii) be available for expenditure only to pay the costs of activities and services for which the reimbursement is accepted, including all costs associated with collecting such reimbursement; and

“(iii) remain available until expended.”

SEC. 608. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the air traffic controller standards used by the Federal Aviation Administration (in this section referred to as the “FAA”) to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system in the most cost effective manner.

Deadline.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, and other interested parties, including Government and industry representatives.

(c) CONTENTS.—The study shall include—

(1) an examination of representative information on productivity, human factors, traffic activity, and improved technology and equipment used in air traffic control;

(2) an examination of recent National Academy of Sciences reviews of the complexity model performed by MITRE Corporation that support the staffing standards models for the en route air traffic control environment; and

(3) consideration of the Administration’s current and estimated budgets and the most cost-effective staffing model to best leverage available funding.

(d) REPORT.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. AIR TRAFFIC CONTROLLER TRAINING AND SCHEDULING.

(a) TRAINING STRATEGY AND IMPROVEMENT PLAN.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers, including the Administrator’s technical training strategy and improvement plan for air traffic controllers.

Study.

(1) CONTENTS.—The study shall include—

(A) a review of the current training system for air traffic controllers, including the technical training strategy and improvement plan;

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(B) an analysis of the competencies required of air traffic controllers for successful performance in the current and future projected air traffic control environment;

(C) an analysis of the competencies projected to be required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System;

(D) an analysis of various training approaches available to satisfy the air traffic controller competencies identified under subparagraphs (B) and (C);

(E) recommendations to improve the current training system for air traffic controllers, including the technical training strategy and improvement plan; and

(F) the most cost-effective approach to provide training to air traffic controllers.

(2) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) FACILITY TRAINING PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a comprehensive review and evaluation of its Academy and facility training efforts. The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental air traffic controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

(c) AIR TRAFFIC CONTROLLER SCHEDULING.—Not later than 60 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the Federal Aviation Administration's air traffic controller scheduling practices.

(1) CONTENTS.—The assessment shall include, at a minimum—

(A) an analysis of how air traffic controller schedules are determined;

(B) an evaluation of how safety is taken into consideration when schedules are being developed and adopted;

(C) an evaluation of scheduling practices that are cost effective to the Government;

(D) an examination of how scheduling practices impact air traffic controller performance; and

(E) any recommendations the Inspector General may have related to air traffic controller scheduling practices.

Deadline.
Review.
Evaluation.
49 USC 44506
note.

Standards.

Deadline.
Assessment.

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(2) REPORT.—Not later than 120 days after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the assessment conducted under this subsection.

SEC. 610. FAA FACILITY CONDITIONS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of and review—

(1) the conditions of a sampling of Federal Aviation Administration facilities across the United States, including offices, towers, centers, and terminal radar air control;

(2) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation, and facility-related hazards in facilities of the Administration;

(3) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(4) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(5) whether employees of the Administration who report facility-related illnesses are treated appropriately;

(6) utilization of scientifically approved remediation techniques to mitigate hazardous conditions in accordance with applicable State and local regulations and Occupational Safety and Health Administration practices by the Administration; and

(7) resources allocated to facility maintenance and renovation by the Administration.

(b) FACILITY CONDITION INDICES.—The Comptroller General shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (c).

(c) RECOMMENDATIONS.—Based on the results of the study and review of facility condition indices under subsection (a), the Comptroller General shall make such recommendations as the Comptroller General considers necessary—

(1) to prioritize those facilities needing the most immediate attention based on risks to employee health and safety;

(2) to ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) to assist the Administration in making programmatic changes so that aging facilities do not deteriorate to unsafe levels.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Administrator, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report on results of the study, including the recommendations under subsection (c).

SEC. 611. TECHNICAL CORRECTION.

Section 40122(g)(3) is amended by adding at the end the following: “Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.”.

* * *

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Deadline.

(A) by striking “Not later than 6 months after the expiration of the program under this subsection,” and inserting “Not later than September 30, 2012;” and

(B) by striking “program, including recommendations as to the need for establishing a permanent airport cooperative research program” and inserting “program”.

SEC. 907. CENTERS OF EXCELLENCE.

(a) GOVERNMENT’S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

“(f) GOVERNMENT’S SHARE OF COSTS.—The United States Government’s share of establishing and operating a center and all related research activities that grant recipients carry out shall not exceed 50 percent of the costs, except that the Administrator may increase such share to a maximum of 75 percent of the costs for a fiscal year if the Administrator determines that a center would be unable to carry out the authorized activities described in this section without additional funds.”.

(b) ANNUAL REPORT.—Section 44513 is amended by adding at the end the following:

“(h) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President’s budget request a report that lists—

“(1) the research projects that have been initiated by each center in the preceding year;

“(2) the amount of funding for each research project and the funding source;

“(3) the institutions participating in each research project and their shares of the overall funding for each research project; and

“(4) the level of cost-sharing for each research project.”.

49 USC 44513
note.

SEC. 908. CENTER OF EXCELLENCE FOR AVIATION HUMAN RESOURCE RESEARCH.

(a) ESTABLISHMENT.—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator may establish a center of excellence to conduct research on—

(1) human performance in the air transportation environment, including among air transportation personnel such as air traffic controllers, pilots, and technicians; and

(2) any other aviation human resource issue pertinent to developing and maintaining a safe and efficient air transportation system.

(b) ACTIVITIES.—Activities conducted under this section may include the following:

(1) Research, development, and evaluation of training programs for air traffic controllers, aviation safety inspectors, airway transportation safety specialists, and engineers.

(2) Research and development of best practices for recruitment of individuals into the aviation field for mission critical positions.

(3) Research, in consultation with other relevant Federal agencies, to develop a baseline of general aviation employment statistics and an analysis of future needs in the aviation field.

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(4) Research and the development of a comprehensive assessment of the airframe and power plant technician certification process and its effect on employment trends.

(5) Evaluation of aviation maintenance technician school environments.

(6) Research and an assessment of the ability to develop training programs to allow for the transition of recently unemployed and highly skilled mechanics into the aviation field.

SEC. 909. INTERAGENCY RESEARCH ON AVIATION AND THE ENVIRONMENT.

49 USC 40101 note.

(a) **IN GENERAL.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with NASA and after consultation with other relevant agencies, may maintain a research program to assess the potential effect of aviation activities on the environment and, if warranted, to evaluate approaches to address any such effect.

Consultation.

(b) RESEARCH PLAN.—

(1) **IN GENERAL.**—The Administrator, in coordination with NASA and after consultation with other relevant agencies, shall jointly develop a plan to carry out the research under subsection (a).

