

Union Calendar No. 62

111TH CONGRESS
1ST SESSION

H. R. 915

[Report No. 111–119, Part I]

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2009

Mr. OBERSTAR (for himself and Mr. COSTELLO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 19, 2009

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 19, 2009

Committee on Science and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on February 9, 2009]

A BILL

To amend title 49, United States Code, to authorize appro-

priations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, 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; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
 5 *“FAA Reauthorization Act of 2009”.*

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

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to title 49, United States Code.

Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.

Sec. 102. Air navigation facilities and equipment.

Sec. 103. FAA operations.

Sec. 104. Research, engineering, and development.

Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.

Sec. 112. PFC eligibility for bicycle storage.

Sec. 113. Award of architectural and engineering contracts for airside projects.

Sec. 114. Intermodal ground access project pilot program.

Sec. 115. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.

Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.

Sec. 132. Solid waste recycling plans.

Sec. 133. Amendments to grant assurances.

Sec. 134. Government share of project costs.

- Sec. 135. Amendments to allowable costs.*
- Sec. 136. Uniform certification training for airport concessions under disadvantaged business enterprise program.*
- Sec. 137. Preference for small business concerns owned and controlled by disabled veterans.*
- Sec. 138. Minority and disadvantaged business participation.*
- Sec. 139. Calculation of State apportionment fund.*
- Sec. 140. Reducing apportionments.*
- Sec. 141. Minimum amount for discretionary fund.*
- Sec. 142. Marshall Islands, Micronesia, and Palau.*
- Sec. 143. Use of apportioned amounts.*
- Sec. 144. Sale of private airport to public sponsor.*
- Sec. 145. Airport privatization pilot program.*
- Sec. 146. Airport security program.*
- Sec. 147. Sunset of pilot program for purchase of airport development rights.*
- Sec. 148. Extension of grant authority for compatible land use planning and projects by State and local governments.*
- Sec. 149. Repeal of limitations on Metropolitan Washington Airports Authority.*
- Sec. 150. Midway Island Airport.*
- Sec. 151. Puerto Rico minimum guarantee.*
- Sec. 152. Miscellaneous amendments.*
- Sec. 153. Airport Master Plans.*

*TITLE II—NEXT GENERATION AIR TRANSPORTATION SYSTEM AND
AIR TRAFFIC CONTROL MODERNIZATION*

- Sec. 201. Mission statement; sense of Congress.*
- Sec. 202. Next Generation Air Transportation System Joint Planning and Development Office.*
- Sec. 203. Next Generation Air Transportation Senior Policy Committee.*
- Sec. 204. Automatic dependent surveillance-broadcast services.*
- Sec. 205. Inclusion of stakeholders in air traffic control modernization projects.*
- Sec. 206. GAO review of challenges associated with transforming to the Next Generation Air Transportation System.*
- Sec. 207. GAO review of Next Generation Air Transportation System acquisition and procedures development.*
- Sec. 208. DOT inspector general review of operational and approach procedures by a third party.*
- Sec. 209. Expert review of enterprise architecture for Next Generation Air Transportation System.*
- Sec. 210. NextGen technology testbed.*
- Sec. 211. Clarification of authority to enter into reimbursable agreements.*
- Sec. 212. Definition of air navigation facility.*
- Sec. 213. Improved management of property inventory.*
- Sec. 214. Clarification to acquisition reform authority.*
- Sec. 215. Assistance to foreign aviation authorities.*
- Sec. 216. Front line manager staffing.*
- Sec. 217. Flight service stations.*
- Sec. 218. NextGen Research and Development Center of Excellence.*
- Sec. 219. Airspace redesign.*

TITLE III—SAFETY

Subtitle A—General Provisions

- Sec. 301. Judicial review of denial of airman certificates.*

- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.*
- Sec. 303. Inspection of foreign repair stations.*
- Sec. 304. Runway safety.*
- Sec. 305. Improved pilot licenses.*
- Sec. 306. Flight crew fatigue.*
- Sec. 307. Occupational safety and health standards for flight attendants on board aircraft.*
- Sec. 308. Aircraft surveillance in mountainous areas.*
- Sec. 309. Off-airport, low-altitude aircraft weather observation technology.*
- Sec. 310. Noncertificated maintenance providers.*
- Sec. 311. Aircraft rescue and firefighting standards.*

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Commercial unmanned aircraft systems integration plan.*
- Sec. 322. Special rules for certain unmanned aircraft systems.*
- Sec. 323. Public unmanned aircraft systems.*
- Sec. 324. Definitions.*

Subtitle C—Safety and Protections

- Sec. 331. Aviation safety whistleblower investigation office.*
- Sec. 332. Modification of customer service initiative.*
- Sec. 333. Post-employment restrictions for flight standards inspectors.*
- Sec. 334. Assignment of principal supervisory inspectors.*
- Sec. 335. Headquarters review of air transportation oversight system database.*
- Sec. 336. Improved voluntary disclosure reporting system.*

TITLE IV—AIR SERVICE IMPROVEMENTS

- Sec. 401. Monthly air carrier reports.*
- Sec. 402. Flight operations at Reagan National Airport.*
- Sec. 403. EAS contract guidelines.*
- Sec. 404. Essential air service reform.*
- Sec. 405. Small community air service.*
- Sec. 406. Air passenger service improvements.*
- Sec. 407. Contents of competition plans.*
- Sec. 408. Extension of competitive access reports.*
- Sec. 409. Contract tower program.*
- Sec. 410. Airfares for members of the Armed Forces.*
- Sec. 411. Repeal of essential air service local participation program.*
- Sec. 412. Adjustment to subsidy cap to reflect increased fuel costs.*
- Sec. 413. Notice to communities prior to termination of eligibility for subsidized essential air service.*
- Sec. 414. Restoration of eligibility to a place determined by the Secretary to be ineligible for subsidized essential air service.*
- Sec. 415. Office of Rural Aviation.*
- Sec. 416. Adjustments to compensation for significantly increased costs.*
- Sec. 417. Review of air carrier flight delays, cancellations, and associated causes.*
- Sec. 418. European Union rules for passenger rights.*
- Sec. 419. Establishment of advisory committee for aviation consumer protection.*
- Sec. 420. Denied boarding compensation.*
- Sec. 421. Compensation for delayed baggage.*
- Sec. 422. Schedule reduction.*
- Sec. 423. Expansion of DOT airline consumer complaint investigations.*

- Sec. 424. Prohibitions against voice communications using mobile communications devices on scheduled flights.*
- Sec. 425. Antitrust exemptions.*

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

- Sec. 501. Amendments to air tour management program.*
- Sec. 502. State block grant program.*
- Sec. 503. Airport funding of special studies or reviews.*
- Sec. 504. Grant eligibility for assessment of flight procedures.*
- Sec. 505. CLEEN research, development, and implementation partnership.*
- Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.*
- Sec. 507. Environmental mitigation pilot program.*
- Sec. 508. Aircraft departure queue management pilot program.*
- Sec. 509. High performance and sustainable air traffic control facilities.*
- Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.*
- Sec. 511. Continuation of air quality sampling.*
- Sec. 512. Sense of Congress.*
- Sec. 513. Airport noise compatibility planning study, Port Authority of New York and New Jersey.*
- Sec. 514. GAO study on compliance with FAA record of decision.*

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.*
- Sec. 602. MSPB remedial authority for FAA employees.*
- Sec. 603. FAA technical training and staffing.*
- Sec. 604. Designee program.*
- Sec. 605. Staffing model for aviation safety inspectors.*
- Sec. 606. Safety critical staffing.*
- Sec. 607. FAA air traffic controller staffing.*
- Sec. 608. Assessment of training programs for air traffic controllers.*
- Sec. 609. Collegiate training initiative study.*
- Sec. 610. FAA Task Force on Air Traffic Control Facility Conditions.*

TITLE VII—AVIATION INSURANCE

- Sec. 701. General authority.*
- Sec. 702. Extension of authority to limit third party liability of air carriers arising out of acts of terrorism.*
- Sec. 703. Clarification of reinsurance authority.*
- Sec. 704. Use of independent claims adjusters.*
- Sec. 705. Extension of program authority.*

TITLE VIII—MISCELLANEOUS

- Sec. 801. Air carrier citizenship.*
- Sec. 802. Disclosure of data to Federal agencies in interest of national security.*
- Sec. 803. FAA access to criminal history records and database systems.*
- Sec. 804. Clarification of air carrier fee disputes.*
- Sec. 805. Study on national plan of integrated airport systems.*
- Sec. 806. Express carrier employee protection.*
- Sec. 807. Consolidation and realignment of FAA facilities.*
- Sec. 808. Accidental death and dismemberment insurance for National Transportation Safety Board employees.*

