

117TH CONGRESS
1ST SESSION

S. 2453

To promote the launch of aviation’s next era.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2021

Mr. INHOFE (for himself and Mr. KING) introduced the following bill; which
was read twice and referred to the Committee on Finance

A BILL

To promote the launch of aviation’s next era.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; DEFINI-**
4 **TION OF ADMINISTRATOR.**

5 (a) SHORT TITLE.—This Act may be cited as the
6 “Promoting the Launch of Aviation’s Next Era Act of
7 2021” or the “PLANE Act of 2021”.

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

Sec. 1. Short title; table of contents; definition of Administrator.

TITLE I—FAIRNESS FOR PILOTS

Sec. 101. Expansion of Pilot’s Bill of Rights.

Sec. 102. Enhancing protections for the aviation community.

- Sec. 103. Limitations on reexamination of certificate holders.
 Sec. 104. Aviation rulemaking and exemption petition due process.
 Sec. 105. Timely resolution of investigations.

TITLE II—FORWARD LOOKING INVESTMENT IN GENERAL
 AVIATION, HANGARS, AND TARMACS (FLIGHT ACT)

- Sec. 201. Establishment of public private-partnership program at general aviation airports.
 Sec. 202. General aviation airport entitlement reform.
 Sec. 203. Disaster relief airports.
 Sec. 204. Airport development relating to disaster relief.
 Sec. 205. Funding for projects as disaster relief airports.
 Sec. 206. Revision of automated weather observing systems (AWOS) policy.

TITLE III—SECURING AND REVITALIZING AVIATION (SARA ACT)

- Sec. 301. Limitation of liability for certain individuals designated as representatives of the Federal Aviation Administration.

TITLE IV—AIR TRAFFIC CONTROLLER REFORMS

- Sec. 401. Federal Aviation Administration Academy.
 Sec. 402. Practical experience for air traffic controllers.

TITLE V—AVIATION FUEL TAXES

- Sec. 501. Treatment of fuel for use in aviation.

TITLE VI—VOLUNTARY SURRENDER OF REPAIR STATION
 CERTIFICATE

- Sec. 601. Revision of certain regulations relating to repair station certificates.

1 (c) DEFINITION OF ADMINISTRATOR.—In this Act,
 2 the term “Administrator” means the Administrator of the
 3 Federal Aviation Administration.

4 **TITLE I—FAIRNESS FOR PILOTS**

5 **SEC. 101. EXPANSION OF PILOT’S BILL OF RIGHTS.**

6 (a) APPEALS OF SUSPENDED AND REVOKED AIRMAN
 7 CERTIFICATES.—Section 2(d)(1) of the Pilot’s Bill of
 8 Rights (Public Law 112–153; 126 Stat. 1159; 49 U.S.C.
 9 44703 note) is amended by striking “or imposing a puni-
 10 tive civil action or an emergency order of revocation under
 11 subsections (d) and (e) of section 44709 of such title” and

1 inserting “suspending or revoking an airman certificate
 2 under section 44709(d) of such title, or imposing an emer-
 3 gency order of revocation under subsections (d) and (e)
 4 of section 44709 of such title”.

5 (b) DE NOVO REVIEW BY DISTRICT COURT; BURDEN
 6 OF PROOF.—Section 2(e) of the Pilot’s Bill of Rights
 7 (Public Law 112–153; 126 Stat. 1159; 49 U.S.C. 44703
 8 note) is amended—

9 (1) by amending paragraph (1) to read as fol-
 10 lows:

11 “(1) IN GENERAL.—In an appeal filed under
 12 subsection (d) in a United States district court with
 13 respect to a denial, suspension, or revocation of an
 14 airman certificate by the Administrator—

15 “(A) the district court shall review the de-
 16 nial, suspension, or revocation de novo, includ-
 17 ing by—

18 “(i) conducting a full independent for-
 19 mal examination of evidence before a
 20 judge, and jury as may be applicable, in-
 21 cluding a review of the complete adminis-
 22 trative record of the denial, suspension, or
 23 revocation;

24 “(ii) permitting additional discovery
 25 and the taking of additional evidence; and

1 “(iii) making the findings of fact and
2 conclusions of law required by Rule 52 of
3 the Federal Rules of Civil Procedure with-
4 out being bound to any findings of fact of
5 the Administrator or the National Trans-
6 portation Safety Board.”;

7 (2) by redesignating paragraph (2) as para-
8 graph (3); and

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

11 “(2) BURDEN OF PROOF.—In an appeal filed
12 under subsection (d) in a United States district
13 court after an exhaustion of administrative remedies,
14 the burden of proof shall be as follows:

15 “(A) In an appeal of the denial of an ap-
16 plication for the issuance or renewal of an air-
17 man certificate under section 44703 of title 49,
18 United States Code, the burden of proof shall
19 be upon the applicant denied an airman certifi-
20 cate by the Administrator.

21 “(B) In an appeal of an order issued by
22 the Administrator under section 44709 of title
23 49, United States Code, the burden of proof
24 shall be upon the Administrator.”; and

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

1 “(4) APPLICABILITY OF ADMINISTRATIVE PRO-
 2 CEDURE ACT.—Notwithstanding paragraph (1)(A) of
 3 this subsection or subsection (a)(1) of section 554 of
 4 title 5, United States Code, section 554 of such title
 5 shall apply to adjudications of the Administrator
 6 and the National Transportation Safety Board to
 7 the same extent as that section applied to such adju-
 8 dications before the date of enactment of the Pro-
 9 moting the Launch of Aviation’s Next Era Act of
 10 2021.”.