(2) **CONTENTS.**—The plan shall contain an inventory of current interagency research being undertaken in this area, future research objectives, proposed tasks, milestones, and a 5-year budgetary profile.

(3) REQUIREMENTS.—The plan—

Deadline.

(A) shall be completed not later than 1 year after the date of enactment of this Act;

(B) shall be submitted to Congress for review; and

Submission.

(C) shall be updated, as appropriate, every 3 years after the initial submission.

Updates.

SEC. 910. AVIATION FUEL RESEARCH AND DEVELOPMENT PROGRAM.

49 USC 44504 note.

(a) **IN GENERAL.**—Using amounts made available under section 48102(a) of title 49, United States Code, the Administrator, in coordination with the Administrator of NASA, shall continue research and development activities into the qualification of an unleaded aviation fuel and safe transition to this fuel for the fleet of piston engine aircraft.

(b) **REQUIREMENTS.**—In carrying out the program under subsection (a), the Administrator shall, at a minimum—

(1) not later than 120 days after the date of enactment of this Act, develop a research and development plan containing the specific research and development objectives, including consideration of aviation safety, technical feasibility, and other relevant factors, and the anticipated timetable for achieving the objectives;

Deadline.

(2) assess the methods and processes by which the FAA and industry may expeditiously certify and approve new aircraft and recertify existing aircraft with respect to unleaded aviation fuel;

Assessment.

(3) assess technologies that modify existing piston engine aircraft to enable safe operation of the aircraft using unleaded aviation fuel and determine the resources necessary to certify those technologies; and

Assessment.

DECLARATION OF ADDISON M. FISCHER

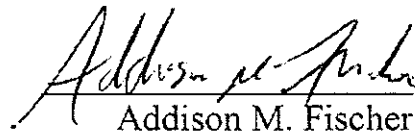
I, Addison M. Fischer, declare as follows:

1. My name is Addison M. Fischer. I am over 18 years old. The information in this declaration is based on my personal knowledge and review of publicly available information.
2. I am a resident of Naples, Florida.
3. I am a member of the Electronic Privacy Information Center (EPIC) advisory board. I have been a member since 2007. I joined EPIC because I am concerned about protecting privacy, freedom of expression, and democratic values in the information age.
4. EPIC is a non-profit, public interest research center in Washington, DC. EPIC was established to focus public attention on emerging privacy and civil liberties issues and to protect privacy, freedom of expression, and democratic values in the information age. EPIC routinely files comments with federal agencies advocating for improved privacy standards and rules. EPIC works closely with a distinguished advisory board, with expertise in law, technology and public policy. EPIC maintains one of the most popular privacy web sites in the world - epic.org.
5. I frequently travel throughout southern Florida, including in the Tampa, Florida area.

6. I am aware that several companies, including the United Parcel Service of America, Inc. (UPS), are actively testing drone delivery services throughout the United States. In particular, I am aware that UPS recently contracted with Workhorse Group, an Ohio-based battery-electric truck and drone developer, to conduct test flights in the Tampa, Florida area.
7. I am aware that the FAA has authorized Workhorse to test the "HorseFly" autonomous drone delivery system. I am also aware that the HorseFly drone system is designed to deliver packages to private residences and makes use of a live camera feed to accomplish delivery.
8. I am concerned that the increase in operations of small drones in the Tampa area will lead to invasions of privacy and the collection of sensitive personal information including audio-visual images of private property.
9. I am concerned about an increasing loss of privacy due to the widespread use small drones for deliveries, photography, and other persistent monitoring of public and private spaces.
10. I understand that EPIC is suing the Federal Aviation Administration (FAA) for failure to address privacy hazards created by the operation of small drones. I am participating in this case because I am concerned that my freedom to travel free of constant monitoring will be disturbed and my privacy put at risk by the drone operations authorized by the FAA.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed February 27, 2017


Addison M. Fischer

Congress of the United States
Washington, DC 20515

April 19, 2012

The Honorable Michael P. Huerta
Acting Administrator
Federal Aviation Administration
800 Independence Ave., SW
Washington, DC 20591

Dear Acting Administrator Huerta:

On February 14, 2012, President Obama signed the Federal Aviation Administration (FAA) Modernization and Reform Act into law. Sections 331-336 of the statute require the FAA to fully integrate government, commercial, and recreational unmanned aircraft systems, commonly known as drones, into U.S. airspace by October 2015. Full access to U.S. airspace for drone use will certainly produce a number of beneficial applications and innovations that can aid in the protection and security of our local communities. As Transportation Secretary Ray LaHood said in a statement on March 7, 2012, "Unmanned aircraft can help us meet a number of challenges, from spotting wildfires to assessing natural disasters." However, in addition to benefits, there is also the potential for drone technology to enable invasive and pervasive surveillance without adequate privacy protections. We are writing to express our concerns about the law's potential privacy implications and to request information about how the FAA is addressing these important matters.

Drones have traditionally been used almost exclusively overseas by military and security organizations. However, state and local governments, businesses, and private individuals are increasingly using unmanned aircraft in the U.S., including deployments for law enforcement operations.¹ As technology advances and cost decreases – drones are already orders of magnitude less expensive to purchase and operate than piloted aircraft – the market for federal, state, and local government and commercial drones rapidly grows.²

Many drones are designed to carry surveillance equipment, including video cameras, infrared thermal imagers, radar, and wireless network "sniffers". The surveillance power of drones is amplified when the information from onboard sensors is used in conjunction with facial recognition, behavior analysis, license plate recognition, or any other system that can identify and track individuals as they go about their daily lives.³

Now that the FAA has initiated the rulemaking process for implementing the FAA Modernization and Reform Act, the agency has the opportunity and responsibility to ensure that

¹ <http://articles.latimes.com/2011/dec/10/nation/la-na-drone-arrest-20111211>

² <http://www.foxnews.com/politics/2012/02/26/police-border-patrol-other-agencies-looking-to-expand-drone-use-at-home/>

³ <http://www.wired.com/dangerroom/2011/09/drones-never-forget-a-face/>

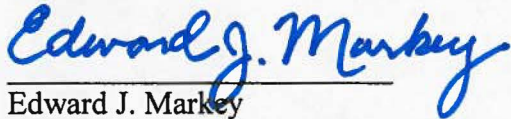
the privacy of individuals is protected and that the public is fully informed about who is using drones in public airspace and why.