- Sec. 809. *GAO study on cooperation of airline industry in international child abduction cases.*
- Sec. 810. *Lost Nation Airport, Ohio.*
- Sec. 811. *Pollock Municipal Airport, Louisiana.*
- Sec. 812. *Human intervention and motivation study program.*
- Sec. 813. *Washington, DC, Air Defense Identification Zone.*
- Sec. 814. *Merrill Field Airport, Anchorage, Alaska.*
- Sec. 815. *1940 Air Terminal Museum at William P. Hobby Airport, Houston, Texas.*
- Sec. 816. *Duty periods and flight time limitations applicable to flight crewmembers.*
- Sec. 817. *Pilot program for redevelopment of airport properties.*
- Sec. 818. *Helicopter operations over Long Island and Staten Island, New York.*
- Sec. 819. *Cabin temperature standards study.*
- Sec. 820. *Civil penalties technical amendments.*
- Sec. 821. *Study and report on alleviating congestion.*
- Sec. 822. *Airline personnel training enhancement.*
- Sec. 823. *Study on Feasibility of Development of a Public Internet Web-based Search Engine on Wind Turbine Installation Obstruction.*
- Sec. 824. *Wind turbine lighting.*
- Sec. 825. *Limiting access to flight decks of all-cargo aircraft.*

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

- Sec. 901. *Short title.*
- Sec. 902. *Definitions.*
- Sec. 903. *Interagency research initiative on the impact of aviation on the climate.*
- Sec. 904. *Research program on runways.*
- Sec. 905. *Research on design for certification.*
- Sec. 906. *Centers of excellence.*
- Sec. 907. *Airport cooperative research program.*
- Sec. 908. *Unmanned aircraft systems.*
- Sec. 909. *Research grants program involving undergraduate students.*
- Sec. 910. *Aviation gas research and development program.*
- Sec. 911. *Review of FAA's Energy- and Environment-Related Research Programs.*
- Sec. 912. *Review of FAA's aviation safety-related research programs.*
- Sec. 913. *Research program on alternative jet fuel technology for civil aircraft.*
- Sec. 914. *Center for excellence in aviation employment.*

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

2 *Except as otherwise expressly provided, whenever in*
 3 *this Act an amendment or repeal is expressed in terms of*
 4 *an amendment to, or a repeal of, a section or other provi-*
 5 *sion, the reference shall be considered to be made to a section*
 6 *or other provision of title 49, United States Code.*

1 **SEC. 3. EFFECTIVE DATE.**

2 *Except as otherwise expressly provided, this Act and*
3 *the amendments made by this Act shall apply only to fiscal*
4 *years beginning after September 30, 2008.*

5 **TITLE I—AUTHORIZATIONS**
6 **Subtitle A—Funding of FAA**
7 **Programs**

8 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND**
9 **NOISE COMPATIBILITY PLANNING AND PRO-**
10 **GRAMS.**

11 *(a) AUTHORIZATION.—Section 48103 is amended—*

12 *(1) by striking “September 30, 2003” and insert-*
13 *ing “September 30, 2008”; and*

14 *(2) by striking paragraphs (1) through (6) and*
15 *inserting the following:*

16 *“(1) \$3,900,000,000 for fiscal year 2009;*

17 *“(2) \$4,000,000,000 for fiscal year 2010;*

18 *“(3) \$4,100,000,000 for fiscal year 2011; and*

19 *“(4) \$4,200,000,000 for fiscal year 2012.”.*

20 *(b) ALLOCATIONS OF FUNDS.—Section 48103 is*
21 *amended—*

22 *(1) by striking “The total amounts” and insert-*
23 *ing “(a) AVAILABILITY OF AMOUNTS.—The total*
24 *amounts”; and*

25 *(2) by adding at the end the following:*

1 “(b) *AIRPORT COOPERATIVE RESEARCH PROGRAM.*—
2 *Of the amounts made available under subsection (a),*
3 *\$15,000,000 for each of fiscal years 2009 through 2012 may*
4 *be used for carrying out the Airport Cooperative Research*
5 *Program.*”

6 “(c) *AIRPORTS TECHNOLOGY RESEARCH.*—*Of the*
7 *amounts made available under subsection (a), \$19,348,000*
8 *for each of fiscal years 2009 through 2012 may be used for*
9 *carrying out airports technology research.*”.

10 (c) *OBLIGATIONAL AUTHORITY.*—*Section 47104(c) is*
11 *amended by striking “March 31, 2009” and inserting “Sep-*
12 *tember 30, 2012”.*

13 **SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.**

14 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*Section*
15 *48101(a) is amended by striking paragraphs (1) through*
16 *(5) and inserting the following:*

17 “(1) \$3,246,000,000 for fiscal year 2009.

18 “(2) \$3,259,000,000 for fiscal year 2010.

19 “(3) \$3,353,000,000 for fiscal year 2011.

20 “(4) \$3,506,000,000 for fiscal year 2012.”.

21 (b) *USE OF FUNDS.*—*Section 48101 is amended by*
22 *striking subsections (c) through (i) and inserting the fol-*
23 *lowing:*

24 “(c) *WAKE VORTEX MITIGATION.*—*Of amounts appro-*
25 *priated under subsection (a), such sums as may be nec-*

1 *essary for each of fiscal years 2009 through 2012 may be*
2 *used for the development and analysis of wake vortex miti-*
3 *gation, including advisory systems.*

4 “(d) *WEATHER HAZARDS.*—

5 “(1) *IN GENERAL.*—Of amounts appropriated
6 *under subsection (a), such sums as may be necessary*
7 *for each of fiscal years 2009 through 2012 may be*
8 *used for the development of in-flight and ground-based*
9 *weather threat mitigation systems, including ground*
10 *de-icing and anti-icing systems and other systems for*
11 *predicting, detecting, and mitigating the effects of cer-*
12 *tain weather conditions on both airframes and en-*
13 *gines.*

14 “(2) *SPECIFIC HAZARDS.*—Weather conditions
15 *referred to in paragraph (1) include—*

16 “(A) *ground-based icing threats such as ice*
17 *pellets and freezing drizzle;*

18 “(B) *oceanic weather, including convective*
19 *weather, and other hazards associated with oce-*
20 *anic operations (where commercial traffic is high*
21 *and only rudimentary satellite sensing is avail-*
22 *able) to reduce the hazards presented to commer-*
23 *cial aviation, including convective weather ice*
24 *crystal ingestion threats; and*

25 “(C) *en route turbulence prediction.*

1 “(e) *SAFETY MANAGEMENT SYSTEMS.*—Of amounts
2 appropriated under subsection (a) and section 106(k)(1),
3 such sums as may be necessary for each of fiscal years 2009
4 through 2012 may be used to advance the development and
5 implementation of safety management systems.

6 “(f) *RUNWAY INCURSION REDUCTION PROGRAMS.*—Of
7 amounts appropriated under subsection (a), \$10,000,000
8 for fiscal year 2009, \$12,000,000 for fiscal year 2010,
9 \$12,000,000 for fiscal year 2011, and \$12,000,000 for fiscal
10 year 2012 may be used for the development and implemen-
11 tation of runway incursion reduction programs.

12 “(g) *RUNWAY STATUS LIGHTS.*—Of amounts appro-
13 priated under subsection (a), \$50,000,000 for fiscal year
14 2009, \$125,000,000 for fiscal year 2010, \$100,000,000 for
15 2011, and \$50,000,000 for fiscal year 2012 may be used
16 for the acquisition and installation of runway status lights.

17 “(h) *NEXTGEN SYSTEMS DEVELOPMENT PRO-*
18 *GRAMS.*—Of amounts appropriated under subsection (a),
19 \$41,400,000 for fiscal year 2009, \$102,900,000 for fiscal
20 year 2010, \$104,000,000 for fiscal year 2011, and
21 \$105,300,000 for fiscal year 2012 may be used for systems
22 development activities associated with NextGen.

23 “(i) *NEXTGEN DEMONSTRATION PROGRAMS.*—Of
24 amounts appropriated under subsection (a), \$28,000,000
25 for fiscal year 2009, \$30,000,000 for fiscal year 2010,

1 \$30,000,000 for fiscal year 2011, and \$30,000,000 for fiscal
2 year 2012 may be used for demonstration activities associ-
3 ated with NextGen.

4 “(j) *CENTER FOR ADVANCED AVIATION SYSTEM DE-*
5 *VELOPMENT.*—Of amounts appropriated under subsection
6 (a), \$76,000,000 for fiscal year 2009, \$79,000,000 for fiscal
7 year 2010, \$79,000,000 for fiscal year 2011, and
8 \$80,800,000 for fiscal year 2012 may be used for the Center
9 for Advanced Aviation System Development.

