

118TH CONGRESS
1ST SESSION

H. R. 878

To direct the Administrator of the Federal Aviation Administration to appoint an Associate Administrator for Aviation Safety Technology, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2023

Mr. NEHLS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Aviation Administration to appoint an Associate Administrator for Aviation Safety Technology, and for other purposes.

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

3 **SECTION 1. UNITED STATES LEADERSHIP IN AVIATION**
4 **SAFETY TECHNOLOGY.**

5 (a) ASSOCIATE ADMINISTRATOR FOR AVIATION
6 SAFETY TECHNOLOGY.—Section 106 of title 49, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

1 “(u) ASSOCIATE ADMINISTRATOR FOR AVIATION
2 SAFETY TECHNOLOGY.—

3 “(1) IN GENERAL.—

4 “(A) APPOINTMENT.—The Administrator
5 shall appoint an Associate Administrator for
6 Aviation Safety Technology, who shall report
7 directly to the Administrator.

8 “(B) MINIMUM QUALIFICATIONS.—The As-
9 sociate Administrator for Aviation Safety Tech-
10 nology shall have—

11 “(i) at least 10 years of experience in
12 aerospace engineering management or
13 safety-critical aviation software or systems
14 development, with a focus on the certifi-
15 cation and operational approval of such
16 systems; or

17 “(ii) at least 10 years of management-
18 level experience and knowledge of the avia-
19 tion industry.

20 “(C) LIMITATION.—The Associate Admin-
21 istrator for Aviation Safety Technology shall
22 not be a political appointee.

23 “(D) REMOVAL.—The Associate Adminis-
24 trator for Aviation Safety Technology shall
25 serve at the pleasure of the Administrator.

1 “(2) RESPONSIBILITIES.—The Associate Ad-
2 ministrators for Aviation Safety Technology shall
3 have the following responsibilities:

4 “(A) Ensuring that Federal Aviation Ad-
5 ministration organizations involved in the re-
6 view and certification of aviation safety tech-
7 nologies, and the operation thereof, are engag-
8 ing in workforce planning efforts to recruit and
9 hire the required number of engineers, inspec-
10 tors, and subject matter experts to process ap-
11 plications in a timely manner and oversee oper-
12 ations utilizing aviation safety technologies.

13 “(B) Collaborating with the Associate Ad-
14 ministrators for Aviation Safety to coordinate
15 the evaluation, certification, and operation of
16 aviation safety technologies in the national air-
17 space system.

18 “(C) Coordinating with the Chief Oper-
19 ating Officer of the Air Traffic Control System
20 on the integration of aviation safety tech-
21 nologies into the national airspace system.

22 “(D) Identifying the core competencies
23 that the Federal Aviation Administration engi-
24 neer and inspector workforce need to oversee

1 the safety, certification and operational ap-
2 proval of safety technologies.

3 “(E) Developing specific recommendations
4 to the Office of the Secretary and the Adminis-
5 trator regarding gaps in the existing engineer
6 and inspector workforce involved in the certifi-
7 cation and operational approval of safety tech-
8 nology and the budgetary resources needed to
9 fill the identified gaps.

10 “(F) Establishing a detailed process for
11 Federal Aviation Administration coordination of
12 major certification milestones related to safety
13 technologies that defines a lead organization for
14 review, identifies other organizations to be in-
15 volved in review, and details how various Fed-
16 eral Aviation Administration organizations or
17 lines of business shall engage in the review
18 process.

19 “(G) Developing a process that, within 30
20 days of the submission of documents related to
21 a major certification milestone for an aviation
22 safety technology, notifies the applicant of the
23 lead reviewing Federal Aviation Administration
24 organization and all other organizations or of-

1 fices that will review, and a date-specific
2 timeline for completion of review activities.

3 “(H) Not later than 12 months after en-
4 actment of this subsection, implementation of a
5 secure password-protected online portal for ap-
6 plicants with new or pending aviation safety
7 technology projects to review the status of their
8 specific application, deadlines, and the Federal
9 Aviation Administration organizations or offices
10 scheduled to review the application.

11 “(I) Not later than 12 months after the
12 enactment of this subsection, provide a report
13 on the implementation of section 377 of the
14 FAA Reauthorization Act of 2018 (Public Law
15 115–254) on the development of a transparent
16 process through which the FAA can approve
17 non-governmental entities to independently pro-
18 vide safety-critical services to aircraft operators
19 and airport operators.

20 “(J) Development of a process for appli-
21 cants to escalate to the appropriate manage-
22 ment personnel of the Federal Aviation Admin-
23 istration any major certification or operational
24 approval process milestone under this section

1 that is not completed or resolved within the spe-
2 cific time period described in this subsection.