As co-Chairmen of the Congressional Bipartisan Privacy Caucus, we request the following information:

1. What procedure does the FAA currently use to grant temporary licenses for drones?
2. Please provide a list of all past and current certifications and authorizations for drones.
3. Have any applications for drone licenses been denied? If yes, how many have been denied and for what reasons?
4. What privacy protections and public transparency requirements has the FAA built into its current temporary licensing process for drones used in U.S. airspace?
 - a. Is the public notified about where and when drones are used, who operates the drones, what data is collected, how is the data used, how long is the data retained, and who has access to that data? If yes, how? If not, why not?
 - b. Does the FAA require current drone operators to follow guidelines that address privacy concerns? If yes, please describe those guidelines. If not, why not?
5. Please describe the FAA's plans for implementing Sections 331-336 of the FAA Modernization and Reform Act, which mandates government and non-government drone access to U.S. airspace.
6. Please describe the process by which drone license applications will be evaluated and approved.
7. How does the FAA plan to ensure that drone use under the FAA Modernization and Reform Act is transparent and protects individual privacy rights?
 - a. How will the public be notified about where and when drones are used, who will operate the drones, what data will be collected, how the data will be used, how long the data will be retained, and who will have access to that data?
 - b. How will the FAA determine whether an entity applying to operate a drone will properly address these privacy concerns?
 - c. How does the FAA plan to work with government agencies, businesses, nationwide community-based organizations and other stakeholders on privacy and transparency issues to implement the new law?

Thank you for your attention to this important matter. Please provide a written response no later than May 10, 2012. If you have any questions, please have your staff contact Dr. Makenzie Lystrup in Congressman Markey's office (202-225-2836) or Emmanuel Guillory in Congressman Barton's office (202-225-2002).

Sincerely,



Edward J. Markey
Co-Chairman
Congressional Bi-Partisan Privacy Caucus



Joe Barton
Co-Chairman
Congressional Bi-Partisan Privacy Caucus

Cc: Ray LaHood, Secretary of Transportation



Federal Aviation Administration

Fact Sheet – Unmanned Aircraft Systems (UAS)

For Immediate Release

January 6, 2014

Contact: Les Dorr or Alison Duquette

Phone: (202) 267-3883

Unmanned Aircraft Systems (UAS) come in a variety of shapes and sizes and serve diverse purposes. They may have a wingspan as large as a Boeing 737 or smaller than a radio-controlled model airplane. Regardless of size, the responsibility to fly safely applies equally to manned and unmanned aircraft operations.

Because they are inherently different from manned aircraft, introducing UAS into the nation's airspace is challenging for both the FAA and aviation community. UAS must be integrated into a National Airspace System (NAS) that is evolving from ground-based navigation aids to a GPS-based system in NextGen. Safe integration of UAS involves gaining a better understanding of operational issues, such as training requirements, operational specifications and technology considerations.

The FAA's Role: Safety

Safety is the FAA's top mission, and the agency maintains the world's safest aviation system. As a provider of air traffic control services, the FAA also must ensure the safety and efficiency of the nation's entire airspace.

The FAA first authorized use of unmanned aircraft in the NAS in 1990. Since then, the agency has authorized limited use of UAS for important missions in the public interest, such as firefighting, disaster relief, search and rescue, law enforcement, border patrol, military training and testing and evaluation. Today, UAS perform border and port surveillance by the Department of Homeland Security, help with scientific research and environmental monitoring by NASA and NOAA, support public safety by law enforcement agencies, help state universities conduct research, and support various other missions for public (government) entities.

Unmanned aircraft are flying now in the national airspace system under very controlled conditions. Operations potentially range from ground level to above 50,000 feet, depending on the specific type of aircraft. However, UAS operations are currently not authorized in Class B airspace, which exists over major urban areas and contains the highest density of manned aircraft in the National Airspace System.

There are currently two ways to get FAA approval to operate a UAS. The first is to obtain an experimental airworthiness certificate for private sector (civil) aircraft to do research and development, training and flight demonstrations. The second is to obtain a Certificate of Waiver or Authorization (COA) for public aircraft. Routine operation of UAS over densely-populated areas is prohibited.

Civil UAS

Obtaining an experimental airworthiness certificate for a particular UAS is currently the only way civil operators of unmanned aircraft are accessing the NAS. Experimental certificate regulations preclude carrying people or property for compensation or hire, but do allow operations for research and development, flight and sales demonstrations and crew training. The FAA is working with civilian operators to collect technical and operational data that will help refine the UAS airworthiness certification process. The agency is currently developing a future path for safe integration of civil UAS into the NAS as part of NextGen implementation.

Public UAS

COAs are available to public entities that want to fly a UAS in civil airspace. Common uses today include law enforcement, firefighting, border patrol, disaster relief, search and rescue, military training, and other government operational missions.

Applicants make their request through an online process and the FAA evaluates the proposed operation to see if it can be conducted safely.

The COA allows an operator to use a defined block of airspace and includes special provisions unique to the proposed operation. For instance, a COA may require flying only under Visual Flight Rules (VFR) and/or only during daylight hours. COAs usually are issued for a specific period—up to two years in many cases.

Most COAs require coordination with an appropriate air traffic control facility and may require a transponder on the UAS to operate in certain types of airspace.

Because UAS technology cannot currently comply with “see and avoid” rules that apply to all aircraft, a visual observer or an accompanying “chase plane” must maintain visual contact with the UAS and serve as its “eyes” when operating outside airspace restricted from other users.

COAs Issued:

2009 146

| | |
|------|------------------------|
| 2010 | 298 |
| 2011 | 313 |
| 2012 | 257 |
| 2013 | 373 (as of October 31) |

There were 545 COAs active as of December 4, 2013.

Streamlining the Process

The FAA has been working with its government partners to streamline COA procedures. In 2009, the FAA, NASA and the Departments of Defense and Homeland Security formed a UAS Executive Committee, or “ExCom” to address UAS integration issues. The ExCom established a working group that developed suggestions to expedite the COA process and increase transparency.

For new applications from public users, the FAA has an on-line process that ensures paperwork is complete and ready to be assessed. Today, the average time to issue an authorization for non-emergency operations is less than 60 days, and the renewal period is two years. The agency has expedited procedures in place to grant one-time COAs for time-sensitive emergency missions, such as disaster relief and humanitarian efforts.

Model Aircraft

Recreational use of airspace by model aircraft is covered by FAA Advisory Circular 91-57, which generally limits operations to below 400 feet above ground level and away from airports and air traffic. In 2007, the FAA clarified that AC 91-57 only applies to modelers, and specifically excludes individuals or companies flying model aircraft for business purposes.