10 “(k) *ADDITIONAL PROGRAMS.*—Of amounts appro-
11 priated under subsection (a), \$21,900,000 for fiscal year
12 2009, \$22,500,000 for fiscal year 2010, \$22,500,000 for fis-
13 cal year 2011, and \$22,500,000 for fiscal year 2012 may
14 be used for—

15 “(1) *system capacity, planning, and improve-*
16 *ment;*

17 “(2) *operations concept validation;*

18 “(3) *NAS weather requirements; and*

19 “(4) *Airspace Management Lab.*”.

20 **SEC. 103. FAA OPERATIONS.**

21 (a) *IN GENERAL.*—Section 106(k)(1) is amended by
22 striking subparagraphs (A) through (E) and inserting the
23 following:

24 “(A) \$8,998,462,000 for fiscal year 2009;

25 “(B) \$9,531,272,000 for fiscal year 2010;

1 “(C) \$9,936,259,000 for fiscal year 2011;

2 and

3 “(D) \$10,350,155,000 for fiscal year 2012.”.

4 (b) *AUTHORIZED EXPENDITURES.*—Section 106(k)(2)
5 is amended—

6 (1) by striking subparagraph (A) and inserting
7 the following:

8 “(A) Such sums as may be necessary for fis-
9 cal years 2009 through 2012 to support develop-
10 ment and maintenance of helicopter approach
11 procedures, including certification and recertifi-
12 cation of instrument flight rule, global posi-
13 tioning system, and point-in-space approaches to
14 heliports necessary to support all weather, emer-
15 gency services.”;

16 (2) by striking subparagraphs (B), (C), and (D);

17 (3) by redesignating subparagraphs (E), (F),
18 and (G) as subparagraphs (B), (C), and (D), respec-
19 tively; and

20 (4) in subparagraphs (B), (C), and (D) (as so
21 redesignated) by striking “2004 through 2007” and
22 inserting “2009 through 2012”.

23 (c) *AIRLINE DATA AND ANALYSIS.*—There is author-
24 ized to be appropriated to the Secretary of Transportation
25 out of the Airport and Airway Trust Fund established by

1 *section 9502 of the Internal Revenue Code of 1986 (26*
2 *U.S.C. 9502) to fund airline data collection and analysis*
3 *by the Bureau of Transportation Statistics in the Research*
4 *and Innovative Technology Administration of the Depart-*
5 *ment of Transportation \$6,000,000 for each of fiscal years*
6 *2009, 2010, 2011, and 2012.*

7 **SEC. 104. RESEARCH, ENGINEERING, AND DEVELOPMENT.**

8 *Section 48102(a) is amended—*

9 *(1) in paragraph (11)—*

10 *(A) in subparagraph (K) by inserting*
11 *“and” at the end; and*

12 *(B) in subparagraph (L) by striking “and”*
13 *at the end;*

14 *(2) in paragraph (12)(L) by striking “and” at*
15 *the end; and*

16 *(3) by striking paragraph (13) and inserting the*
17 *following:*

18 *“(13) for fiscal year 2009, \$212,929,000, includ-*
19 *ing—*

20 *“(A) \$8,457,000 for fire research and safety;*

21 *“(B) \$4,050,000 for propulsion and fuel*
22 *systems;*

23 *“(C) \$2,920,000 for advanced materials and*
24 *structural safety;*

1 “(D) \$4,838,000 for atmospheric hazards
2 and digital system safety;

3 “(E) \$14,683,000 for aging aircraft;

4 “(F) \$2,158,000 for aircraft catastrophic
5 failure prevention research;

6 “(G) \$11,000,000 for flightdeck mainte-
7 nance, system integration, and human factors;

8 “(H) \$12,488,000 for aviation safety risk
9 analysis;

10 “(I) \$15,323,000 for air traffic control, tech-
11 nical operations, and human factors;

12 “(J) \$8,395,000 for aeromedical research;

13 “(K) \$22,336,000 for weather program;

14 “(L) \$6,738,000 for unmanned aircraft sys-
15 tems research;

16 “(M) \$18,100,000 for the Next Generation
17 Air Transportation System Joint Planning and
18 Development Office;

19 “(N) \$10,560,000 for wake turbulence;

20 “(O) \$10,425,000 for NextGen—Air ground
21 integration;

22 “(P) \$8,025,000 for NextGen—Self separa-
23 tion;

24 “(Q) \$8,049,000 for NextGen—Weather
25 technology in the cockpit;

1 “(R) \$22,939,000 for environment and en-
2 ergy;

3 “(S) \$16,050,000 for NextGen—Environ-
4 mental research—Aircraft technologies, fuels,
5 and metrics;

6 “(T) \$1,847,000 for system planning and
7 resource management; and

8 “(U) \$3,548,000 for the William J. Hughes
9 Technical Center Laboratory Facility;

10 “(14) for fiscal year 2010, \$214,587,000, includ-
11 ing—

12 “(A) \$8,546,000 for fire research and safety;

13 “(B) \$4,075,000 for propulsion and fuel
14 systems;

15 “(C) \$2,965,000 for advanced materials and
16 structural safety;

17 “(D) \$4,921,000 for atmospheric hazards
18 and digital system safety;

19 “(E) \$14,688,000 for aging aircraft;

20 “(F) \$2,153,000 for aircraft catastrophic
21 failure prevention research;

22 “(G) \$11,000,000 for flightdeck mainte-
23 nance, system integration, and human factors;

24 “(H) \$12,589,000 for aviation safety risk
25 analysis;

1 “(I) \$15,471,000 for air traffic control, tech-
2 nical operations, and human factors;

3 “(J) \$8,699,000 for aeromedical research;

4 “(K) \$23,286,000 for weather program;

5 “(L) \$6,236,000 for unmanned aircraft sys-
6 tems research;

7 “(M) \$18,100,000 for the Next Generation
8 Air Transportation System Joint Planning and
9 Development Office;

10 “(N) \$10,412,000 for wake turbulence;

11 “(O) \$10,400,000 for NextGen—Air ground
12 integration;

13 “(P) \$8,000,000 for NextGen—Self separa-
14 tion;

15 “(Q) \$7,567,000 for NextGen—Weather
16 technology in the cockpit;

17 “(R) \$20,278,000 for environment and en-
18 ergy;

19 “(S) \$19,700,000 for NextGen—Environ-
20 mental research—Aircraft technologies, fuels,
21 and metrics;

22 “(T) \$1,827,000 for system planning and
23 resource management; and

24 “(U) \$3,674,000 for the William J. Hughes
25 Technical Center Laboratory Facility;

1 “(15) for fiscal year 2011, \$225,993,000, includ-
2 ing—

3 “(A) \$8,815,000 for fire research and safety;

4 “(B) \$4,150,000 for propulsion and fuel
5 systems;

6 “(C) \$2,975,000 for advanced materials and
7 structural safety;

8 “(D) \$4,949,000 for atmospheric hazards
9 and digital system safety;

10 “(E) \$14,903,000 for aging aircraft;

11 “(F) \$2,181,000 for aircraft catastrophic
12 failure prevention research;

13 “(G) \$12,000,000 for flightdeck mainte-
14 nance, system integration, and human factors;

15 “(H) \$12,497,000 for aviation safety risk
16 analysis;

17 “(I) \$15,715,000 for air traffic control, tech-
18 nical operations, and human factors;

19 “(J) \$8,976,000 for aeromedical research;

20 “(K) \$23,638,000 for weather program;

21 “(L) \$6,295,000 for unmanned aircraft sys-
22 tems research;

23 “(M) \$18,100,000 for the Next Generation
24 Air Transportation System Joint Planning and
25 Development Office;

1 “(N) \$10,471,000 for wake turbulence;

2 “(O) \$10,600,000 for NextGen—Air ground
3 integration;

4 “(P) \$8,300,000 for NextGen—Self separa-
5 tion;

6 “(Q) \$8,345,000 for NextGen—Weather
7 technology in the cockpit;

8 “(R) \$27,075,000 for environment and en-
9 ergy;

10 “(S) \$20,368,000 for NextGen—Environ-
11 mental research—Aircraft technologies, fuels,
12 and metrics;

13 “(T) \$1,836,000 for system planning and
14 resource management; and

15 “(U) \$3,804,000 for the William J. Hughes
16 Technical Center Laboratory Facility; and

17 “(16) for fiscal year 2012, \$244,860,000, includ-
18 ing—

19 “(A) \$8,957,000 for fire research and safety;

20 “(B) \$4,201,000 for propulsion and fuel
21 systems;

22 “(C) \$2,986,000 for advanced materials and
23 structural safety;

24 “(D) \$4,979,000 for atmospheric hazards
25 and digital system safety;

1 “(E) \$15,013,000 for aging aircraft;