3 “(K) Resolving certification milestones as
4 described in this section within a time agreed to
5 by the Associate Administrator for Aviation
6 Safety Technology and the applicant.

7 “(L) Identifying and directing the nec-
8 essary Federal Aviation Administration per-
9 sonnel and budgetary resources necessary to
10 complete major certification milestones related
11 to aviation safety technologies within the
12 timelines defined in this section.

13 “(M) Not later than 12 months after the
14 enactment of this subsection, the Associate Ad-
15 ministrator for Aviation Safety Technology
16 shall establish an interagency working group to
17 promote collaboration and engagement between
18 the Department of Transportation, Department
19 of Defense, Federal Communications Commis-
20 sion, National Aeronautics and Space Adminis-
21 tration, and other relevant agencies to propose
22 new regulations enabling digital flight which
23 will allow safe operation of uncrewed aircraft
24 systems and crewed aircraft through tech-
25 nologies such as advanced airspace and safety-

1 enhancing aircraft automation, enhanced sur-
2 veillance, and secure, digital pilot/air traffic
3 control communications.

4 “(3) COMPENSATION.—

5 “(A) ANNUAL RATE OF BASIC PAY.—The
6 Associate Administrator for Aviation Safety
7 Technology shall be paid at an annual rate of
8 basic pay to be determined by the Adminis-
9 trator.

10 “(B) LIMITATION.—The annual rate may
11 not exceed the annual compensation paid under
12 section 102 of title 3.

13 “(C) POST-EMPLOYMENT PROVISIONS.—
14 The Associate Administrator for Aviation Safe-
15 ty Technology shall be the subject to the post-
16 employment provisions of section 207 of title
17 18, as if the position of the Associate Adminis-
18 trator for Aviation Safety Technology were de-
19 scribed in section 207(c)(2)(A)(i) of such title.

20 “(D) BONUS.—In addition to the annual
21 rate of basic pay authorized under paragraph
22 (1), the Associate Administrator for Aviation
23 Safety Technology may receive a bonus for any
24 calendar year not to exceed 30 percent of the
25 annual rate of basic pay, based upon the Ad-

1 administrator’s evaluation of the performance of
2 the Associate Administrator for Aviation Safety
3 Technology in relation to the responsibilities es-
4 tablished under paragraph (2).

5 “(4) DEFINITIONS.—In this section:

6 “(A) MAJOR CERTIFICATION PROCESS
7 MILESTONE.—The term ‘major certification
8 process milestone’ has the meaning given the
9 term in section 44704.

10 “(B) AVIATION SAFETY TECHNOLOGY.—
11 The term ‘Aviation Safety Technology’ means
12 airborne or ground-based equipment that are
13 meant to reduce the occurrence of aviation acci-
14 dents such as Loss Of Control In-Flight (LOC-
15 I), Controlled Flight Into Terrain (CFIT), Sin-
16 gle Component Failure (SCF), mid-air colli-
17 sions, and/or fuel mismanagement. Specific
18 technologies shall include but not be limited to:
19 navigation technology, auto-land technology,
20 auto take-off technology, auto-taxi technology,
21 detect-and-avoid technology, aircraft commu-
22 nications technology and remote piloting tech-
23 nology.”.

24 (b) REGULATIONS.—The Assistant Administrator for
25 Aviation Safety Technology may issue such regulations as

1 are necessary to expand the definition of “Aviation Safety
2 Technology” for purposes of section 106(u)(3) of title 49,
3 United States Code.

4 (c) AVIATION RULEMAKING COMMITTEE.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of enactment of this Act, the Assist-
7 ant Administrator for Aviation Safety Technology
8 shall establish an aviation rulemaking committee to
9 make recommendations for the development of a de-
10 tailed roadmap for the certification and operational
11 approval of aviation safety technologies by the Fed-
12 eral Aviation Administration, with a focus on tech-
13 nologies, software, and automation that will enhance
14 operational safety and require approval from mul-
15 tiple organizations with the agency.

16 (2) DUTIES.—The Assistant Administrator
17 shall—

18 (A) not later than 1 year after the date of
19 enactment of this Act, submit to the appro-
20 priate committees of Congress a report based
21 on the findings of aviation rulemaking com-
22 mittee established under paragraph (1); and

23 (B) not later than 1 year after the date of
24 submission of the report under subparagraph

25 (A) issue a notice of proposed rulemaking based

1 on any consensus recommendations reached by
2 the aviation rulemaking committee established
3 under paragraph (1).

4 (3) NON-APPLICABILITY OF FACa.—The Fed-
5 eral Advisory Committee Act (5 U.S.C. App.) shall
6 not apply to an aviation rulemaking committee es-
7 tablished under this subsection.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to be appropriated to carry out this section and
10 section 106(u) of title 49, United States Code,
11 \$10,000,000 for each fiscal year.

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