

119TH CONGRESS
2D SESSION

S. 3866

To provide for updates to the Federal Aviation Administration type certification process to support development of new and novel technologies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 12, 2026

Mr. WELCH (for himself, Mr. BUDD, Mr. CURTIS, Mr. LUJÁN, Ms. LUMMIS, Mr. SHEEHY, Mr. MORAN, Mr. YOUNG, and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To provide for updates to the Federal Aviation Administration type certification process to support development of new and novel technologies, 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. TABLE OF CONTENTS.**

4 (a) TABLE OF CONTENTS.—The table of contents of
5 this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Transparency of the FAA type certification process.
- Sec. 3. Criteria for FAA issue papers.
- Sec. 4. FAA delegation guidance.

1 **SEC. 2. TRANSPARENCY OF THE FAA TYPE CERTIFICATION**
2 **PROCESS.**

3 (a) IN GENERAL.—To support innovation in aviation
4 and the development of new and novel technologies and
5 to ensure global leadership in aviation, not later than 180
6 days after the date of enactment of this section, the Ad-
7 ministrator shall publish on the official website of the FAA
8 a publicly available plan for—

9 (1) improving the issue paper process associ-
10 ated with applications for a type certificate or sup-
11 plemental type certificate under section 44704 of
12 title 49, United States Code;

13 (2) determining, in any given certification
14 project, the maximum extent possible to which an in-
15 dustry consensus standard can be used as an accept-
16 able means or method of compliance, to the extent
17 consistent with the public interest in aviation safety,
18 and in the Administrator’s sole discretion;

19 (3) creating stable policy, to the extent prac-
20 ticable, regarding subjects that the Administrator
21 determines are commonly addressed in issue papers,
22 special conditions, special airworthiness criteria, or
23 findings on equivalent levels of safety; and

24 (4) ensuring consideration of performance-
25 based standards when promulgating requirements

1 applicable to the type certification of aircraft, air-
2 craft engine, or propeller.

3 (b) STANDARD EXPECTED TIMELINES.—Not later
4 than 270 days after the date of enactment of this section,
5 and subject to subsection (c), the Administrator shall
6 amend FAA order 8110.112A (or any successor docu-
7 ment), and shall make conforming amendments to other
8 applicable FAA orders and related documents, to establish
9 a range of standard expected timelines for—

10 (1) achievement of major milestones established
11 in the type certification process, including the devel-
12 opment of issue papers and memoranda regarding
13 certification basis, certification plan means of com-
14 pliance, and equivalent levels of safety, including the
15 anticipated FAA response time at applicable stages
16 of the issue paper process;

17 (2) the amount of time that passes between—

18 (A) closure of an issue paper that contains
19 a special condition; and

20 (B) publication of the respective notice of
21 proposed rulemaking and final rule regarding
22 such special condition, if the FAA decides to
23 publish a proposed special condition;

24 (3) responses by the Administrator to—

25 (A) applicant petitions for exemptions; and

1 (B) applicant proposals setting forth
2 means of compliance with applicable perform-
3 ance-based design standards; and

4 (4) substantive responses by an applicant to the
5 Administrator's requests for information the Admin-
6 istrator deems necessary to close out petitions and
7 proposals covered under paragraph (3).

8 (c) EXCLUSION.—Subsection (b) shall not apply with
9 respect to complex issues that, in the Administrator's sole
10 determination, present an unsafe condition.

11 (d) CONSULTATION REQUIREMENT.—In carrying out
12 the requirements under subsections (a) and (b), the Ad-
13 ministrator shall consult with—

14 (1) trade associations and advanced air mobility
15 stakeholders that represent prior and prospective ap-
16 plicants for type certificates, including, but not lim-
17 ited to, type certificates for powered-lift or other air-
18 craft designed for operation in advanced air mobility
19 use cases;

20 (2) trade associations and prospective infra-
21 structure providers that represent airports or
22 vertiports that serve the aircraft covered where the
23 certification process would require changes to the in-
24 frastructure design of such airports or vertiports;

1 (3) the certified bargaining representatives of
2 aviation safety inspectors, aviation safety specialists,
3 technicians, and engineers of the Administration;
4 and

5 (4) any other relevant organizations and stake-
6 holders, as determined by the Administrator.