2 “(F) \$2,192,000 for aircraft catastrophic
3 failure prevention research;

4 “(G) \$12,000,000 for flightdeck mainte-
5 nance, system integration, and human factors;

6 “(H) \$12,401,000 for aviation safety risk
7 analysis;

8 “(I) \$16,000,000 for air traffic control, tech-
9 nical operations, and human factors;

10 “(J) \$9,267,000 for aeromedical research;

11 “(K) \$23,800,000 for weather program;

12 “(L) \$6,400,000 for unmanned aircraft sys-
13 tems research;

14 “(M) \$18,100,000 for the Next Generation
15 Air Transportation System Joint Planning and
16 Development Office;

17 “(N) \$10,471,000 for wake turbulence;

18 “(O) \$10,800,000 for NextGen—Air ground
19 integration;

20 “(P) \$8,500,000 for NextGen—Self separa-
21 tion;

22 “(Q) \$8,569,000 for NextGen—Weather
23 technology in the cockpit;

24 “(R) \$44,409,000 for environment and en-
25 ergy;

1 “(S) \$20,034,000 for NextGen—Environ-
2 mental research—Aircraft technologies, fuels,
3 and metrics;

4 “(T) \$1,840,000 for system planning and
5 resource management; and

6 “(U) \$3,941,000 for the William J. Hughes
7 Technical Center Laboratory Facility.”.

8 **SEC. 105. FUNDING FOR AVIATION PROGRAMS.**

9 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
10 ANTEE.—Section 48114(a)(1)(A) is amended to read as fol-
11 lows:

12 “(A) IN GENERAL.—The total budget re-
13 sources made available from the Airport and
14 Airway Trust Fund each fiscal year through fis-
15 cal year 2012 pursuant to sections 48101, 48102,
16 48103, and 106(k) shall—

17 “(i) in each of fiscal years 2009 and
18 2010, be equal to 90 percent of the estimated
19 level of receipts plus interest credited to the
20 Airport and Airway Trust Fund for that
21 fiscal year; and

22 “(ii) in each of fiscal years 2011 and
23 2012, be equal to the sum of—

24 “(I) 90 percent of the estimated
25 level of receipts plus interest credited to

1 *the Airport and Airway Trust Fund*
2 *for that fiscal year; and*

3 “(II) *the actual level of receipts*
4 *plus interest credited to the Airport*
5 *and Airway Trust Fund for the second*
6 *preceding fiscal year minus the total*
7 *amount made available for obligation*
8 *from the Airport and Airway Trust*
9 *Fund for the second preceding fiscal*
10 *year.*

11 *Such amounts may be used only for aviation in-*
12 *vestment programs listed in subsection (b).”.*

13 (b) *ADDITIONAL AUTHORIZATIONS OF APPROPRIA-*
14 *TIONS FROM THE GENERAL FUND.*—*Section 48114(a)(2) is*
15 *amended by striking “2007” and inserting “2012”.*

16 (c) *ESTIMATED LEVEL OF RECEIPTS PLUS INTEREST*
17 *DEFINED.*—*Section 48114(b)(2) is amended—*

18 (1) *in the paragraph heading by striking*
19 *“LEVEL” and inserting “ESTIMATED LEVEL”; and*

20 (2) *by striking “level of receipts plus interest”*
21 *and inserting “estimated level of receipts plus inter-*
22 *est”.*

23 (d) *ENFORCEMENT OF GUARANTEES.*—*Section*
24 *48114(c)(2) is amended by striking “2007” and inserting*
25 *“2012”.*

1 (D) in the heading for paragraph (5) of
2 subsection (l) by striking “FEE” and inserting
3 “CHARGE”;

4 (E) in the heading for subsection (m) by
5 striking “FEES” and inserting “CHARGES”;

6 (F) in the heading for paragraph (1) of sub-
7 section (m) by striking “FEES” and inserting
8 “CHARGES”;

9 (G) by striking “fee” each place it appears
10 (other than the second sentence of subsection
11 (g)(4)) and inserting “charge”; and

12 (H) by striking “fees” each place it appears
13 and inserting “charges”.

14 (2) OTHER REFERENCES.—Subtitle VII is
15 amended by striking “fee” and inserting “charge”
16 each place it appears in each of the following sections:

17 (A) Section 47106(f)(1).

18 (B) Section 47110(e)(5).

19 (C) Section 47114(f).

20 (D) Section 47134(g)(1).

21 (E) Section 47139(b).

22 (F) Section 47524(e).

23 (G) Section 47526(2).

1 **SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.**

2 (a) *IN GENERAL.*—Section 40117(a)(3) is amended by
3 adding at the end the following:

4 “(H) A project to construct secure bicycle
5 storage facilities that are to be used by pas-
6 sengers at the airport and that are in compli-
7 ance with applicable security standards.”.

8 (b) *REPORT TO CONGRESS.*—Not later than one year
9 after the date of enactment of this Act, the Administrator
10 of the Federal Aviation Administration shall submit to
11 Congress a report on the progress being made by airports
12 to install bicycle parking for airport customers and airport
13 employees.

14 **SEC. 113. AWARD OF ARCHITECTURAL AND ENGINEERING**
15 **CONTRACTS FOR AIRSIDE PROJECTS.**

16 (a) *IN GENERAL.*—Section 40117(d) is amended—

17 (1) by striking “and” at the end of paragraph
18 (3);

19 (2) by striking the period at the end of para-
20 graph (4) and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(5) in the case of an application to finance a
23 project to meet the airside needs of the airport, the
24 application includes written assurances, satisfactory
25 to the Secretary, that each contract and subcontract
26 for program management, construction management,

1 *planning studies, feasibility studies, architectural*
2 *services, preliminary engineering, design, engineering,*
3 *surveying, mapping, and related services will be*
4 *awarded in the same way that a contract for architec-*
5 *tural and engineering services is negotiated under*
6 *chapter 11 of title 40 or an equivalent qualifications-*
7 *based requirement prescribed for or by the eligible*
8 *agency.”.*

9 **(b) APPLICABILITY.**—*The amendment made by sub-*
10 *section (a) shall apply to an application submitted to the*
11 *Secretary of Transportation by an eligible agency under*
12 *section 40117 of title 49, United States Code, after the date*
13 *of enactment of this Act.*

14 **SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT**
15 **PROGRAM.**

16 *Section 40117 is amended by adding at the end the*
17 *following:*

18 **“(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR**
19 **INTERMODAL GROUND ACCESS PROJECTS.—**

20 **“(1) PFC ELIGIBILITY.**—*Subject to the require-*
21 *ments of this subsection, the Secretary shall establish*
22 *a pilot program under which the Secretary may au-*
23 *thorize, at no more than 5 airports, a passenger facil-*
24 *ity charge imposed under subsection (b)(1) or (b)(4)*

1 to be used to finance the eligible cost of an intermodal
2 ground access project.

3 “(2) *INTERMODAL GROUND ACCESS PROJECT DE-*
4 *FINED.*—*In this section, the term ‘intermodal ground*
5 *access project’ means a project for constructing a local*
6 *facility owned or operated by an eligible agency that*
7 *is directly and substantially related to the movement*
8 *of passengers or property traveling in air transpor-*
9 *tation.*

10 “(3) *ELIGIBLE COSTS.*—

11 “(A) *IN GENERAL.*—*For purposes of para-*
12 *graph (1), the eligible cost of an intermodal*
13 *ground access project shall be the total cost of the*
14 *project multiplied by the ratio that—*

15 “(i) *the number of individuals pro-*
16 *jected to use the project to gain access to or*
17 *depart from the airport; bears to*

18 “(ii) *the total number of the individ-*
19 *uals projected to use the facility.*

20 “(B) *DETERMINATIONS REGARDING PRO-*
21 *JECTED PROJECT USE.*—

22 “(i) *IN GENERAL.*—*Except as provided*
23 *by clause (ii), the Secretary shall determine*
24 *the projected use of a project for purposes of*

1 subparagraph (A) at the time the project is
2 approved under this subsection.

3 “(ii) PUBLIC TRANSPORTATION
4 PROJECTS.—In the case of a project ap-
5 proved under this section to be financed in
6 part using funds administered by the Fed-
7 eral Transit Administration, the Secretary
8 shall use the travel forecasting model for the
9 project at the time such project is approved
10 by the Federal Transit Administration to
11 enter preliminary engineering to determine
12 the projected use of the project for purposes
13 of subparagraph (A).”.

