

Calendar No. 646

117TH CONGRESS
2^D SESSION**S. 4246**

To direct the Secretary of Transportation to establish a pilot program to provide grants related to advanced air mobility infrastructure, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 17), 2022

Mr. PADILLA (for himself and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 14, 2022

Reported by Ms. CANTWELL, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To direct the Secretary of Transportation to establish a pilot program to provide grants related to advanced air mobility infrastructure, 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. SHORT TITLE.**

4 This Act may be cited as the “Advanced Aviation In-
5 frastructure Modernization Act” or the “AAIM Act”.

1 **SEC. 2. ADVANCED AIR MOBILITY INFRASTRUCTURE PILOT**
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—Not later than 180 days after
4 the date of enactment of this Act, the Secretary shall es-
5 tablish a pilot program to provide grants that assist an
6 eligible entity to plan for the development and deployment
7 of infrastructure necessary to facilitate AAM operations,
8 locally and regionally, within the United States.

9 (b) PLANNING GRANTS.—

10 (1) IN GENERAL.—The Secretary shall provide
11 grants to eligible entities to develop comprehensive
12 plans under paragraph (2) related to AAM infra-
13 structure.

14 (2) COMPREHENSIVE PLAN.—

15 (A) IN GENERAL.—Not later than 1 year
16 after receiving a grant under this subsection, an
17 eligible entity shall submit to the Secretary a
18 comprehensive plan, *including the development*
19 *of potential public use and private vertiport in-*
20 *frastructure*, in a format capable of being pub-
21 lished on the website of the Department of
22 Transportation.

23 (B) PLAN CONTENTS.—The Secretary
24 shall establish content requirements for com-
25 prehensive plans submitted under this sub-

1 section, which shall include ~~not less than 1 of~~
2 ~~the following~~ *as many of the following*:

3 (i) The identification of planned or
4 potential *public use and private* vertiport
5 locations.

6 (ii) A description of infrastructure
7 necessary to support AAM operations.

8 (iii) A description of types of planned
9 or potential AAM operations and forecast
10 for proposed vertiport operations, including
11 estimates for initial operations and future
12 growth.

13 (iv) The identification of physical and
14 digital infrastructure required to meet any
15 standards for vertiport design and per-
16 formance characteristics established by the
17 Federal Aviation Administration (as in ef-
18 fect on the date on which the Secretary
19 issues a grant to an eligible entity), includ-
20 ing modifications to existing infrastructure
21 and ground sensors, electric charging or
22 other fueling requirements, electric utility
23 requirements, wireless and cybersecurity
24 requirements, fire safety, perimeter secu-

1 rity, and other necessary hardware or soft-
2 ware.

3 (v) A description of any hazard asso-
4 ciated with planned vertiport infrastruc-
5 ture, such as handling of hazardous mate-
6 rials, batteries, or other fuel cells, charging
7 or fueling of aircraft, aircraft rescue and
8 firefighting response, and emergency plan-
9 ning.

10 (vi) A description of potential environ-
11 mental effects of planned *or potential* con-
12 struction or siting of vertiports.

13 (vii) A description of how planned *or*
14 *potential* vertiport locations, including new
15 or repurposed infrastructure, fit into State
16 and local transportation systems and net-
17 works, including—

18 (I) connectivity to existing public
19 transportation hubs and intermodal
20 and multimodal facilities;

21 (II) opportunities to create new
22 service to rural areas and areas un-
23 derserved by air transportation; ~~or~~

24 (III) opportunities to utilize ex-
25 isting aviation infrastructure, such as

airports and heliports, for AAM operations; *or*

(IV) any potential conflict with existing aviation infrastructure that may arise from the potential location of the vertiport.

(viii) A description of how vertiport planning will be incorporated in State or metropolitan planning documents.

~~(ix) The identification of the process an eligible entity will undertake to ensure an adequate level of engagement with any potentially impacted community for each planned vertiport location and planned or anticipated AAM operations, such as engagement with communities in rural areas, underserved communities, individuals with disabilities, or racial and ethnic minorities.~~

(ix) The identification of the process an eligible entity will undertake to ensure an adequate level of engagement with any potentially impacted community for each planned or potential vertiport location and planned or anticipated AAM operations, such as engagement with communities in

1 *rural areas, underserved communities, Trib-*
 2 *al communities, individuals with disabil-*
 3 *ities, or racial and ethnic minorities.*

4 (x) The identification of the actions
 5 necessary for an eligible entity to under-
 6 take the construction of a vertiport, such
 7 as planning studies to assess existing in-
 8 frastructure or newly identified areas of
 9 AAM integration, environmental studies,
 10 studies of projected economic benefit to the
 11 community, lease or acquisition of an ease-
 12 ment or land for new infrastructure, and
 13 activities related to other capital costs.