11 **SEC. 102. ENHANCING PROTECTIONS FOR THE AVIATION**
 12 **COMMUNITY.**

13 (a) NTSB REVIEW OF APPLICATION FOR AIRMAN
 14 CERTIFICATE.—Section 44703(d) of title 49, United
 15 States Code, is amended—

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

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

20 “(3)(A) In the case of an application for the issuance
 21 of an airman medical certificate, the National Transpor-
 22 tation Safety Board may review a denial that may not be
 23 considered a final denial by the Administrator when the
 24 Administrator has twice reconsidered the application and
 25 sustained a previous denial on that application.

1 “(B) The Administrator’s failure to rule upon a re-
 2 quest for reconsideration of the denial of issuance of an
 3 airman medical certificate within 60 days of the date on
 4 which the application to reconsider is submitted to the Ad-
 5 ministrator shall be deemed to be a denial of the applica-
 6 tion.”.

7 (b) VOLUNTARY SURRENDER OF AN AIRMAN MED-
 8 ICAL CERTIFICATE.—Section 44703 of title 49, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing new subsection:

11 “(l) VOLUNTARY SURRENDER OF AN AIRMAN MED-
 12 ICAL CERTIFICATE.—An airman may voluntarily sur-
 13 render an airman medical certificate issued under this sec-
 14 tion for cancellation at any time, unless the certificate has
 15 been suspended or revoked by a Federal Aviation Adminis-
 16 tration order of suspension or revocation at the time of
 17 the voluntary surrender.”.

18 (c) APPEALS.—Section 44703(d)(1) of title 49,
 19 United States Code, is amended by striking “holds a cer-
 20 tificate that” and all that follows through the period and
 21 inserting “holds a certificate that is suspended at the time
 22 of denial.”.

23 (d) REAPPLICATIONS.—Section 44709 of title 49,
 24 United States Code, is amended—

1 (1) by redesignating subsection (f) as sub-
2 section (g); and

3 (2) by inserting after subsection (e), the fol-
4 lowing new subsection:

5 “(f) REAPPLICATIONS.—Except as provided in sec-
6 tion 44710, any person whose certificate has been revoked
7 by an order of the Administrator may reapply for a certifi-
8 cate at any time following the revocation.”.

9 (e) APPEAL OF SUSPENSION OR TERMINATION OF
10 DELEGATION.—Section 44702(d) of title 49, United
11 States Code, is amended by adding at the end the fol-
12 lowing: “Subsections (d), (e), and (f) of section 44709
13 shall apply to a rescission of a delegation under this sub-
14 section in the same manner as those subsections apply to
15 an order of the Administrator under that section.”.

16 **SEC. 103. LIMITATIONS ON REEXAMINATION OF CERTIFI-**
17 **CATE HOLDERS.**

18 (a) IN GENERAL.—Section 44709(a) of title 49,
19 United States Code, is amended—

20 (1) in paragraph (1), by striking “reexamine”
21 and inserting “, except as provided in paragraphs
22 (2) and (3), reexamine”; and

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

24 “(3) LIMITATION ON THE REEXAMINATION OF
25 AIRMAN CERTIFICATES.—The Administrator may

1 not reexamine an airman holding a certificate issued
 2 under section 44703 of this title if the reexamina-
 3 tion is ordered as a result of an event involving the
 4 fault of the Federal Aviation Administration or its
 5 designee, unless the Administrator has reasonable
 6 grounds—

7 “(A) to establish that the airman may not
 8 be qualified to exercise the privileges of a cer-
 9 tificate or rating issued to the airman by the
 10 Federal Aviation Administration or its designee,
 11 based upon an act or omission committed by
 12 the airman while exercising those privileges,
 13 after the issuance of the certificate or rating; or

14 “(B) to demonstrate that the airman ob-
 15 tained such a certificate or rating through
 16 fraudulent means or through an examination
 17 that was substantially and demonstrably inad-
 18 equate to establish the airman’s qualifica-
 19 tions.”.

20 (b) AMENDMENT, MODIFICATION, SUSPENSION, OR
 21 REVOCATION OF AIRMAN CERTIFICATES AFTER REEXAM-
 22 INATION.—Section 44709(b) of title 49, United States
 23 Code, is amended—

24 (1) in paragraph (1), by redesignating subpara-
 25 graphs (A) and (B) as clauses (i) and (ii), respec-

1 tively, and by moving such clauses, as so redesign-
 2 nated, 2 ems to the right;

3 (2) by redesignating paragraphs (1) and (2) as
 4 subparagraphs (A) and (B), respectively, and by
 5 moving such subparagraphs, as so redesignated, 2
 6 ems to the right;

7 (3) in the matter preceding subparagraph (A),
 8 as redesignated, by striking “The Administrator”
 9 and inserting the following:

10 “(1) IN GENERAL.—Except as provided in para-
 11 graph (2), the Administrator”; and

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

13 “(2) AMENDMENTS, MODIFICATIONS, SUSPEN-
 14 SIONS, AND REVOCATIONS OF AIRMAN CERTIFICATES
 15 AFTER REEXAMINATION.—

16 “(A) IN GENERAL.—The Administrator
 17 may not issue an order to amend, modify, sus-
 18 pend, or revoke an airman certificate issued
 19 under section 44703 of this title after a reex-
 20 amination of the airman holding the certificate
 21 unless the Administrator determines that the
 22 airman—

23 “(i) lacks the technical skills and com-
 24 petency, or care, judgment, and responsi-

1 bility, necessary to hold and safely exercise
2 the privileges of the certificate; or

3 “(ii) materially contributed to the
4 issuance of the certificate by fraudulent
5 means.