14 **SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING**
15 **CONNECTING PASSENGERS.**

16 (a) *STUDY.*—Not later than 90 days after the date of
17 enactment of this Act, the Secretary of Transportation shall
18 initiate a study to evaluate—

19 (1) *the impacts on airports of accommodating*
20 *connecting passengers; and*

21 (2) *the treatment of airports at which the major-*
22 *ity of passengers are connecting passengers under the*
23 *passenger facility charge program authorized by sec-*
24 *tion 40117 of title 49, United States Code.*

1 (b) *CONTENTS OF STUDY.*—*In conducting the study,*
2 *the Secretary shall review, at a minimum, the following:*

3 (1) *the differences in facility needs, and the costs*
4 *for constructing, maintaining, and operating those fa-*
5 *cilities, for airports at which the majority of pas-*
6 *sengers are connecting passengers as compared to air-*
7 *ports at which the majority of passengers are origi-*
8 *nating and destination passengers;*

9 (2) *whether the costs to an airport of accommo-*
10 *dating additional connecting passengers differs from*
11 *the cost of accommodating additional originating and*
12 *destination passengers;*

13 (3) *for each airport charging a passenger facility*
14 *charge, the percentage of passenger facility charge rev-*
15 *enue attributable to connecting passengers and the*
16 *percentage of such revenue attributable to originating*
17 *and destination passengers;*

18 (4) *the potential effects on airport revenues of re-*
19 *quiring airports to charge different levels of passenger*
20 *facility charges on connecting passengers and origi-*
21 *nating and destination passengers; and*

22 (5) *the added costs to air carriers of collecting*
23 *passenger facility charges under a system in which*
24 *different levels of passenger facility charges are im-*

1 *posed on connecting passengers and originating and*
 2 *destination passengers.*

3 *(c) REPORT TO CONGRESS.—*

4 *(1) IN GENERAL.—Not later than one year after*
 5 *the date of initiation of the study, the Secretary shall*
 6 *submit to Congress a report on the results of the*
 7 *study.*

8 *(2) CONTENTS.—The report shall include—*

9 *(A) the findings of the Secretary on each of*
 10 *the subjects listed in subsection (b); and*

11 *(B) recommendations, if any, of the Sec-*
 12 *retary based on the results of the study for any*
 13 *changes to the passenger facility charge program,*
 14 *including recommendations as to whether dif-*
 15 *ferent levels of passenger facility charges should*
 16 *be imposed on connecting passengers and origi-*
 17 *nating and destination passengers.*

18 ***Subtitle C—Fees for FAA Services***

19 ***SEC. 121. UPDATE ON OVERFLIGHTS.***

20 *(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—*

21 *Section 45301(b) is amended to read as follows:*

22 *“(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—*

23 *“(1) IN GENERAL.—In establishing and adjust-*
 24 *ing fees under subsection (a), the Administrator shall*
 25 *ensure that the fees are reasonably related to the Ad-*

1 *ministration’s costs, as determined by the Adminis-*
2 *trator, of providing the services rendered. Services for*
3 *which costs may be recovered include the costs of air*
4 *traffic control, navigation, weather services, training,*
5 *and emergency services which are available to facili-*
6 *tate safe transportation over the United States and*
7 *the costs of other services provided by the Adminis-*
8 *trator, or by programs financed by the Administrator,*
9 *to flights that neither take off nor land in the United*
10 *States. The determination of such costs by the Admin-*
11 *istrator, and the allocation of such costs by the Ad-*
12 *ministrator to services provided, are not subject to ju-*
13 *dicial review.*

14 *“(2) ADJUSTMENT OF FEES.—The Administrator*
15 *shall adjust the overflight fees established by sub-*
16 *section (a)(1) by expedited rulemaking and begin col-*
17 *lections under the adjusted fees by May 1, 2010. In*
18 *developing the adjusted overflight fees, the Adminis-*
19 *trator may seek and consider the recommendations of-*
20 *ferred by an aviation rulemaking committee for over-*
21 *flight fees that are provided to the Administrator by*
22 *May 1, 2009, and are intended to ensure that over-*
23 *flight fees are reasonably related to the Administra-*
24 *tor’s costs of providing air traffic control and related*
25 *services to overflights.*

1 “(3) *AIRCRAFT ALTITUDE.*—*Nothing in this sec-*
2 *tion shall require the Administrator to take into ac-*
3 *count aircraft altitude in establishing any fee for air-*
4 *craft operations in en route or oceanic airspace.*

5 “(4) *COSTS DEFINED.*—*In this subsection, the*
6 *term ‘costs’ includes those costs associated with the*
7 *operation, maintenance, leasing costs, and overhead*
8 *expenses of the services provided and the facilities and*
9 *equipment used in such services, including the pro-*
10 *jected costs for the period during which the services*
11 *will be provided.*

12 “(5) *PUBLICATION; COMMENT.*—*The Adminis-*
13 *trator shall publish in the Federal Register any fee*
14 *schedule under this section, including any adjusted*
15 *overflight fee schedule, and the associated collection*
16 *process as an interim final rule, pursuant to which*
17 *public comment will be sought and a final rule*
18 *issued.”.*

19 “(b) *ADJUSTMENTS.*—*Section 45301 is amended by*
20 *adding at the end the following:*

21 “(e) *ADJUSTMENTS.*—*In addition to adjustments*
22 *under subsection (b), the Administrator may periodically*
23 *adjust the fees established under this section.”.*

1 **SEC. 122. REGISTRATION FEES.**

2 (a) *IN GENERAL.*—Chapter 453 is amended by adding
3 at the end the following:

4 **“§ 45305. Registration, certification, and related fees**

5 “(a) *GENERAL AUTHORITY AND FEES.*—Subject to
6 subsection (b), the Administrator of the Federal Aviation
7 Administration shall establish the following fees for services
8 and activities of the Administration:

9 “(1) \$130 for registering an aircraft.

10 “(2) \$45 for replacing an aircraft registration.

11 “(3) \$130 for issuing an original dealer’s air-
12 craft certificate.

13 “(4) \$105 for issuing an aircraft certificate
14 (other than an original dealer’s aircraft certificate).

15 “(5) \$80 for issuing a special registration num-
16 ber.

17 “(6) \$50 for issuing a renewal of a special reg-
18 istration number.

19 “(7) \$130 for recording a security interest in an
20 aircraft or aircraft part.

21 “(8) \$50 for issuing an airman certificate.

22 “(9) \$25 for issuing a replacement airman cer-
23 tificate.

24 “(10) \$42 for issuing an airman medical certifi-
25 cate.

1 “(11) \$100 for providing a legal opinion per-
2 taining to aircraft registration or recordation.

3 “(b) *LIMITATION ON COLLECTION.*—No fee may be col-
4 lected under this section unless the expenditure of the fee
5 to pay the costs of activities and services for which the fee
6 is imposed is provided for in advance in an appropriations
7 Act.

8 “(c) *FEEES CREDITED AS OFFSETTING COLLEC-*
9 *TIONS.*—

10 “(1) *IN GENERAL.*—Notwithstanding section
11 3302 of title 31, any fee authorized to be collected
12 under this section shall—

13 “(A) be credited as offsetting collections to
14 the account that finances the activities and serv-
15 ices for which the fee is imposed;

16 “(B) be available for expenditure only to
17 pay the costs of activities and services for which
18 the fee is imposed; and

19 “(C) remain available until expended.

20 “(2) *CONTINUING APPROPRIATIONS.*—The Ad-
21 ministrators may continue to assess, collect, and spend
22 fees established under this section during any period
23 in which the funding for the Federal Aviation Admin-
24 istration is provided under an Act providing con-

1 *tinuing appropriations in lieu of the Administra-*
 2 *tion’s regular appropriations.*

3 “(3) *ADJUSTMENTS.—The Administrator shall*
 4 *periodically adjust the fees established by subsection*
 5 *(a) when cost data from the cost accounting system*
 6 *developed pursuant to section 45303(e) reveal that the*
 7 *cost of providing the service is higher or lower than*
 8 *the cost data that were used to establish the fee then*
 9 *in effect.”.*

10 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
 11 *453 is amended by adding at the end the following:*

“45305. Registration, certification, and related fees.”.

12 (c) *FEEES INVOLVING AIRCRAFT NOT PROVIDING AIR*
 13 *TRANSPORTATION.—Section 45302(e) is amended—*

14 (1) *by striking “A fee” and inserting the fol-*
 15 *lowing:*

16 “(1) *IN GENERAL.—A fee*”; and

17 (2) *by adding at the end the following:*

18 “(2) *EFFECT OF IMPOSITION OF OTHER FEES.—*
 19 *A fee may not be imposed for a service or activity*
 20 *under this section during any period in which a fee*
 21 *for the same service or activity is imposed under sec-*
 22 *tion 45305.”.*

1 ***Subtitle D—AIP Modifications***

2 ***SEC. 131. AMENDMENTS TO AIP DEFINITIONS.***

3 (a) *AIRPORT DEVELOPMENT.*—Section 47102(3) is
4 amended—

5 (1) in subparagraph (B)(iv) by striking “20”
6 and inserting “9”; and

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

8 “(M) construction of mobile refueler parking
9 within a fuel farm at a nonprimary airport
10 meeting the requirements of section 112.8 of title
11 40, Code of Federal Regulations.