14 (xi) The identification of State, local,
 15 or private sources of funding an eligible
 16 entity may use to assist with the construc-
 17 tion or operation of a vertiport.

18 (xii) The identification of existing
 19 Federal aeronautical and airspace require-
 20 ments that must be met for the eligible en-
 21 tity's planned vertiport location.

22 (xiii) A description of how the eligible
 23 entity will include opportunities for small
 24 business concerns owned and controlled by
 25 socially and economically disadvantaged in-

dividuals to compete, on an equal basis, for contracts or subcontracts related to the design, development, construction, or operation of a proposed vertiport.

(3) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall provide to the Secretary an application in such form, at such time, and containing such information as the Secretary may require.

(4) SELECTION.—

(A) IN GENERAL.—In awarding grants under this subsection, the Secretary shall consider the following:

(i) Geographic diversity.

(ii) Diversity of the proposed models of infrastructure financing and management.

(iii) Diversity of anticipated or planned AAM operations.

(iv) The need for comprehensive plans that—

(I) ~~facilitate~~ *ensure* the safe and efficient integration of AAM operations into the National Airspace System;

1 (II) improve transportation safe-
 2 ty, connectivity, and access in both
 3 rural and urban regions in the United
 4 States;

5 (III) leverage existing public
 6 transportation systems and intermodal
 7 and multimodal facilities or newly
 8 identified areas of AAM integration;

9 (IV) reduce surface congestion
 10 and the environmental impacts of
 11 transportation;

12 (V) grow the economy and create
 13 jobs in the United States; and

14 (VI) encourage community en-
 15 gagement when planning for AAM-re-
 16 lated infrastructure.

17 (B) PRIORITY.—The Secretary shall
 18 prioritize awarding grants under this subsection
 19 ~~to eligible entities that partner~~ *to applications*
 20 *that capture as many items in paragraph (2)(B)*
 21 *as possible and to eligible entities that collabo-*
 22 *rate* with commercial AAM entities, institutions
 23 of higher education, research institutions, or
 24 other relevant stakeholders to develop and pre-
 25 pare a comprehensive plan.

1 (C) MINIMUM ALLOCATION TO RURAL
 2 AREAS.—The Secretary shall ensure that not
 3 less than 20 percent of the amounts made avail-
 4 able under subsection (c) are used to award
 5 grants to eligible entities that submit a com-
 6 prehensive plan under paragraph (2) that is re-
 7 lated to infrastructure located in a rural area.

8 (5) GRANT AMOUNT.—Each grant made under
 9 this subsection shall be made in an amount that is
 10 not more than \$1,000,000.

11 (6) BRIEFING.—

12 (A) IN GENERAL.—Not later than 180
 13 days after the first comprehensive plan is sub-
 14 mitted under paragraph (2), and every 180
 15 days thereafter through ~~September 30, 2024~~
 16 *September 30, 2025*, the Secretary shall provide
 17 a briefing to the appropriate committees of
 18 Congress ~~on the comprehensive plans~~ *on each of*
 19 *the comprehensive plans* submitted to the Sec-
 20 retary under such paragraph.

21 (B) CONTENTS.—The briefing required
 22 under subparagraph (A) shall include—

23 (i) an evaluation of all ~~planned or pro-~~
 24 ~~posed~~ *planned or potential* vertiport loca-
 25 tions included in the comprehensive plans

submitted under paragraph (2) and how such ~~planned or proposed~~ *planned or potential* vertiport locations may fit into the overall United States transportation system and network; and

(ii) a description of lessons or best practices learned through the review of comprehensive plans and how the Secretary will incorporate any such lessons or best practices into Federal standards or guidance for the design and operation of AAM infrastructure and facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to the Secretary to carry out this section \$12,500,000 for each of ~~fiscal years 2022 and 2023~~ *fiscal years 2023 and 2024*, to remain available until expended.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), the Secretary may retain up to 1 percent for personnel, contracting, and other costs to establish and administer the pilot program under this section.

(d) TERMINATION.—

1 (1) IN GENERAL.—No grant may be awarded
 2 under this section after ~~September 30, 2023~~ *September*
 3 *30, 2024*.