6 “(B) STANDARD OF REVIEW.—Any order
7 of the Administrator under this paragraph shall
8 be subject to the standard of review provided
9 for under section 2 of the Pilot’s Bill of Rights
10 (49 U.S.C. 44703 note).”.

11 (c) CONFORMING AMENDMENTS.—Section
12 44709(d)(1) of title 49, United States Code, is amended—

13 (1) in subparagraph (A), by striking “sub-
14 section (b)(1)(A)” and inserting “subsection
15 (b)(1)(A)(i)”; and

16 (2) in subparagraph (B), by striking “sub-
17 section (b)(1)(B)” and inserting “subsection
18 (b)(1)(A)(ii)”.

19 **SEC. 104. AVIATION RULEMAKING AND EXEMPTION PETI-**
20 **TION DUE PROCESS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of enactment of this Act, the Administrator shall
23 issue a final rule that amends, as appropriate, sections
24 11.61 through 11.103 of title 14, Code of Federal Regula-

1 tions (Petitions for Rulemaking and for Exemption) to do
2 the following:

3 (1) Add the following decision factors to the de-
4 cision factors the Federal Aviation Administration
5 considers pursuant to subsection (a) of section 11.73
6 of such title 14 when deciding whether to act on a
7 petition for rulemaking:

8 (A) The number of certificate holders di-
9 rectly affected by the proposed rulemaking.

10 (B) The impact of the proposed rule-
11 making on small businesses.

12 (C) The number of organizations request-
13 ing the proposed rulemaking.

14 (2) Require the designation of an employee of
15 the Federal Aviation Administration to manage each
16 petition filed.

17 (3) Require notification of the following to each
18 petitioner within 30 days of receipt of a petition for
19 rulemaking properly submitted pursuant to such sec-
20 tion 11.71, a petition for exemption properly sub-
21 mitted pursuant to section 11.81 of such title 14, or
22 a petition for reconsideration submitted pursuant to
23 section 11.101 of such title 14:

24 (A) The name and contact information for
25 the employee of the Federal Aviation Adminis-

1 tration designated pursuant to the requirement
2 under paragraph (2).

3 (B) How the Federal Aviation Administra-
4 tion will dispose of the petition.

5 (C) If the Federal Aviation Administration
6 determines that the petition justifies Adminis-
7 tration action, a timeline for such action.

8 (D) If the Federal Aviation Administration
9 determines that the petition does not justify
10 Administration action, the basis for that deci-
11 sion with specific reference to the decision fac-
12 tors under subsection (a) of such section 11.71
13 for petitions for rulemaking, under such section
14 11.81 for petitions for exemption, or under such
15 section 11.101 for petitions for reconsideration,
16 as applicable.

17 (b) REPORT TO CONGRESS.—Not later than Sep-
18 tember 30, 2022, and each subsequent year thereafter, the
19 Administrator shall submit to the Committee on Com-
20 merce, Science, and Transportation of the Senate and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives a report that details the fol-
23 lowing with respect to the prior calendar year:

1 (1) The number of petitions for rulemaking
2 submitted pursuant to sections 11.63 and 11.71 of
3 such title 14.

4 (2) For each such petition for rulemaking—
5 (A) the regulations impacted or relevant to
6 the petition; and
7 (B) the nature, disposition, and status of
8 each petition.

9 (3) The number of petitions for exemption sub-
10 mitted pursuant to such 11.81.

11 (4) For each such petition for exemption—
12 (A) the regulation from which exemption is
13 sought; and
14 (B) the disposition and status of each peti-
15 tion.

16 (5) The number of petitions for reconsideration
17 submitted pursuant to section 11.101.

18 (6) For each such petition for reconsideration—
19 (A) the regulation from which reconsider-
20 ation is sought; and
21 (B) the disposition and status of each peti-
22 tion.

1 **SEC. 105. TIMELY RESOLUTION OF INVESTIGATIONS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Administrator shall issue a final rule to
4 amend, as appropriate—

5 (1) subpart A of part 13 of title 14, Code of
6 Federal Regulations, to require the completion of an
7 investigation and a decision by the Administrator on
8 whether to initiate a subsequent action within 2
9 years from the date upon which a complaint is first
10 filed pursuant to section 13.5 of such title 14; and

11 (2) subpart F of such part 13 to require the
12 completion of an investigation and a decision by the
13 Administrator on whether to initiate a subsequent
14 action within 2 years of the issuance of an order of
15 investigation pursuant to section 13.103 of such title
16 14.