The FAA guidance is available at: http://www.faa.gov/documentLibrary/media/Advisory_Circular/91-57.pdf

Operation and Certification Standards

Integrating UAS into the nation’s airspace presents both opportunities and challenges. However, everything the FAA does is focused on ensuring the safety of the nation’s aviation system. New policies, procedures and approval processes will address the increasing desire by civilian operators to fly UAS in the NAS. Developing and implementing new UAS standards and guidance is a long-term effort.

The FAA chartered a UAS Aviation Rulemaking Committee in 2011 to develop inputs and recommendations on appropriate operational procedures, regulatory standards and policies before allowing routine UAS access to the nation’s airspace.

The FAA has asked RTCA – organized in 1935 as the Radio Technical Commission for Aeronautics, a group that facilitates expert advice to the agency on technical issues – to work with industry to assist in the development of UAS standards. RTCA's technical group will address how UAS will handle communication, command and control and how they will “sense and avoid” other aircraft.

The FAA continues to work closely with its international aviation counterparts to harmonize standards, policies, procedures and regulatory requirements.

UAS Test Sites

After a rigorous 10-month selection process involving 25 proposals from 24 states, on December 30, 2013, the Federal Aviation Administration chose six UAS research and test site operators across the country.

In selecting the six test site operators, the FAA considered geography, climate, location of ground infrastructure, research needs, airspace use, safety, aviation experience and risk. In totality, these six test applications achieve cross-country geographic and climatic diversity and help the FAA meet its UAS research needs.

A brief description of the six test site operators and the research they will conduct into future UAS use are below:

- University of Alaska. The University of Alaska proposal contained a diverse set of test site range locations in seven climatic zones as well as geographic diversity with test site range locations in Hawaii and Oregon. The research plan includes the development of a set of standards for unmanned aircraft categories, state monitoring and navigation. Alaska also plans to work on safety standards for UAS operations.
- State of Nevada. Nevada's project objectives concentrate on UAS standards and operations as well as operator standards and certification requirements. The applicant's research will also include a concentrated look at how air traffic control procedures will evolve with the introduction of UAS into the civil environment and how these aircraft will be integrated with NextGen. Nevada's selection contributes to geographic and climatic diversity.
- New York's Griffiss International Airport. Griffiss International plans to work on developing test and evaluation as well as verification and validation processes under FAA safety oversight. The applicant also plans to focus its research on sense and avoid capabilities for UAS and its sites will aid in researching the complexities of integrating UAS into the congested, northeast airspace.
- North Dakota Department of Commerce. North Dakota plans to develop UAS airworthiness essential data and validate high reliability link technology. This applicant will also conduct human factors research. North Dakota's application was the only one to offer a test range in the Temperate (continental) climate zone and included a variety of different airspace which will benefit multiple users.
- Texas A&M University – Corpus Christi. Texas A&M plans to develop system safety requirements for UAS vehicles and operations with a goal of protocols and procedures for airworthiness testing. The selection of Texas A&M contributes to geographic and climatic diversity.
- Virginia Polytechnic Institute and State University (Virginia Tech). Virginia Tech plans to conduct UAS failure mode testing and identify and evaluate operational and technical risks areas. This proposal includes test site

range locations in both Virginia and New Jersey.

Across the six applicants, the FAA is confident that the agency's research goals of System Safety & Data Gathering, Aircraft Certification, Command & Control Link Issues, Control Station Layout & Certification, Ground & Airborne Sense & Avoid, and Environmental Impacts will be met.

Each test site operator will manage the test site in a way that will give access to parties interested in using the site. The FAA's role is to ensure each operator sets up a safe testing environment and to provide oversight that guarantees each site operates under strict safety standards.

Small Unmanned Aircraft

Small unmanned aircraft (sUAS) are likely to grow most quickly in civil and commercial operations because of their versatility and relatively low initial cost and operating expenses. The FAA is working on a proposed rule governing the use of a wide range of small civil unmanned aircraft systems.

The 2012 reauthorization bill also directed the FAA to “allow a government public safety agency to operate unmanned aircraft weighing 4.4 pounds or less” under certain restrictions. The bill specified these UAS must be flown within the line of sight of the operator, less than 400 feet above the ground, during daylight conditions, inside Class G (uncontrolled) airspace and more than five miles from any airport or other location with aviation activities.

Prior to the congressional action, the FAA and the Justice Department had been working on an agreement to streamline the COA process for law enforcement – an agreement that also meets the mandate. Initially, law enforcement organizations will receive a COA for training and performance evaluation. When the organization has shown proficiency in flying its UAS, it will receive an operational COA. The agreement expands the allowable UAS weight up to 25 pounds.

A New Office for New Technology

In 2012, the FAA established the Unmanned Aircraft Systems Integration Office to provide a one-stop portal for civil and public use UAS in U.S. airspace. This office is developing a comprehensive plan to integrate and establish operational and certification requirements for UAS. It will also oversee and coordinate UAS research and development.

Over more than 50 years, the FAA has a proven track record of introducing new technology and aircraft safely into the NAS. The agency will successfully meet the challenges posed by UAS technology in a thoughtful, careful manner that ensures safety and addresses privacy issues while promoting economic growth.

States, Cities and UAS

A number of states and municipalities have passed or are considering limitations on unmanned aircraft. The effect of such restrictions depends on the precise nature of the limitation.

By law, the FAA is charged with ensuring the safe and efficient use of U.S. airspace. This authority generally preempts any state or local government from enacting a statute or regulation concerning matters – such as airspace regulation—that are reserved exclusively to the U.S. Government.

For example, a state law or regulation that prohibits or limits the operation of an aircraft, sets standards for airworthiness, or establishes pilot requirements generally would be preempted. But state and local governments do retain authority to limit the aeronautical activities of their own departments and institutions. Under most circumstances, it would be within state or local government power to restrict the use of certain aircraft, including a UAS, by the state or local police or by a state department or university.

For more information: <http://www.faa.gov/about/initiatives/uas/> (<http://www.faa.gov/about/initiatives/uas/>)

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Federal Aviation Administration

Fact Sheet – Unmanned Aircraft Systems (UAS)

For Immediate Release

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Unmanned aircraft systems ([UAS \(Unmanned aircraft systems\)](#)) come in a variety of shapes and sizes and serve diverse purposes. They may have a wingspan as large as a jet airliner or smaller than a radio-controlled model airplane.

Because they are inherently different from manned aircraft, introducing UAS into the nation's airspace is challenging for both the FAA and aviation community. UAS must be integrated into the busiest, most complex airspace in the world — one that is evolving from ground-based navigation aids to a GPS-based system in NextGen. And because UAS technology also continues to evolve, the agency's rules and policies must be flexible enough to accommodate that progress.