4 (2) CONTINUED FUNDING.—Funds authorized
 5 to be appropriated pursuant to subsection (c) may
 6 be expended after ~~September 30, 2023~~ *September*
 7 *30, 2024*—

8 (A) for grants awarded prior to ~~September~~
 9 ~~30, 2023~~ *September 30, 2024*; and

10 (B) for administrative expenses.

11 (e) DEFINITIONS.—In this Act:

12 (1) ADVANCED AIR MOBILITY; AAM.—The terms
 13 “advanced air mobility” and “AAM” mean a trans-
 14 portation system that transports individuals or prop-
 15 erty between points in the United States using air-
 16 craft with innovative capabilities, including aircraft
 17 that use 2 or more lift or thrust units to generate
 18 powered lift and control during vertical takeoff or
 19 landing, that may be piloted, remotely piloted, or au-
 20 tonomous, including those powered by ~~electric or hy-~~
 21 ~~brid driven propulsion~~ *alternative propulsion*, in both
 22 controlled and uncontrolled airspace.

23 (2) APPROPRIATE COMMITTEES OF CON-
 24 GRESS.—The term “appropriate committees of Con-
 25 gress” means the Committee on Transportation and

1 Infrastructure of the House of Representatives and
2 the Committee on Commerce, Science, and Trans-
3 portation of the Senate.

4 (3) COMMERCIAL AAM ENTITIES.—The term
5 “commercial AAM entities” means—

6 (A) manufacturers of aircraft, avionics,
7 propulsion systems, and air traffic management
8 systems related to AAM;

9 (B) intended commercial operators of AAM
10 aircraft and systems; and

11 (C) intended commercial operators and de-
12 velopers of vertiports.

13 (4) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means—

15 (A) a State, local, or Tribal government,
16 including a political subdivision thereof;

17 (B) an airport sponsor;

18 (C) a transit agency;

19 (D) a port authority;

20 (E) a metropolitan planning organization;

21 or

22 (F) any combination or consortium of the
23 entities described in subparagraphs (A) through
24 (E).

1 (5) METROPOLITAN PLANNING ORGANIZA-
 2 TION.—The term “metropolitan planning organiza-
 3 tion” has the meaning given such term in section
 4 5303(b) of title 49, United States Code.

5 (6) RURAL AREA.—The term “rural area”
 6 means an area located outside a metropolitan statis-
 7 tical area (as designated by the Office of Manage-
 8 ment and Budget).

9 (7) SECRETARY.—The term “Secretary” means
 10 the Secretary of Transportation.

11 (8) STATE.—The term “State” means a State
 12 of the United States, the District of Columbia, Puer-
 13 to Rico, the Virgin Islands, American Samoa, the
 14 Northern Mariana Islands, and Guam.

15 (9) VERTIPOINT.—The term “vertiport” means
 16 a designated location used or intended to be used to
 17 support AAM operations, including the landing,
 18 takeoff, loading, taxiing, parking, and storage of air-
 19 craft developed for AAM operations.

20 **SEC. 3. GAO STUDY AND REPORT.**

21 (a) *IN GENERAL.*—Not later than 180 days after the
 22 date of enactment of this Act, the Comptroller General of
 23 the United States shall—

24 (1) *conduct a study on the interests, roles, and*
 25 *responsibilities of Federal, State, local, and Tribal*

1 *governments affected by AAM aircraft and operations;*
2 *and*

3 *(2) submit to the appropriate committees of Con-*
4 *gress a report on the study, including the Comptroller*
5 *General's findings and conclusions.*

6 *(b) REQUIREMENTS.—In conducting the study re-*
7 *quired under subsection (a), the Comptroller General shall*
8 *review the following:*

9 *(1) The state of the law as of the enactment of*
10 *this Act with respect to Federal authority over oper-*
11 *ations of AAM aircraft systems in the national air-*
12 *space system.*

13 *(2) The state of the law as of the enactment of*
14 *this Act with respect to State, local, and Tribal au-*
15 *thority over operations of AAM aircraft in the na-*
16 *tional airspace system.*

17 *(3) Potential gaps between authorities under*
18 *paragraphs (1) and (2).*

19 *(4) Proposals to facilitate the safe and finan-*
20 *cially viable growth and development of the AAM in-*
21 *dustry and integration of AAM aircraft into the na-*
22 *tional airspace system.*

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