17 **TITLE II—FORWARD LOOKING**
18 **INVESTMENT IN GENERAL**
19 **AVIATION, HANGARS, AND**
20 **TARMACS (FLIGHT ACT)**

21 **SEC. 201. ESTABLISHMENT OF PUBLIC PRIVATE-PARTNER-**
22 **SHIP PROGRAM AT GENERAL AVIATION AIR-**
23 **PORTS.**

24 (a) IN GENERAL.—Chapter 481 of title 49, United
25 States Code, is amended by adding at the end the fol-
26 lowing:

1 **“§ 48115. General aviation public-private partnership**
 2 **program**

3 “(a) SMALL AIRPORT PUBLIC-PRIVATE PARTNER-
 4 SHIP PROGRAM.—The Secretary of Transportation shall
 5 establish a program that meets the requirements under
 6 this section for improving facilities at—

7 “(1) general aviation airports; and

8 “(2) privately owned airports used or intended
 9 to be used for public purposes that do not have
 10 scheduled air service.

11 “(b) APPLICATION REQUIRED.—The operator or
 12 sponsor of an airport, or the community in which an air-
 13 port is located, seeking, on behalf of the airport, to partici-
 14 pate in the program established under subsection (a) shall
 15 submit an application to the Secretary in such form, at
 16 such time, and containing such information as the Sec-
 17 retary may require, including—

18 “(1) an assessment of the needs of the airport
 19 for additional or improved hangars, airport busi-
 20 nesses, or other facilities;

21 “(2) the ability of the airport to leverage pri-
 22 vate sector investments on the airport or develop
 23 public-private partnerships to build or improve facili-
 24 ties at the airport; and

1 “(3) if the application is submitted by a com-
 2 munity, evidence that the airport supports the appli-
 3 cation.

4 “(c) LIMITATION.—

5 “(1) STATE LIMIT.—Not more than 4 airports
 6 in the same State may be selected in any fiscal year
 7 to participate in the program established under sub-
 8 section (a).

9 “(2) DOLLAR AMOUNT LIMIT.—Not more than
 10 \$500,000 shall be made available for any airport in
 11 any fiscal year under the program established under
 12 subsection (a).

13 “(d) PRIORITIES.—In selecting airports for participa-
 14 tion in the program established under subsection (a), the
 15 Secretary shall give priority to airports at which—

16 “(1) the operator or sponsor of the airport, or
 17 the community in which the airport is located—

18 “(A) will provide a portion of the cost of
 19 the project for which assistance is sought under
 20 the program from local sources;

21 “(B) will employ best business practices in
 22 developing or implementing a public-private
 23 partnership; or

1 “(C) has established, or will establish, a
2 public-private partnership to build or improve
3 facilities at the airport; or

4 “(2) the assistance will be used in a timely
5 fashion.

6 “(e) TYPES OF ASSISTANCE.—The Secretary may
7 use amounts made available under this section—

8 “(1) to provide assistance to market an airport
9 to private entities or individuals in order to leverage
10 private sector investments or develop public-private
11 partnerships for the purposes of building or improv-
12 ing hangars, businesses, or other facilities at the air-
13 port;

14 “(2) to fund studies that consider what meas-
15 ures an airport should take to attract private sector
16 investment at the airport; or

17 “(3) to participate in a partnership described in
18 paragraph (1) or an investment described in para-
19 graph (2).

20 “(f) AUTHORITY TO MAKE AGREEMENTS.—The Sec-
21 retary may enter into agreements with airports and enti-
22 ties entering into partnerships with airports under this
23 section to provide assistance under this section.

24 “(g) AVAILABILITY OF AMOUNTS FROM AIRPORT
25 AND AIRWAY TRUST FUND.—

1 “(1) IN GENERAL.—There is authorized to be
 2 appropriated, out of the Airport and Airway Trust
 3 Fund established under section 9502 of the Internal
 4 Revenue Code of 1986, \$5,000,000 for each of the
 5 fiscal years 2022 through 2027 to carry out this sec-
 6 tion. Amounts appropriated pursuant to this para-
 7 graph shall remain available until expended.

8 “(2) AVAILABILITY.—Amounts appropriated
 9 pursuant to paragraph (1)—

10 “(A) shall remain available until expended;
 11 and

12 “(B) shall be in addition to any amounts
 13 made available pursuant to section 48103.”.

14 (b) CLERICAL AMENDMENT.—The table of contents
 15 for chapter 481 of such title is amended by adding at the
 16 end the following:

 “48115. General aviation public-private partnership program.”.

17 (c) EXPENDITURE AUTHORITY FROM AIRPORT AND
 18 AIRWAY TRUST FUND.—Section 9502(d)(1)(A) of the In-
 19 ternal Revenue Code of 1986 is amended by inserting “or
 20 section 47143 of title 49, United States Code” before the
 21 semicolon at the end.

1 **SEC. 202. GENERAL AVIATION AIRPORT ENTITLEMENT RE-**
2 **FORM.**

3 (a) UNITED STATES SHARE OF PROJECT COSTS.—
4 Section 47109 of title 49, United States Code, is amended
5 by adding at the end the following:

6 “(g) GENERAL AVIATION AIRPORTS.—The Govern-
7 ment’s share of allowable project costs may be increased
8 by the Administrator of the Federal Aviation Administra-
9 tion to 95 percent for a project—

10 “(1) at an airport that is not a primary airport
11 if the Administrator determines that the project will
12 increase safety or security at that airport; or

13 “(2) at an airport that is categorized as a basic
14 or unclassified airport in the report of the Federal
15 Aviation Administration entitled ‘General Aviation
16 Airports: A National Asset’ and dated May 2012.”.

17 (b) USE OF APPORTIONED AMOUNTS.—Section
18 47117(e)(1) of title 49, United States Code, is amended
19 by adding at the end the following:

20 “(D) All amounts subject to apportionment for
21 a fiscal year that are not apportioned under section
22 47114(d), for grants to sponsors of general aviation
23 airports, reliever airports, or nonprimary commercial
24 service airports.”.