Integration of UAS has to be safe, efficient and timely. Safety is the FAA's primary mission, the agency is committed to reducing delays and increasing system reliability. This new technology has significant potential safety and economic benefits to help achieve these goals.

The FAA is taking an incremental approach to safe UAS integration as the agency acquires a better understanding of operational issues such as training requirements, operational specifications, and technology considerations.

Safety First

The FAA maintains the world's safest aviation system. As a provider of air traffic control services, the agency also must ensure the safety and efficiency of the nation's entire airspace.

Since 1990, the agency has allowed limited use of UAS for important public missions such as firefighting, disaster relief, search and rescue, law enforcement, border patrol, scientific research, and testing and evaluation. Recently, the FAA has authorized some non-recreational UAS operations in controlled, low-risk situations.

UAS operations potentially range from ground level to above 50,000 feet, depending on the specific type of aircraft. However, no operations are currently authorized in the airspace that exists over major urban areas and contains the highest density of manned aircraft.

Flying model aircraft/UAS for a hobby or recreational purpose does not require FAA approval, but all model aircraft operators must fly according to the law.

The FAA authorizes non-recreational UAS operations on a case-by-case basis, and there are several ways to gain agency approval.

Civil UAS Operations

In February 2015, the Department of Transportation and the FAA released a proposed set of regulations that will pave the way for small UAS — those under 55 pounds — to enter the mainstream of U.S. civil aviation. The rule would allow routine use of small UAS in today's aviation system, and is flexible enough to accommodate future technological innovations.

The proposal offers safety rules addressing non-recreational small UAS operations and for model aircraft operations that do not meet the criteria in Section 336 of Public Law 112-95. The rule would limit small UAS to daylight flights and visual-line-of-sight operations. The proposed rule also addresses issues such as height restrictions, operator certification, optional use of a visual observer, aircraft registration and marking, and operational limits. The proposed rule also includes extensive discussion of a possible "micro" classification for UAS under 4.4 pounds. The FAA is asking the public to comment on whether it should include this option as part of a final rule (www.faa.gov/news/press_releases/news_story.cfm?newsId=18295).

Private sector manufacturers and technology developers currently can obtain a Special Airworthiness Certificate in the experimental category to conduct research and development, crew training, market surveys, and flight demonstrations. Experimental certificates preclude carrying people or property for compensation or hire and typically include operating limitations such as altitude and geographical area.

Commercial firms also may fly a UAS that has an FAA Restricted Category Type Certificate. The agency issues these certificates to UAS models previously flown by the military. They allow limited operations, such as wildlife conservation flights, aerial surveying, and oil/gas pipeline patrols. As of October 2014, the FAA had approved

operations using two certificated UAS.

Since June 2014, the agency has received petitions for exemptions under Section 333 of Public Law 112-95 to permit non-recreational UAS operations before the small UAS rule is finalized. Under that section of the law, the Secretary of Transportation can determine whether certain airworthiness requirements are necessary to authorize specific UAS to fly safely in narrowly-defined, controlled, low-risk situations.

Commercial entities ask for relief from airworthiness certification requirements as allowed under Section 333, in addition to relief from regulations that address general flight rules, pilot certificate requirements, manuals, and maintenance and equipment mandates.

Model Aircraft

On June 23, 2014, the FAA issued an interpretation of Public Law 112-95 providing clear guidance to model operators on the "do's and don'ts" of flying safely in accordance with the Act.

In the document, the FAA restates the law's definition of "model aircraft," including requirements that they not interfere with manned aircraft, be flown within sight of the operator, and be operated only for hobby or recreational purposes. The agency also explains that model aircraft operators flying within five miles of an airport must notify the airport operator and air traffic control tower.

The FAA reaffirms that the law's model aircraft provisions apply only to hobby or recreation operations and do not authorize the use of model aircraft for non-recreational operations.

Government (Public) UAS Operations (www.faa.gov/uas/public_operations/)

A "Certificate of Waiver or Authorization" (COA (Certificate of Waiver or Authorization)) is available to government entities that want to fly a UAS in civil airspace. Common uses include law enforcement, firefighting, border patrol, disaster relief, search and rescue, military training and other government operational missions.

Applicants must submit their COA request through an online system. The FAA then evaluates the proposed operation to see if it can be conducted safely. If granted, the COA allows an operator to use a defined block of airspace, and includes special provisions unique to the proposed operation. For instance, a COA may require flying only under Visual Flight Rules (VFR (Visual Flight Rules)) and/or only during daylight hours.

Today, the average time to obtain an authorization for non-emergency operations is less than 60 days, and the renewal period is two years. The agency has expedited procedures to grant one-time COAs for time-sensitive emergency missions such as disaster relief and humanitarian efforts — sometimes in just a few hours.

Most COAs require coordination with an appropriate air traffic control facility and may require a transponder on the UAS to operate in certain types of airspace. Because UAS technology cannot yet comply with "see and avoid" rules that apply to all aircraft, a visual observer or an accompanying "chase plane" must maintain visual contact with the UAS and serve as its "eyes" when operating outside airspace restricted from other users.

COAs Issued, by year

| Year | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 |
|-------------|------|------|------|------|------|------|
| COAs Issued | 146 | 298 | 313 | 257 | 423 | 609 |

Operating and Certification Standards

Integrating UAS into the nation's airspace presents both opportunities and challenges. However, everything the FAA does is focused on ensuring the safety of the nation's aviation system. New policies, procedures, and approval processes are needed to deal with the increasing desire by civilian operators to fly UAS. Developing and implementing these new UAS standards and guidance is a long-term effort.

In November 2013, the Department and the FAA released its first annual Integration of Civil UAS in the National Airspace System (NAS) Roadmap (www.faa.gov/uas/media/UAS_Roadmap_2013.pdf) (PDF) outlining efforts needed to safely integrate unmanned aircraft into the nation's airspace. The Roadmap addresses current and future policies, regulations, technologies, and procedures that will be required as demand moves from today's limited accommodation of UAS operations to the extensive integration of UAS into the NextGen aviation system in the future.

The Department of Transportation also released a Comprehensive Plan (www.faa.gov/about/office_org/headquarters_offices/agi/reports/media/UAS_Comprehensive_Plan.pdf) (PDF) that dovetails with the Roadmap. This Comprehensive Plan details the multi-agency approach to the safe and timely integration of unmanned aircraft. The plan establishes goals to integrate both small and larger unmanned aircraft, and to foster America's leadership in advancing this technology.

The FAA chartered a UAS Aviation Rulemaking Committee in 2011, which is still active. The group's goal is to develop inputs and recommendations on appropriate operational procedures, regulatory standards and policies before allowing routine UAS access to the nation's airspace.