12 “(N) terminal development under section
13 47119(a).

14 “(O) acquiring and installing facilities and
15 equipment to provide air conditioning, heating,
16 or electric power from terminal-based, non-exclu-
17 sive use facilities to aircraft parked at a public
18 use airport for the purpose of reducing energy
19 use or harmful emissions as compared to the pro-
20 vision of such air conditioning, heating, or elec-
21 tric power from aircraft-based systems.”.

22 (b) *AIRPORT PLANNING.*—Section 47102(5) is amend-
23 ed by inserting before the period at the end the following:
24 “, developing an environmental management system”.

1 (c) *GENERAL AVIATION AIRPORT*.—Section 47102 is
2 amended—

3 (1) by redesignating paragraphs (23) through
4 (25) as paragraphs (25) through (27), respectively;

5 (2) by redesignating paragraphs (8) through (22)
6 as paragraphs (9) through (23), respectively; and

7 (3) by inserting after paragraph (7) the fol-
8 lowing:

9 “(8) ‘general aviation airport’ means a public
10 airport that is located in a State and that, as deter-
11 mined by the Secretary—

12 “(A) does not have scheduled service; or

13 “(B) has scheduled service with less than
14 2,500 passenger boardings each year.”.

15 (d) *REVENUE PRODUCING AERONAUTICAL SUPPORT*
16 *FACILITIES*.—Section 47102 is amended by inserting after
17 paragraph (23) (as redesignated by subsection (c)(2) of this
18 section) the following:

19 “(24) ‘revenue producing aeronautical support
20 facilities’ means fuel farms, hangar buildings, self-
21 service credit card aeronautical fueling systems, air-
22 plane wash racks, major rehabilitation of a hangar
23 owned by a sponsor, or other aeronautical support fa-
24 cilities that the Secretary determines will increase the
25 revenue producing ability of the airport.”.

1 (e) *TERMINAL DEVELOPMENT.*—Section 47102 is fur-
2 *ther amended by adding at the end the following:*

3 “(28) ‘terminal development’ means—

4 “(A) development of—

5 “(i) an airport passenger terminal
6 *building, including terminal gates;*

7 “(ii) access roads servicing exclusively
8 *airport traffic that leads directly to or from*
9 *an airport passenger terminal building; and*

10 “(iii) walkways that lead directly to or
11 *from an airport passenger terminal build-*
12 *ing; and*

13 “(B) the cost of a vehicle described in sec-
14 *tion 47119(a)(1)(B).”.*

15 **SEC. 132. SOLID WASTE RECYCLING PLANS.**

16 (a) *AIRPORT PLANNING.*—Section 47102(5) (as
17 *amended by section 131(b) of this Act) is amended by in-*
18 *serting before the period at the end the following: “, and*
19 *planning to minimize the generation of, and to recycle, air-*
20 *port solid waste in a manner that is consistent with appli-*
21 *cable State and local recycling laws”.*

22 (b) *MASTER PLAN.*—Section 47106(a) is amended—

23 (1) *by striking “and” at the end of paragraph*
24 (4);

1 (2) *by striking the period at the end of para-*
2 *graph (5) and inserting “; and”; and*

3 (3) *by adding at the end the following:*

4 “(6) *in any case in which the project is for an*
5 *airport that has an airport master plan, the master*
6 *plan addresses the feasibility of solid waste recycling*
7 *at the airport and minimizing the generation of solid*
8 *waste at the airport.”.*

9 **SEC. 133. AMENDMENTS TO GRANT ASSURANCES.**

10 (a) *GENERAL WRITTEN ASSURANCES.*—Section
11 *47107(a)(16)(D)(ii) is amended by inserting before the*
12 *semicolon at the end the following: “, except in the case of*
13 *a relocation or replacement of an existing airport facility*
14 *that meets the conditions of section 47110(d)”.*

15 (b) *WRITTEN ASSURANCES ON ACQUIRING LAND.*—

16 (1) *USE OF PROCEEDS.*—Section
17 *47107(c)(2)(A)(iii) is amended by striking “paid to*
18 *the Secretary” and all that follows before the semi-*
19 *colon and inserting “reinvested in another project at*
20 *the airport or transferred to another airport as the*
21 *Secretary prescribes under paragraph (4)”.*

22 (2) *ELIGIBLE PROJECTS.*—Section 47107(c) *is*
23 *amended by adding at the end the following:*

24 “(4) *PRIORITIES FOR REINVESTMENT.*—*In ap-*
25 *proving the reinvestment or transfer of proceeds under*

1 subsection (c)(2)(A)(iii), the Secretary shall give pref-
 2 erence, in descending order, to the following actions:

3 “(A) Reinvestment in an approved noise
 4 compatibility project.

5 “(B) Reinvestment in an approved project
 6 that is eligible for funding under section
 7 47117(e).

8 “(C) Reinvestment in an approved airport
 9 development project that is eligible for funding
 10 under section 47114, 47115, or 47117.

11 “(D) Transfer to a sponsor of another pub-
 12 lic airport to be reinvested in an approved noise
 13 compatibility project at such airport.

14 “(E) Payment to the Secretary for deposit
 15 in the Airport and Airway Trust Fund.”.

16 (c) CLERICAL AMENDMENT.—Section
 17 47107(c)(2)(B)(iii) is amended by striking “the Fund” and
 18 inserting “the Airport and Airway Trust Fund established
 19 under section 9502 of the Internal Revenue Code of 1986
 20 (26 U.S.C. 9502)”.

21 **SEC. 134. GOVERNMENT SHARE OF PROJECT COSTS.**

22 Section 47109 is amended—

23 (1) in subsection (a) by striking “provided in
 24 subsection (b) or subsection (c) of this section” and

1 inserting “otherwise specifically provided in this sec-
2 tion”; and

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

4 “(e) *SPECIAL RULE FOR TRANSITION FROM SMALL*
5 *HUB TO MEDIUM HUB STATUS.*—If the status of a small
6 hub airport changes to a medium hub airport, the Govern-
7 ment’s share of allowable project costs for the airport may
8 not exceed 90 percent for the first 2 fiscal years following
9 such change in hub status.

10 “(f) *SPECIAL RULE FOR ECONOMICALLY DEPRESSED*
11 *COMMUNITIES.*—The Government’s share of allowable
12 project costs shall be 95 percent for a project at an airport
13 that—

14 “(1) is receiving subsidized air service under
15 subchapter II of chapter 417; and

16 “(2) is located in an area that meets one or more
17 of the criteria established in section 301(a) of the
18 Public Works and Economic Development Act of 1965
19 (42 U.S.C. 3161(a)), as determined by the Secretary
20 of Commerce.”.

21 **SEC. 135. AMENDMENTS TO ALLOWABLE COSTS.**

22 (a) *ALLOWABLE PROJECT COSTS.*—Section
23 47110(b)(2)(D) is amended to read as follows:

24 “(D) if the cost is for airport development and
25 is incurred before execution of the grant agreement,

1 *but in the same fiscal year as execution of the grant*
2 *agreement, and if—*

3 “(i) *the cost was incurred before execution*
4 *of the grant agreement due to the short construc-*
5 *tion season in the vicinity of the airport;*

6 “(ii) *the cost is in accordance with an air-*
7 *port layout plan approved by the Secretary and*
8 *with all statutory and administrative require-*
9 *ments that would have been applicable to the*
10 *project if the project had been carried out after*
11 *execution of the grant agreement;*

12 “(iii) *the sponsor notifies the Secretary be-*
13 *fore authorizing work to commence on the*
14 *project; and*

15 “(iv) *the sponsor’s decision to proceed with*
16 *the project in advance of execution of the grant*
17 *agreement does not affect the priority assigned to*
18 *the project by the Secretary for the allocation of*
19 *discretionary funds;”.*

20 (b) *RELOCATION OF AIRPORT-OWNED FACILITIES.—*
21 *Section 47110(d) is amended to read as follows:*

22 “(d) *RELOCATION OF AIRPORT-OWNED FACILITIES.—*
23 *The Secretary may determine that the costs of relocating*
24 *or replacing an airport-owned facility are allowable for an*
25 *airport development project at an airport only if—*

1 “(A) *IN GENERAL.*—Not later than one year
2 after the date of enactment of the *FAA Reauthor-*
3 *ization Act of 2009*, the Secretary shall establish
4 a mandatory training program for persons de-
5 scribed in subparagraph (C) on the certification
6 of whether a small business concern in airport
7 concessions qualifies as a small business concern
8 owned and controlled by a socially and economi-
9 cally disadvantaged individual for purposes of
10 paragraph (1).