1 **SEC. 203. DISASTER RELIEF AIRPORTS.**

2 (a) DESIGNATION OF DISASTER RELIEF AIR-
3 PORTS.—

4 (1) IN GENERAL.—Subchapter I of Chapter
5 471 is amended by inserting after section 47131 the
6 following:

7 **“§ 47132. Disaster relief airports**

8 “(a) DESIGNATION.—

9 “(1) IN GENERAL.—The Secretary of Transpor-
10 tation (in this section referred to as the ‘Secretary’)
11 shall designate as a disaster relief airport an airport
12 that—

13 “(A) is categorized as a regional reliever
14 airport in the report issued by the Federal
15 Aviation Administration entitled ‘National Plan
16 of Integrated Airport Systems (NPIAS) 2017–
17 2021’;

18 “(B) is within a reasonable distance, as de-
19 termined by the Secretary, of a hospital or
20 transplant or trauma center;

21 “(C) is in a region that the Secretary de-
22 termines under subsection (b) is prone to nat-
23 ural disasters;

24 “(D) has at least one paved runway with
25 not less than 3,400 feet of useable length capa-
26 ble of supporting aircraft up to 12,500 pounds;

1 “(E) has aircraft maintenance or servicing
2 facilities at the airport able to provide aircraft
3 fueling and light maintenance services; and

4 “(F) has adequate taxiway and ramp space
5 to accommodate single engine or light multi-en-
6 gine aircraft simultaneously for loading and un-
7 loading of supplies.

8 “(2) DESIGNATION IN STATES WITHOUT QUALI-
9 FYING AIRPORTS.—If fewer than 3 airports de-
10 scribed in paragraph (1) are located in a State, the
11 Secretary, in consultation with aviation officials of
12 that State, shall designate not more than 3 general
13 aviation airports in that State as a disaster relief
14 airport under this section.

15 “(b) PRONE TO NATURAL DISASTERS.—

16 “(1) IN GENERAL.—For the purposes of sub-
17 section (a)(1)(C), a region is prone to natural disas-
18 ters if—

19 “(A) in the case of earthquakes, there is
20 not less than a 50 percent probability that an
21 earthquake of magnitude 6 or above will occur
22 in the region within 30 years, according to the
23 United States Geological Survey; and

24 “(B) in the case of other types of natural
25 disasters, the President has declared more than

1 5 major disasters in the region under section
2 401 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C.
4 5170), according to the most recent map of the
5 Federal Emergency Management Agency.

6 “(2) NATURAL DISASTER DEFINED.—For the
7 purposes of this section, the term ‘natural disaster’
8 includes a hurricane, tornado, severe storm, high
9 water, wind-driven water, tidal wave, tsunami, earth-
10 quake, volcanic eruption, landslide, mudslide, snow-
11 storm, drought, or wildfire.

12 “(c) REQUIREMENTS.—

13 “(1) OPERATION AND MAINTENANCE.—

14 “(A) IN GENERAL.—A disaster relief air-
15 port and the facilities and fixed-based operators
16 on or connected with the airport shall be oper-
17 ated and maintained in a manner the Secretary
18 considers suitable for disaster relief.

19 “(B) EXCLUSION.—A disaster relief air-
20 port shall not be considered to be in violation
21 of subparagraph (A) if a runway is unusable
22 because the runway is under scheduled mainte-
23 nance or is in need of necessary repairs.

24 “(2) COMPLIANCE WITH ASSURANCES ON AIR-
25 PORT OPERATIONS.—A disaster relief airport shall

1 comply with the provisions of section 47107 as if the
 2 airport has received a project grant under this sub-
 3 chapter.

4 “(3) NATURAL DISASTER MANAGEMENT
 5 PLAN.—A disaster relief airport shall develop an
 6 emergency natural disaster management plan in co-
 7 ordination with local emergency response teams and
 8 first responders.

9 “(d) CIVIL PENALTY.—A public agency that know-
 10 ingly violates this section shall be liable to the United
 11 States Government for a civil penalty of not more than
 12 \$10,000 for each day of the violation.

13 “(e) CONSIDERATION FOR PROJECT GRANTS.—The
 14 Secretary shall give consideration to the role an airport
 15 plays in disaster relief when determining whether to pro-
 16 vide a grant for the airport under this subchapter.

17 “(f) APPLICABILITY OF OTHER LAWS.—This section
 18 shall apply notwithstanding any other law, rule, regula-
 19 tion, or agreement.”.

20 (b) CLERICAL AMENDMENT.—The table of contents
 21 for chapter 471 of such title is amended by inserting after
 22 the item relating to section 47131 the following:

“47132. Disaster relief airports.”.

1 **SEC. 204. AIRPORT DEVELOPMENT RELATING TO DISASTER**
2 **RELIEF.**

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

5 “(S) planning, acquiring, or constructing
6 at an airport designated as a disaster relief air-
7 port under section 47132, including—

8 “(i) planning for disaster prepared-
9 ness associated with maintaining airport
10 operations during a natural disaster;

11 “(ii) airport communication equip-
12 ment and fixed emergency generators that
13 are not able to be acquired by programs
14 funded under the Department of Home-
15 land Security; and

16 “(iii) constructing, expanding, and im-
17 proving airfield infrastructure to include
18 aprons and terminal buildings the Sec-
19 retary determines will facilitate disaster re-
20 sponse at the airport.”.