The FAA also has asked RTCA — a group that facilitates expert advice to the agency on technical issues — to work with industry to help develop UAS standards. RTCA's technical group (Special Committee 228) is addressing how UAS will handle communication, command and control and how they will "sense and avoid" other aircraft.

The FAA continues to work closely with its international aviation counterparts to harmonize standards, policies, procedures, and regulatory requirements.

UAS Test Sites (www.faa.gov/uas/legislative_programs/test_sites/)

After a rigorous selection process, the Federal Aviation Administration chose six UAS test sites on December 30, 2013. These six test sites have geographic and climatic diversity and help the FAA meet its UAS research needs.

The six Test Sites, which were operational as of mid-August 2014, include:

- University of Alaska – Fairbanks
- State of Nevada
- Griffiss International Airport (Rome, NY)
- North Dakota Department of Commerce
- Texas A&M University – Corpus Christi
- Virginia Polytechnic Institute and State University (Virginia Tech)

Each test site operator manages the site in a way that gives access to parties interested in using the site. The FAA's role is to ensure each site sets up a safe testing environment and operates under strict safety standards.

First Responders

The FAA Modernization and Reform Act of 2012 also directed the agency to expedite the COA process for government public safety agencies that want to use small UAS. In May 2013, the FAA and the Justice Department signed an agreement to streamline the COA process for law enforcement – an agreement that meets the mandate. The agreement expanded the allowable UAS weight up to 25 pounds, an increase from the 4.4 pounds specified in the Act.

Today, a law enforcement organization first receives a COA for training and performance evaluation. When the organization has shown proficiency in flying its UAS, it receives a "jurisdictional" COA.

Meeting the Challenge

For more than 50 years, the FAA has maintained a proven track record of introducing new technology and aircraft safely into the national airspace system. The agency will successfully meet the challenges posed by UAS technology in a thoughtful, careful manner that ensures safety and addresses privacy issues while promoting economic growth.

While aviation is unquestionably an industry known for innovation, it is also an industry with a strong history of collaboration between government and industry. This collaboration has helped the FAA achieve a position of international leadership. By working together, government and industry will overcome the challenges UAS integration presents and open the door to a more diverse and dynamic aviation future for both manned and unmanned aircraft.

For more information: www.faa.gov/uas/ (www.faa.gov/uas/)

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House of Representatives

EXPLANATORY STATEMENT SUBMITTED BY MR. ROGERS OF KENTUCKY, CHAIRMAN OF THE HOUSE COMMITTEE ON APPROPRIATIONS REGARDING THE HOUSE AMENDMENT TO THE SENATE AMENDMENT ON H.R. 3547, CONSOLIDATED APPROPRIATIONS ACT, 2014

The following is an explanation of the Consolidated Appropriations Act, 2014.

This Act contains the twelve regular appropriations bills for fiscal year 2014. The divisions contained in the Act are as follows:

- Division A—Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2014;
- Division B—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2014;
- Division C—Department of Defense Appropriations Act, 2014;
- Division D—Energy and Water Development and Related Agencies Appropriations Act, 2014;
- Division E—Financial Services and General Government Appropriations Act, 2014;
- Division F—Department of Homeland Security Appropriations Act, 2014;
- Division G—Department of the Interior, Environment, and Related Agencies Appropriations Act, 2014;
- Division H—Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2014;
- Division I—Legislative Branch Appropriations Act, 2014;
- Division J—Military Construction and Veterans Affairs and Related Agencies Appropriations Act, 2014;
- Division K—Department of State, Foreign Operations, and Related Programs Appropriations Act, 2014; and
- Division L—Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014.

Section 3 of the Act states that, unless expressly provided otherwise, any reference to “this Act” contained in any division shall be treated as referring only to the provisions of that division.

Section 4 of the Act specifies that this explanatory statement shall have the same effect with respect to the allocation of funds and implementation of this legislation as if

it were a joint explanatory statement of a committee of conference.

Section 5 of the Act provides a statement of appropriations.

Section 6 of the Act states that each amount designated by Congress as being for Overseas Contingency Operations/Global War on Terrorism is contingent on the President so designating all such amounts and transmitting such designations to Congress. The provision is consistent with the requirements in the Budget Control Act of 2011 for Overseas Contingency Operations/Global War on Terrorism designations by the President.

Section 7 of the Act addresses possible technical scorekeeping differences for fiscal year 2014 between the Office of Management and Budget and the Congressional Budget Office.

Section 8 of the Act includes the text of the Senate amendment to H.R. 3547, relating to launch liability extension.

The Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined by clause 9 of rule XXI of the Rules of the House of Representatives.

DIVISION A—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

CONGRESSIONAL DIRECTIVES

The explanatory statement remains silent on provisions that were in both the House Report (H.Rpt. 113-116) and Senate Report (S.Rpt. 113-46) that remain unchanged by this agreement, except as noted in this explanatory statement.

The agreement restates that executive branch wishes cannot substitute for Congress’ own statements as to the best evidence of congressional intentions, which are the official reports of the Congress. The agreement further points out that funds in this Act must be used for the purposes for which appropriated, as required by section 1301 of title 31 of the United States Code, which provides: “Appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.”

The House and Senate report language that is not changed by the explanatory statement is approved and indicates congressional intentions. The explanatory statement, while repeating some report language for emphasis, does not intend to negate the

language referred to above unless expressly provided herein.

In cases in which the House or the Senate have directed the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations no later than 60 days after enactment, unless otherwise directed.

Hereafter, in Division A of this statement, the term ‘the Committees’ refers to the Committees on Appropriations of the House of Representatives and the Senate.

TITLE I—AGRICULTURAL PROGRAMS PRODUCTION, PROCESSING AND MARKETING OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$43,778,000 for the Office of the Secretary.

The following table reflects the agreement:

| OFFICE OF THE SECRETARY | |
|---|-----------------|
| (Dollars in thousands) | |
| Office of the Secretary | \$5,051 |
| Office of Tribal Relations | 498 |
| Office of Homeland Security and Emergency Coordination | 1,496 |
| Office of Advocacy and Outreach | 1,209 |
| Office of Assistant Secretary for Administration | 23,590 |
| Departmental Administration | (22,786) |
| Office of Assistant Secretary for Congressional Relations | 3,869 |
| Office of Communications | 8,065 |
| Total, Office of the Secretary | \$43,778 |

During fiscal year 2013, the Department of Agriculture (USDA) failed to communicate to the Committees information related to a number of Congressional priorities. In particular, the Department failed to provide timely updates on major spending changes for the Modernize and Innovate the Delivery of Agricultural Systems and the Rental Assistance Program among others. In fiscal year 2014 and beyond, it is incumbent upon USDA to promptly notify the Committees in writing and via briefing on major changes in projects or programs in order for the Committees to fulfill their oversight responsibilities.