11 “(B) *IMPLEMENTATION.*—The training pro-
12 gram may be implemented by one or more pri-
13 vate entities approved by the Secretary.

14 “(C) *PARTICIPANTS.*—A person referred to
15 in paragraph (1) is an official or agent of an
16 airport owner or operator who is required to
17 provide a written assurance under paragraph
18 (1) that the airport owner or operator will meet
19 the percentage goal of paragraph (1) or who is
20 responsible for determining whether or not a
21 small business concern in airport concessions
22 qualifies as a small business concern owned and
23 controlled by a socially and economically dis-
24 advantaged individual for purposes of paragraph
25 (1).

1 “(D) *AUTHORIZATION OF APPROPRIA-*
2 *TIONS.—There are authorized to be appropriated*
3 *such sums as may be necessary to carry out this*
4 *paragraph.”.*

5 *(b) REPORT.—Not later than 24 months after the date*
6 *of enactment of this Act, the Secretary shall submit to the*
7 *Committee on Transportation and Infrastructure of the*
8 *House of Representatives, the Committee on Commerce,*
9 *Science, and Transportation of the Senate, and other ap-*
10 *propriate committees of Congress a report on the results of*
11 *the training program conducted under the amendment*
12 *made by subsection (a).*

13 **SEC. 137. PREFERENCE FOR SMALL BUSINESS CONCERNS**
14 **OWNED AND CONTROLLED BY DISABLED VET-**
15 **ERANS.**

16 *Section 47112(c) is amended by adding at the end the*
17 *following:*

18 “(3) *A contract involving labor for carrying out an*
19 *airport development project under a grant agreement under*
20 *this subchapter must require that a preference be given to*
21 *the use of small business concerns (as defined in section 3*
22 *of the Small Business Act (15 U.S.C. 1632)) owned and*
23 *controlled by disabled veterans.”.*

1 **SEC. 138. MINORITY AND DISADVANTAGED BUSINESS PAR-**
2 **TICIPATION.**

3 *Section 47113 is amended by adding at the end the*
4 *following:*

5 “(e) *PERSONAL NET WORTH CAP.*—

6 “(1) *REGULATIONS.*—*Not later than 180 days*
7 *after the date of enactment of this subsection, the Sec-*
8 *retary shall issue final regulations to adjust the per-*
9 *sonal net worth cap used in determining whether an*
10 *individual is economically disadvantaged for pur-*
11 *poses of qualifying under the definition contained in*
12 *subsection (a)(2). The regulations shall correct for the*
13 *impact of inflation since the Small Business Admin-*
14 *istration established the personal net worth cap at*
15 *\$750,000 in 1989.*

16 “(2) *ANNUAL ADJUSTMENT.*—*Following the ini-*
17 *tial adjustment under paragraph (1), the Secretary*
18 *shall adjust, on June 30 of each year thereafter, the*
19 *personal net worth cap to account for changes, occur-*
20 *ring in the preceding 12-month period, in the Con-*
21 *sumer Price Index of All Urban Consumers (United*
22 *States city average, all items) published by the Sec-*
23 *retary of Labor.”.*

24 **SEC. 139. CALCULATION OF STATE APPORTIONMENT FUND.**

25 *Section 47114(d) is amended—*

26 *(1) in paragraph (2)—*

1 (A) by striking “Except as provided in
2 paragraph (3), the Secretary” and inserting
3 “The Secretary”; and

4 (B) by striking “18.5 percent” and insert-
5 ing “10 percent”; and

6 (2) by striking paragraph (3) and inserting the
7 following:

8 “(3) ADDITIONAL AMOUNT.—

9 “(A) IN GENERAL.—In addition to amounts
10 apportioned under paragraph (2), and subject to
11 subparagraph (B), the Secretary shall apportion
12 to each airport, excluding primary airports but
13 including reliever and nonprimary commercial
14 service airports, in States the lesser of—

15 “(i) \$150,000; or

16 “(ii) $\frac{1}{5}$ of the most recently published
17 estimate of the 5-year costs for airport im-
18 provement for the airport, as listed in the
19 national plan of integrated airport systems
20 developed by the Federal Aviation Adminis-
21 tration under section 47103.

22 “(B) REDUCTION.—In any fiscal year in
23 which the total amount made available for ap-
24 portionment under paragraph (2) is less than
25 \$300,000,000, the Secretary shall reduce, on a

1 *prorated basis, the amount to be apportioned*
2 *under subparagraph (A) and make such reduc-*
3 *tion available to be apportioned under para-*
4 *graph (2), so as to apportion under paragraph*
5 *(2) a minimum of \$300,000,000.”.*

6 **SEC. 140. REDUCING APPORTIONMENTS.**

7 *Section 47114(f)(1) is amended—*

8 (1) *by striking “and” at the end of subpara-*
9 *graph (A);*

10 (2) *in subparagraph (B)—*

11 (A) *by inserting “except as provided by sub-*
12 *paragraph (C),” before “in the case”; and*

13 (B) *by striking the period at the end and*
14 *inserting “; and”; and*

15 (3) *by adding at the end the following:*

16 “*(C) in the case of a charge of more than*
17 *\$4.50 imposed by the sponsor of an airport en-*
18 *planing at least one percent of the total number*
19 *of boardings each year in the United States, 100*
20 *percent of the projected revenues from the charge*
21 *in the fiscal year but not more than 100 percent*
22 *of the amount that otherwise would be appor-*
23 *tioned under this section.”.*

1 **SEC. 141. MINIMUM AMOUNT FOR DISCRETIONARY FUND.**

2 *Section 47115(g)(1) is amended by striking “sum*
3 *of—” and all that follows through the period at the end*
4 *of subparagraph (B) and inserting “sum of \$520,000,000.”.*

5 **SEC. 142. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

6 *Section 47115(j) is amended by striking “fiscal years*
7 *2004 through 2008, and for the portion of fiscal year 2009*
8 *ending before April 1, 2009,” and inserting, “fiscal years*
9 *2008 through 2012,”.*

10 **SEC. 143. USE OF APPORTIONED AMOUNTS.**

11 *Section 47117(e)(1)(A) is amended—*

12 *(1) in the first sentence—*

13 *(A) by striking “35 percent” and inserting*
14 *“\$300,000,000”;*

15 *(B) by striking “and” after “47141,”; and*

16 *(C) by inserting before the period at the end*
17 *the following: “, and for water quality mitiga-*
18 *tion projects to comply with the Federal Water*
19 *Pollution Control Act (33 U.S.C. 1251 et seq.) as*
20 *approved in an environmental record of decision*
21 *for an airport development project under this*
22 *title”;* and

23 *(2) in the second sentence by striking “such 35*
24 *percent requirement is” and inserting “the require-*
25 *ments of the preceding sentence are”.*

1 **SEC. 144. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

2 (a) *IN GENERAL.*—Section 47133(b) is amended—

3 (1) *by striking “Subsection (a) shall not apply*
4 *if” and inserting the following:*

5 “(1) *PRIOR LAWS AND AGREEMENTS.*—Sub-
6 *section (a) shall not apply if”; and*

7 (2) *by adding at the end the following:*

8 “(2) *SALE OF PRIVATE AIRPORT TO PUBLIC*
9 *SPONSOR.*—*In the case of a privately owned airport,*
10 *subsection (a) shall not apply to the proceeds from the*
11 *sale of the airport to a public sponsor if—*

12 “(A) *the sale is approved by the Secretary;*

13 “(B) *funding is provided under this subtitle*
14 *for any portion of the public sponsor’s acquisi-*
15 *tion of airport land; and*

16 “(C) *an amount equal to the remaining*
17 *unamortized portion of any airport improvement*
18 *grant made to that airport for purposes other*
19 *than land acquisition, amortized over a 20-year*
20 *period, plus an amount equal to the Federal*
21 *share of the current fair market value of any*
22 *land acquired with an airport improvement*
23 *grant made to that airport on or after October*
24 *1, 1996, is repaid to the Secretary by the private*
25 *owner.*

1 “(3) *TREATMENT OF REPAYMENTS.*—*Repayments*
 2 *referred to in paragraph (2)(C) shall be treated as a*
 3 *recovery of prior year obligations.*”.