21 **SEC. 205. FUNDING FOR PROJECTS AS DISASTER RELIEF**
22 **AIRPORTS.**

23 (a) IN GENERAL.—Section 47114(d)(3) of title 49,
24 United States Code, is amended—

25 (1) by redesignating subparagraphs (A) through
26 (D) as subparagraphs (B) through (E), respectively;

(2) by inserting before subparagraph (B), as redesignated by paragraph (1), the following:

“(A) Not less than \$25,000 to airports designated as disaster relief airports under section 47132 to enhance the ability of such airports to aid in disaster relief, including through funding for airport development described in section 47102(3)(P).”; and

(3) in subparagraphs (D) and (E), as redesignated by paragraph (1), by striking “subparagraph (A)” each place it appears and inserting “subparagraph (B)”.

(b) CONFORMING AMENDMENTS.—

(1) Section 47106(a)(7) of title 49, United States Code, is amended by striking “47114(d)(3)(B)” and inserting “47114(d)(3)(C)”.

(2) Section 47117(b)(2) of title 49, United States Code, is amended—

(A) in subparagraph (A)(i), by striking “(3)(A)” and inserting “(3)(B)”; and

(B) in subparagraph (B)—

(i) by striking “47114(d)(3)(A)” and inserting “47114(d)(3)(B)”; and

(ii) by striking “47114(d)(3)(B)” and inserting “47114(d)(3)(C)”.

1 **SEC. 206. REVISION OF AUTOMATED WEATHER OBSERVING**
2 **SYSTEMS (AWOS) POLICY.**

3 (a) IN GENERAL.—Section 553(d)(1) of the FAA Re-
4 authorization Act of 2018 (Public Law 115–254) is
5 amended—

6 (1) in subparagraph (B), by striking “and” at
7 the end;

8 (2) by redesignating subparagraph (C) as sub-
9 paragraph (D); and

10 (3) by inserting after subparagraph (B) the fol-
11 lowing new subparagraph:

12 “(C) the Secretary determines the grant
13 obligation does not exceed the amounts made
14 available under paragraph (1) of section
15 47117(f) of such title 49 for that fiscal year;
16 and”.

17 (b) EFFECTIVE DATE.—The amendments made by
18 subsection (a) shall take effect as if included in the enact-
19 ment of the FAA Reauthorization Act of 2018 (Public
20 Law 115–254).

1 **TITLE III—SECURING AND REVI-**
2 **TALIZING AVIATION (SARA**
3 **ACT)**

4 **SEC. 301. LIMITATION OF LIABILITY FOR CERTAIN INDIVID-**
5 **UALS DESIGNATED AS REPRESENTATIVES OF**
6 **THE FEDERAL AVIATION ADMINISTRATION.**

7 (a) IN GENERAL.—Any individual designated by the
8 Administrator under subpart C of part 183 of title 14,
9 Code of Federal Regulations, to act as a representative
10 of the Administrator, including an aviation medical exam-
11 iner, pilot examiner, mechanic examiner, or designated
12 airworthiness representative, shall, when carrying out du-
13 ties pursuant to that designation and without regard to
14 the individual's employer—

15 (1) be considered to be performing an activity
16 necessary to safeguard a uniquely Federal interest;
17 and

18 (2) not be liable in a civil action for actions per-
19 formed with reasonable care in connection with those
20 duties.

21 (b) FRAUDULENT MISCONDUCT.—This section does
22 not relieve an individual described in subsection (a) that
23 causes harm to any person through intentional or fraudu-
24 lent misconduct while carrying out duties pursuant to that

1 subsection from any penalty applicable under any provi-
 2 sion of law for that misconduct.

3 (c) ACTIVITY COVERED.—This section shall only
 4 apply to those individuals carrying out their duties within
 5 the United States or its territories.

6 **TITLE IV—AIR TRAFFIC** 7 **CONTROLLER REFORMS**

8 **SEC. 401. FEDERAL AVIATION ADMINISTRATION ACADEMY.**

9 The Administrator shall designate all necessary em-
 10 ployees at the Mike Monroney Aeronautical Center in
 11 Oklahoma City, Oklahoma, as excepted employees in the
 12 event of a covered lapse in appropriations (as such terms
 13 are defined in section 1341(c) of title 31, United States
 14 Code) that is in effect on or after the date of enactment
 15 of this Act to ensure that the Federal Aviation Adminis-
 16 tration Academy remains open and capable of continuing
 17 to train air traffic controllers for the duration of the cov-
 18 ered lapse in appropriations to the Federal Aviation Ad-
 19 ministration.

20 **SEC. 402. PRACTICAL EXPERIENCE FOR AIR TRAFFIC CON-** 21 **TROLLERS.**

22 (a) REVIEW.—

23 (1) IN GENERAL.—The Administrator shall as-
 24 sign to the Aviation Rulemaking Advisory Com-
 25 mittee (in this section referred to as the “Com-

1 mittee”) the task of reviewing all regulations and
2 policies related to the training of air traffic control
3 tower operators, including the practical experience
4 requirements.