7 (e) REPORT TO CONGRESS.—Not later than 180 days
8 after the Administrator establishes standard expected
9 timelines under subsection (b), and annually thereafter,
10 the Administrator, in consultation with the FAA’s Execu-
11 tive Director of the Aircraft Certification Service, shall
12 submit to the Committee on Commerce, Science, and
13 Transportation of the Senate and the Committee on
14 Transportation and Infrastructure of the House of Rep-
15 resentatives, a report on the status of the implementation
16 of this section, including—

17 (1) metrics on the FAA’s performance in meet-
18 ing standard expected timelines under subsection
19 (b);

20 (2) a description of processes under which the
21 Administrator reviews internal performance and ad-
22 dresses deficiencies as needed;

23 (3) details on any instance where standard ex-
24 pected timelines were exceeded and changes to staff-
25 ing levels, administration, processes, or capabilities

1 that could improve performance to align with stand-
2 ard expected timelines; and

3 (4) the Administrator’s progress in creating
4 stable policy with respect to matters commonly cov-
5 ered in issue papers.

6 **SEC. 3. CRITERIA FOR FAA ISSUE PAPERS.**

7 (a) IN GENERAL.—To support the FAA type certifi-
8 cation process, and therefore innovation in aviation, in-
9 cluding the development of new and novel technologies re-
10 lated to advanced air mobility, and to ensure global leader-
11 ship in aviation, not later than 180 days after the date
12 of enactment of this section, the Administrator shall
13 amend FAA order 8110.112A (or a successor document)
14 and other applicable FAA documents to—

15 (1) include specific criteria to be used to deter-
16 mine—

17 (A) when an issue is so significant that it
18 rises to the level that it warrants the establish-
19 ment of an issue paper; and

20 (B) which roles within the FAA will be re-
21 sponsible for evaluating whether each criterion
22 is met;

23 (2) account for performance-based rule projects
24 that require issue papers regarding both means and
25 methods of compliance; and

1 (3) improve efficiency and timelines by elimi-
2 nating recurring issue papers by—

3 (A) converting stable means of compliance
4 issue papers into published policy or advisory
5 circulars; and

6 (B) incorporating stable issue papers for
7 special conditions, exemptions, equivalent level
8 of safety findings, and other requirements
9 through annual updates to product airworthi-
10 ness standards issued under title 14, Code of
11 Federal Regulations.

12 (b) SUBSEQUENT ORDERS.—In the event such FAA
13 order 8110.112A is superseded or canceled, the Adminis-
14 trator shall ensure that the matters described in para-
15 graphs (1), (2), and (3) of subsection (a) are included in
16 a subsequent order governing issue papers.

17 **SEC. 4. FAA DELEGATION GUIDANCE.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this section, the Administrator shall
20 publish on the official website of the FAA updated delega-
21 tion guidance for type certification of aircraft and aircraft
22 engines under section 44704(a) of title 49, United States
23 Code.

1 (b) REQUIREMENTS.—The updated delegation guid-
2 ance required by subsection (a) shall include each of the
3 following:

4 (1) Criteria for applicant eligibility for delega-
5 tion.

6 (2) Criteria for classification of compliance
7 findings that are considered routine and those that
8 are considered safety-critical.

9 (3) Processes for documentation and manage-
10 ment review when FAA elects not to use authorized
11 representatives of the Administrator or the applicant
12 to perform routine and type certification activities.

13 (4) The extent to which the FAA’s implementa-
14 tion of delegation authority considers how to ensure
15 safety and foster predictable and routine type certifi-
16 cation processes for new and novel technologies.

17 (5) The extent to which the FAA’s implementa-
18 tion of delegation authority considers how a type
19 certification process, as described in paragraph (4),
20 impacts United States global leadership in the devel-
21 opment and production of these technologies.

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