The agreement reiterates that reports requested by the Committees are an important part of congressional oversight. The Department is consistently delinquent in submitting these reports, especially due to excessively long reviews in the Office of the Secretary. The Secretary is directed to ensure that the dates and directives, which are

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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DIVISION L—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2014

FINANCIAL MANAGEMENT CAPITAL

The agreement provides \$7,000,000 for the financial management capital program.

CYBER SECURITY INITIATIVES

The agreement provides \$4,455,000 for departmental cyber security initiatives.

OFFICE OF CIVIL RIGHTS

The agreement provides \$9,551,000 for the office of civil rights.

TRANSPORTATION PLANNING, RESEARCH AND DEVELOPMENT

(INCLUDING RESCISSIONS)

The agreement provides \$7,000,000 for planning, research and development activities, and rescinds \$2,750,000 from prior year funds.

WORKING CAPITAL FUND

The agreement limits expenditures for working capital fund activities to \$178,000,000.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

The agreement provides a total appropriation of \$925,000 for the minority business center program: \$333,000 for the cost of guaranteed loans and \$592,000 for the administrative expenses of the program. The bill limits loan guarantees to \$18,367,000.

MINORITY BUSINESS OUTREACH

The agreement provides \$3,088,000 for minority business outreach.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The agreement provides \$149,000,000 for payments to air carriers. In addition to these funds, the program will receive approximately \$100,000,000 in overflight fees pursuant to the FAA Modernization and Reform Act of 2012.

The agreement includes a provision which prohibits the Secretary from renewing a contract with a participating community that is less than forty miles from a hub airport unless the Secretary has negotiated with the community over a local cost share.

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

Section 101 prohibits funds available to the Department of Transportation from being obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

Section 102 allows the Secretary of Transportation or his designee to engage with states to consider proposals related to the reduction of motorcycle fatalities.

Section 103 allows the Department of Transportation Working Capital Fund to provide payments in advance to vendors for the Federal transit pass fringe benefit program.

Section 104 requires the Secretary of Transportation to post on the web a schedule of all Credit Council meetings, agendas, and meeting minutes.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

The agreement includes \$9,651,422,000 for the operations of the Federal Aviation Administration (FAA). Of the total amount provided, \$6,495,208,000 is to be derived from the airport and airway trust fund. Funds are distributed in the bill by budget activity.

The following table compares the agreement to the levels proposed in the budget request by activity:

| | Budget request | Agreement |
|---------------------------------------|----------------|---------------|
| Air Traffic Organization | 7,311,790,000 | 7,311,790,000 |
| Aviation Safety | 1,204,777,000 | 1,204,777,000 |
| Commercial Space Transportation | 16,011,000 | 16,011,000 |
| Finance and management | 807,646,000 | 762,462,000 |
| Staff offices | 306,394,000 | 296,600,000 |
| NextGen and operations planning | 59,782,000 | 59,782,000 |
| Total | 9,707,000,000 | 9,651,422,000 |

Air traffic controller and safety inspector hiring.—The agreement includes funding to maintain the FAA’s workforce of air traffic controllers and safety inspectors, and to restore controller and inspector staffing losses associated with prior funding shortfalls. The funding level will allow the FAA to replace controllers and inspectors who retire or leave the agency for other reasons, and to train new hires and developmental controllers. Further, the FAA is expected to submit to the House and Senate Committees on Appropriations a request for approval before redirecting any of the funding provided to restore controller or inspector staffing levels.

Controller staffing.—The Inspector General is expected to conduct a follow-up review of its fiscal year 2012 study of controller staffing at the FAA’s most critical facilities and provide an update to the Committees on Appropriations no later than 180 days after enactment of this Act.

AeroNav.—The agreement prohibits AeroNav from implementing new charges on AeroNav products until the FAA provides the House and Senate Committees on Appropriations a report that describes: (1) the estimated cost of producing only its digital products, on a product-by-product basis for use on computers, tablets, and other displays; (2) the cost of producing both digital products and paper products, on a product-by-product basis; (3) safety and operational benefits of using digital products; and (4) how AeroNav’s actions conform with the direction in Executive Order 13642 to support open data for entrepreneurship, innovation, and scientific discovery.

Unmanned aerial systems (UAS).—The primary mission of the FAA is to protect the safety of civil aviation and provide an efficient national airspace. Nothing in the agreement is intended to change that mission or hinder the FAA’s ability to fulfill it. However, the FAA also has a responsibility to provide the Congress with information and analysis on civil aviation issues. The FAA’s unique role in supporting our civil aviation system places the agency in a position to inform the Congress on the policy considerations of developing technologies. Without adequate safeguards, expanded use of UAS and their integration into the national airspace raise a host of concerns with respect to the privacy of individuals. For this reason, the FAA is directed to conduct a study on the implications of UAS integration into national airspace on individual privacy. The study should address the application of existing privacy law to UAS integration; identify gaps in existing law, especially with regard to the use and retention of personally identifiable information and imagery; and recommend next steps for how the FAA can address the impact of widespread use of UAS on individual privacy as it prepares to facilitate the integration of UAS into the national airspace. The FAA shall consult other federal agencies with expertise in privacy protections and submit a report on its findings to the House and Senate Committees on Appropriations no later than eighteen months after enactment. In conducting its work, the agency may partner with an organization such as the National Academy of Sciences. This requirement is included in the agreement with the understanding that it will not disrupt the FAA’s work with UAS test sites or current certification processes, and that the report will be

Report language included in House Report 113-136 (“the House report”) or Senate Report 113-45 (“the Senate report”) that is not changed by this explanatory statement or this Act is approved. The explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein. In cases where both the House report and the Senate report address a particular issue not specifically addressed in the explanatory statement, the House report and the Senate report should be read as consistent and are to be interpreted accordingly. In cases where the House report or the Senate report directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. The Department of Transportation and the Department of Housing and Urban Development are directed to notify the House and Senate Committees on Appropriations seven days prior to the announcement of a new program or authority. Any reprogramming requests must be submitted to the Committees on Appropriations no later than June 30, 2014.