5 (2) RECOMMENDATIONS.—After conducting the
6 review under paragraph (1), the Committee shall,
7 not later than 6 months after the date of enactment
8 of this Act, submit to the Administrator rec-
9 ommendations on the following:

10 (A) Ways to modify the requirements de-
11 scribed in paragraph (1) to enable the contract
12 tower industry to prepare and better utilize ap-
13 proved air traffic collegiate training initiative
14 (AT–CTI) school graduates, veterans, and other
15 qualified air traffic control program graduates
16 for work at air traffic control facilities in the
17 Federal contract tower program.

18 (B) Regulatory and policy changes that are
19 necessary to ensure that an applicant applying
20 for their initial facility rating must successfully
21 accomplish a minimum of 2 months of on-the-
22 job training in a control tower and that such an
23 applicant be allowed to qualify for a facility rat-
24 ing having undertaken classroom and simula-
25 tion training within a formal training process

approved by the Federal Aviation Administration that may not have taken place within the facility for which the initial facility rating is being applied.

(C) Other areas determined appropriate by the Committee.

(b) ACTION BASED ON RECOMMENDATIONS.—Not later than 1 year after receiving recommendations under subsection (a)(2), the Administrator shall take such actions as the Administrator considers appropriate with respect to such recommendations.

TITLE V—AVIATION FUEL TAXES

SEC. 501. TREATMENT OF FUEL FOR USE IN AVIATION.

(a) RATE OF TAX.—

(1) IN GENERAL.—Section 4081(a)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) in the case of aviation-grade kerosene, 21.9 cents per gallon.”.

(2) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—Section 4081(a)(2)(C) of such Code is amended to read as follows:

“(C) TAXES IMPOSED ON FUEL USED IN
 COMMERCIAL AVIATION.—In the case of avia-
 tion-grade kerosene which is removed from any
 refinery or terminal directly into the fuel tank
 of an aircraft for use in commercial aviation by
 a person registered for such use under section
 4101, the rate of tax under subparagraph
 (A)(iv) shall be 4.3 cents per gallon.”.

(3) REFUELLER TRUCKS, TANKERS, AND TANK
 WAGONS.—Section 4081(a)(3) of such Code is
 amended—

(A) by inserting “a secured area of” before
 “an airport” in subparagraph (A)(i), and

(B) by striking subparagraph (D).

(4) CONFORMING AMENDMENTS.—

(A) Sections 4081(a)(3)(A) and 4082(b) of
 such Code are amended by striking “kerosene”
 each place it appears and inserting “aviation-
 grade kerosene”.

(B) Section 4081(a)(4) of such Code is
 amended by striking “paragraph (2)(C)(i)” and
 inserting “paragraph (2)(C)”.

(C) The heading for section 4081(a)(4) of
 such Code is amended by striking “KEROSENE”
 and inserting “AVIATION-GRADE KEROSENE”.

1 (D) Section 4081(d)(2) of such Code is
 2 amended by striking so much as precedes sub-
 3 paragraph (A) and inserting the following:

4 “(2) AVIATION FUELS.—The rate of tax speci-
 5 fied in subsection (a)(2)(A)(ii) shall be 4.3 cents per
 6 gallon—”.

7 (E) Subsection (e) of section 4082 of such
 8 Code is amended—

9 (i) by striking “kerosene (other than
 10 kerosene” and inserting “aviation-grade
 11 kerosene (other than any such kerosene”,

12 (ii) by striking “section
 13 4081(a)(2)(A)(iii)” and inserting “section
 14 4081(a)(2)(A)(iv”),

15 (iii) by striking the last sentence, and

16 (iv) by striking “KEROSENE RE-
 17 MOVED INTO AN AIRCRAFT” in the head-
 18 ing and inserting “AVIATION-GRADE KER-
 19 OSENE”.

20 (b) RATE FOR USE OF CERTAIN LIQUIDS IN AVIA-
 21 TION.—

22 (1) IN GENERAL.—Section 4041(c) of the Inter-
 23 nal Revenue Code of 1986 is amended—

1 (A) by striking “liquid for use as a fuel
 2 other than aviation gasoline” in paragraph (1)
 3 and inserting “aviation-grade kerosene”,

4 (B) by striking “liquid for use as a fuel
 5 other than aviation gasoline” in paragraph (2)
 6 and inserting “aviation-grade kerosene”,

7 (C) by striking paragraph (3) and insert-
 8 ing the following new paragraph:

9 “(3) RATE OF TAX.—The rate of tax imposed
 10 by this subsection shall be the rate of tax applicable
 11 under section 4081(a)(2)(A)(iv) which is in effect at
 12 the time of such sale or use.”, and

13 (D) by striking “CERTAIN LIQUIDS USED
 14 AS FUEL IN AVIATION” in the heading and in-
 15 serting “AVIATION-GRADE KEROSENE”.

16 (2) PARTIAL REFUND OF FULL RATE.—Section
 17 6427(l)(2) of such Code is amended to read as fol-
 18 lows:

19 “(2) NONTAXABLE USE.—For purposes of this
 20 subsection, the term ‘nontaxable use’ means—

21 “(A) in the case of diesel fuel or kerosene
 22 (other than aviation-grade kerosene), any use
 23 which is exempt from the tax imposed by sec-
 24 tion 4041(a)(1) other than by reason of a prior
 25 imposition of tax, and

1 “(B) in the case of aviation-grade ker-
 2 osene—

3 “(i) any use which is exempt from the
 4 tax imposed by section 4041(c) other than
 5 by reason of a prior imposition of tax, or

6 “(ii) any use in commercial aviation
 7 (within the meaning of section 4083(b)).”.