TITLE I—DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY SALARIES AND EXPENSES

The agreement provides \$107,000,000 for the salaries and expenses of the Office of the Secretary. The agreement includes funding by office as specified below. Funds are available for transfer between all offices under certain conditions.

| | |
|---|-------------|
| Immediate Office of the Secretary | \$2,652,000 |
| Immediate Office of the Deputy Secretary | 1,000,000 |
| Office of the General Counsel | 19,900,000 |
| Office of the Under Secretary for Transportation Policy | 10,271,000 |
| Office of the Assistant Secretary for Budget and Programs | 12,676,000 |
| Office of the Assistant Secretary for Government Affairs | 2,530,000 |
| Office of the Assistant Secretary for Administration | 26,378,000 |
| Office of the Assistant Secretary for Public Affairs | 2,020,000 |
| Office of the Executive Secretariat | 1,714,000 |
| Office of Small and Disadvantaged Business Utilization | 1,386,000 |
| Office of Intelligence, Security, and Emergency Response | 10,778,000 |
| Office of the Chief Information Officer | 15,695,000 |

The Office of the General Counsel is funded at \$19,900,000, which includes an additional \$2,500,000 to fund aviation enforcement activities. The Office of Budget is funded at \$12,676,000, which includes \$2,000,000 to establish a credit oversight office. Of the funds provided to the Office of the Assistant Secretary for Administration, \$800,000 is for procurement reviews and \$150,000 is for a diversity workforce plan. No additional funds are provided for sustainability requirements. The agreement funds the Office of the Under Secretary for Transportation Policy at \$10,271,000, but does not provide additional funds for new full-time equivalents (FTE) or enforcement workshops.

RESEARCH AND TECHNOLOGY

The agreement provides \$14,765,000 for the Office of the Assistant Secretary for Research and Technology.

NATIONAL INFRASTRUCTURE INVESTMENTS

The agreement provides \$600,000,000 for capital investments in surface transportation infrastructure, commonly known as the “TIGER” program.

completed well in advance of the FAA's schedule for developing final regulations on the integration of UAS into the national airspace.

Drug and alcohol intervention programs.—The agreement includes \$2,103,000 for the Human Intervention Motivation Study and the Flight Attendant Drug and Alcohol Program.

Asiana Airlines Flight 214.—The National Transportation Safety Board (NTSB) continues to investigate the human and technological factors that contributed to the Asiana Airlines Flight 214 crash that occurred on July 6, 2013. Although the NTSB will determine the probable cause of the crash, one potential factor could be that the speed of the aircraft may have been too low on its final approach into the airport. The FAA is directed to carefully consider the recommendations of the NTSB, including the efficacy and appropriateness of low airspeed audible and visual alert systems. The FAA is

directed to provide a letter report to the House and Senate Committees on Appropriations on the agency's evaluation of low airspeed alert systems and response to the NTSB's recommendations.

Automatic deployable flight recorders.—In accordance with Public Law 110-53, "Implementing Recommendations of the 9/11 Commission Act of 2007", the Transportation Security Administration conducted a pilot program that successfully tested in concept, the ability of automatic deployable flight recorders (ADFRs) to improve rapid access to flight data following commercial aviation crashes, while also providing the location of downed aircraft and potential survivors. These findings were confirmed by international studies following the Air France Flight 447 tragedy. The International Civil Aviation Organization (ICAO) currently has efforts underway to enable the installation of ADFRs on international commercial passenger aircraft as one method of providing

rapid access to data and location of wreckage. The FAA is encouraged to carefully evaluate the costs and benefits of ADFR technology and to work with NTSB to support U.S. and international initiatives in the development of standards for this safety technology on commercial passenger aircraft.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

The agreement includes \$2,600,000,000 for FAA facilities and equipment. Of the total amount available, \$450,250,000 is available until September 30, 2014 and \$2,149,750,000 is available until September 30, 2016. The agreement includes language directing FAA to transmit a detailed five-year capital investment plan to Congress with its fiscal year 2015 budget submission.

The following table provides a breakdown of the agreement by program:

Table with 3 columns: Program, Request, Agreement. Rows include Activity 1 (Engineering, Development, Test and Evaluation), Activity 2 (Air Traffic Control Facilities and Equipment), and sub-sections a, b, c, d with various program details and funding amounts.

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ELECTRONIC PRIVACY)
INFORMATION CENTER)

Petitioner)

v.)

The FEDERAL AVIATION)
ADMINISTRATION, MICHAEL P.)
HUERTA, in his official capacity as)
Administrator of the Federal Aviation)
Administration, and ANTHONY R. FOXX,)
in his official capacity as United States)
Secretary of Transportation,)

Respondents.)

No. 15-1075

PETITION FOR REVIEW

The Electronic Privacy Information Center (“EPIC”), Petitioner herein, by and through undersigned counsel, hereby petitions this Honorable Court for review of the order rendered on February 23, 2015 by the United States Secretary of Transportation through the Administrator of the Federal Aviation Administration (“FAA”) in the “Operation and Certification of Small Unmanned Aircraft Systems Notice of Proposed Rulemaking” Operation and Certification of Small Unmanned Aircraft Systems, 80 Fed. Reg. 9,544, 9,552 (Feb. 23, 2015) (to be codified at 14 C.F.R. pts. 21, 43, 45, 47, 61, 91, 101, 107, and 183) (“FAA NPRM Order”).

EPIC petitions the Court for review of the FAA's denial of EPIC's March 8, 2012 petition submitted under the APA, 5 U.S.C. § 553(e) ("Section 553(e) Petition"). EPIC also petitions the Court to hold unlawful the FAA's withholding of proposed drone privacy rules, which Congress required the agency to issue under the FAA Modernization and Reform Act of 2012, Pub. L. 112-95, 126 Stat. 73, from the February 23, 2015 FAA NPRM Order.

Copies of EPIC's Section 553(e) Petition and the NPRM Order are attached as Exhibit 3 and Exhibit 1, respectively. A Copy of the FAA's initial November 26, 2014 response to EPIC's Section 553(e) Petition, filed March 8, 2012, is also attached as Exhibit 2.

EPIC files this petition for review pursuant to 49 U.S.C. § 46110, Rule 15 of the Federal Rules of Appellate Procedure, and Circuit Rule 15. Petitioner is the affected party and has a substantial interest in this Order.

Accordingly, Petitioner prays that this Court will set aside the FAA NPRM Order attached hereto as Exhibit 1 and remand to the agency to conduct further proceedings.

Dated: March 31, 2015

Respectfully Submitted,

MARC ROTENBERG
ALAN BUTLER
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Suite 200
Washington, DC 20009
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Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of March 2015, I caused to be filed the foregoing Petition of the Electronic Privacy Information Center for Review of an order of the U.S. Secretary of Transportation with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit. Pursuant to 49 U.S.C. § 46110(b), the “clerk of the court immediately shall send a copy of the petition to the Secretary, Under Secretary, or Administrator, as appropriate.”

MARC ROTENBERG