8 (3) CONFORMING AMENDMENTS.—

9 (A) Section 4041(a)(1)(B) of such Code is
 10 amended by adding at the end the following:
 11 “This subparagraph shall not apply to aviation-
 12 grade kerosene.”.

13 (B) The heading for section 6427(l) of
 14 such Code is amended by striking “AND KER-
 15 OSENE” and inserting “, KEROSENE, AND
 16 AVIATION FUEL”.

17 (C) Section 6427(l)(4) of such Code is
 18 amended—

19 (i) in subparagraph (A)—

20 (I) by striking “kerosene” and
 21 inserting “aviation-grade kerosene”,

22 (II) by striking “section
 23 4081(a)(2)(A)(iii)” in clause (ii) and
 24 inserting “section 4081(a)(2)(A)(iv)”,
 25 and

1 (III) by striking “KEROSENE
 2 USED IN COMMERCIAL AVIATION” in
 3 the heading and inserting “IN GEN-
 4 ERAL”,

5 (ii) by striking subparagraphs (B) and
 6 (C) and inserting the following:

7 “(B) PAYMENT TO ULTIMATE REGISTERED
 8 VENDOR.—With respect to any aviation-grade
 9 kerosene, if the ultimate purchaser of such ker-
 10 osene waives (at such time and in such form
 11 and manner as the Secretary shall prescribe)
 12 the right to payment under paragraph (1) and
 13 assigns such right to the ultimate vendor, then
 14 the Secretary shall pay the amount which would
 15 be paid under paragraph (1) to such ultimate
 16 vendor, but only if such ultimate vendor—

17 “(i) is registered under section 4101,
 18 and

19 “(ii) meets the requirements of sub-
 20 paragraph (A), (B), or (D) of section
 21 6416(a)(1).”, and

22 (iii) by striking “KEROSENE USED IN
 23 AVIATION” in the heading and inserting
 24 “AVIATION-GRADE KEROSENE”.

1 (D) Section 6427(i)(4)(A) of such Code is
 2 amended—

3 (i) by striking “paragraph (4)(C)”
 4 and inserting “paragraph (4)(B)”, and
 5 (ii) by striking “, (l)(4)(C)(ii),”.

6 (E) Section 6427(l)(5)(B) of such Code is
 7 amended by striking “kerosene used in avia-
 8 tion” and inserting “aviation-grade kerosene”.

9 (c) TRANSFERS FROM HIGHWAY TRUST FUND OF
 10 TAXES ON FUELS USED IN AVIATION TO AIRPORT AND
 11 AIRWAY TRUST FUND.—

12 (1) IN GENERAL.—Section 9503(c) of the Inter-
 13 nal Revenue Code of 1986 is amended by striking
 14 paragraph (5).

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 9502(a) of such Code is
 17 amended by striking “, section 9503(c)(5),”.

18 (B) Section 9502(b)(1)(D) of such Code is
 19 amended by striking “and kerosene to the ex-
 20 tent attributable to the rate specified in section
 21 4081(a)(2)(C)” and inserting “and aviation-
 22 grade kerosene”.

23 (C) Section 9503(b) of such Code is
 24 amended by inserting after paragraph (2) the
 25 following new paragraph:

1 “(3) ADJUSTMENTS FOR AVIATION USES.—The
 2 amounts described in paragraphs (1) and (2) with
 3 respect to any period shall (before the application of
 4 this subsection) be reduced by appropriate amounts
 5 to reflect any amounts transferred to the Airport
 6 and Airway Trust Fund under section 9502(b) with
 7 respect to such period.”.

8 (d) CERTAIN TRANSFERS NOT TRANSFERRED FROM
 9 AIRPORT AND AIRWAY TRUST FUND.—

10 (1) Section 9502(d)(2) of the Internal Revenue
 11 Code of 1986 is amended by striking “(other than
 12 subsection (l)(4) thereof)”.

13 (2) Section 9502(d)(3) of such Code is amend-
 14 ed by striking “(other than payments made by rea-
 15 son of paragraph (4) of section 6427(l))”.

16 (e) EFFECTIVE DATE.—The amendments made by
 17 this section shall apply to fuels or liquids removed, en-
 18 tered, or sold after September 30, 2021.

19 **TITLE VI—VOLUNTARY SUR-** 20 **RENDER OF REPAIR STATION** 21 **CERTIFICATE**

22 **SEC. 601. REVISION OF CERTAIN REGULATIONS RELATING** 23 **TO REPAIR STATION CERTIFICATES.**

24 The Administrator shall—

1 (1) not later than 60 days after the date of the
2 enactment of this Act, publish in the Federal Reg-
3 ister a notice of proposed rulemaking revising part
4 145 of title 14, Code of Federal Regulations—

5 (A) to restore the right of a repair station
6 to unilaterally surrender its certificate;

7 (B) to prevent an individual who materially
8 contributes to the revocation of a repair station
9 certificate or causes the process of revoking
10 such a certificate to begin from reentering the
11 industry; and

12 (C) to clarify that a repair station that ter-
13 minates an individual who materially contrib-
14 utes to the revocation of the certificate of the
15 repair station or causes the process of revoking
16 that certificate to begin may reapply for a cer-
17 tificate; and

18 (2) not later than 90 days after publishing the
19 notice of proposed rulemaking, publish in the Fed-
20 eral Register a final rule with respect to those revi-
21 sions.

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