4 (b) *APPLICABILITY TO GRANTS.*—*The amendments*
 5 *made by subsection (a) shall apply to grants issued on or*
 6 *after October 1, 1996.*

7 **SEC. 145. AIRPORT PRIVATIZATION PILOT PROGRAM.**

8 (a) *APPROVAL REQUIREMENTS.*—*Section 47134 is*
 9 *amended in subsections (b)(1)(A)(i), (b)(1)(A)(ii),*
 10 *(c)(4)(A), and (c)(4)(B) by striking “65 percent” each place*
 11 *it appears and inserting “75 percent”.*

12 (b) *PROHIBITION ON RECEIPT OF FUNDS.*—

13 (1) *SECTION 47134.*—*Section 47134 is amended*
 14 *by adding at the end the following:*

15 “(n) *PROHIBITION ON RECEIPT OF CERTAIN FUNDS.*—
 16 *An airport receiving an exemption under subsection (b)*
 17 *shall be prohibited from receiving apportionments under*
 18 *section 47114 or discretionary funds under section 47115.”.*

19 (2) *CONFORMING AMENDMENTS.*—*Section*
 20 *47134(g) is amended—*

21 (A) *in the subsection heading by striking*
 22 *“APPORTIONMENTS;”;*

23 (B) *in paragraph (1) by striking the semi-*
 24 *colon at the end and inserting “; or”;*

25 (C) *by striking paragraph (2); and*

1 (D) by redesignating paragraph (3) as
2 paragraph (2).

3 (c) *FEDERAL SHARE OF PROJECT COSTS.*—Section
4 47109(a) is amended—

5 (1) by striking the semicolon at the end of para-
6 graph (3) and inserting “; and”;

7 (2) by striking paragraph (4); and

8 (3) by redesignating paragraph (5) as para-
9 graph (4).

10 **SEC. 146. AIRPORT SECURITY PROGRAM.**

11 (a) *GENERAL AUTHORITY.*—Section 47137(a) is
12 amended by inserting “, in consultation with the Secretary
13 of Homeland Security,” after “Transportation”.

14 (b) *IMPLEMENTATION.*—Section 47137(b) is amended
15 to read as follows:

16 “(b) *IMPLEMENTATION.*—

17 “(1) *IN GENERAL.*—In carrying out this section,
18 the Secretary of Transportation shall provide funding
19 through a grant, contract, or another agreement de-
20 scribed in section 106(l)(6) to a nonprofit consortium
21 that—

22 “(A) is composed of public and private per-
23 sons, including an airport sponsor; and

1 “(B) has at least 10 years of demonstrated
2 experience in testing and evaluating anti-ter-
3 rorist technologies at airports.

4 “(2) *PROJECT SELECTION.*—The Secretary shall
5 select projects under this subsection that—

6 “(A) evaluate and test the benefits of inno-
7 vative aviation security systems or related tech-
8 nology, including explosives detection systems,
9 for the purpose of improving aviation and air-
10 craft physical security, access control, and pas-
11 senger and baggage screening; and

12 “(B) provide testing and evaluation of air-
13 port security systems and technology in an oper-
14 ational, testbed environment.”.

15 (c) *MATCHING SHARE.*—Section 47137(c) is amended
16 by inserting after “section 47109” the following: “or any
17 other provision of law”.

18 (d) *ADMINISTRATION.*—Section 47137(e) is amended
19 by adding at the end the following: “The Secretary may
20 enter into an agreement in accordance with section 106(m)
21 to provide for the administration of any project under the
22 program.”.

23 (e) *ELIGIBLE SPONSOR.*—Section 47137 is amended
24 by striking subsection (f) and redesignating subsection (g)
25 as subsection (f).

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—Section
2 47137(f) (as so redesignated) is amended by striking
3 “\$5,000,000” and inserting “\$8,500,000”.

4 **SEC. 147. SUNSET OF PILOT PROGRAM FOR PURCHASE OF**
5 **AIRPORT DEVELOPMENT RIGHTS.**

6 Section 47138 is amended by adding at the end the
7 following:

8 “(f) *SUNSET.*—This section shall not be in effect after
9 September 30, 2008.”.

10 **SEC. 148. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
11 **IBLE LAND USE PLANNING AND PROJECTS BY**
12 **STATE AND LOCAL GOVERNMENTS.**

13 Section 47141(f) is amended by striking “March 31,
14 2009” and inserting “September 30, 2012”.

15 **SEC. 149. REPEAL OF LIMITATIONS ON METROPOLITAN**
16 **WASHINGTON AIRPORTS AUTHORITY.**

17 Section 49108, and the item relating to such section
18 in the analysis for chapter 491, are repealed.

19 **SEC. 150. MIDWAY ISLAND AIRPORT.**

20 Section 186(d) of the Vision 100—Century of Aviation
21 Reauthorization Act (117 Stat. 2518) is amended by strik-
22 ing “for fiscal years ending before October 1, 2008, and for
23 the portion of fiscal year 2009 ending before April 1, 2009,”
24 and inserting “October 1, 2012,”.

1 **SEC. 151. PUERTO RICO MINIMUM GUARANTEE.**

2 *Section 47114(e) is amended—*

3 *(1) in the subsection heading by inserting “AND*
4 *PUERTO RICO” after “ALASKA”; and*

5 *(2) by adding at the end the following:*

6 *“(5) PUERTO RICO MINIMUM GUARANTEE.—In*
7 *any fiscal year in which the total amount appor-*
8 *tioned to airports in Puerto Rico under subsections*
9 *(c) and (d) is less than 1.5 percent of the total*
10 *amount apportioned to all airports under subsections*
11 *(c) and (d), the Secretary shall apportion to the Puer-*
12 *to Rico Ports Authority for airport development*
13 *projects in such fiscal year an amount equal to the*
14 *difference between 1.5 percent of the total amounts*
15 *apportioned under subsections (c) and (d) in such fis-*
16 *cal year and the amount otherwise apportioned under*
17 *subsections (c) and (d) to airports in Puerto Rico in*
18 *such fiscal year.”.*

19 **SEC. 152. MISCELLANEOUS AMENDMENTS.**

20 *(a) TECHNICAL CHANGES TO NATIONAL PLAN OF IN-*
21 *TEGRATED AIRPORT SYSTEMS.—Section 47103 is amend-*
22 *ed—*

23 *(1) in subsection (a)—*

24 *(A) by striking “each airport to—” and in-*
25 *serting “the airport system to—”;*

1 (B) in paragraph (1) by striking “system
2 in the particular area;” and inserting “system,
3 including connection to the surface transpor-
4 tation network; and”;

5 (C) in paragraph (2) by striking “; and”
6 and inserting a period; and

7 (D) by striking paragraph (3);
8 (2) in subsection (b)—

9 (A) in paragraph (1) by striking the semi-
10 colon and inserting “; and”;

11 (B) by striking paragraph (2) and redesign-
12 ating paragraph (3) as paragraph (2); and

13 (C) in paragraph (2) (as so redesignated)
14 by striking “, Short Takeoff and Landing/Very
15 Short Takeoff and Landing aircraft operations,”;
16 and

17 (3) in subsection (d) by striking “status of the”.

18 (b) *UPDATE VETERANS PREFERENCE DEFINITION.*—
19 Section 47112(c) is amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (B) by striking “sepa-
22 rated from” and inserting “discharged or re-
23 leased from active duty in”; and

24 (B) by adding at the end the following:

1 “(C) ‘Afghanistan-Iraq war veteran’ means an
2 individual who served on active duty (as defined by
3 section 101 of title 38) in the Armed Forces for a pe-
4 riod of more than 180 consecutive days, any part of
5 which occurred during the period beginning on Sep-
6 tember 11, 2001, and ending on the date prescribed
7 by presidential proclamation or by law as the last
8 date of Operation Iraqi Freedom, and who was sepa-
9 rated from the Armed Forces under honorable condi-
10 tions.”; and

11 (2) in paragraph (2) by striking “veterans and”
12 and inserting “veterans, Afghanistan-Iraq war vet-
13 erans, and”.

14 (c) *CONSOLIDATION OF TERMINAL DEVELOPMENT*
15 *PROVISIONS.*—Section 47119 is amended—

16 (1) by redesignating subsections (a), (b), (c), and
17 (d) as subsections (b), (c), (d), and (e), respectively;
18 and

19 (2) by inserting before subsection (b) (as so re-
20 designated) the following:

21 “(a) *TERMINAL DEVELOPMENT PROJECTS.*—

22 “(1) *IN GENERAL.*—The Secretary may approve
23 a project for terminal development (including
24 multimodal terminal development) in a nonrevenue-

1 *producing public-use area of a commercial service*
2 *airport—*

3 “(A) *if the sponsor certifies that the airport,*
4 *on the date the grant application is submitted to*
5 *the Secretary, has—*

6 “(i) *all the safety equipment required*
7 *for certification of the airport under section*
8 *44706;*

9 “(ii) *all the security equipment re-*
10 *quired by regulation; and*

11 “(iii) *provided for access by passengers*
12 *to the area of the airport for boarding or*
13 *exiting aircraft that are not air carrier air-*
14 *craft;*

15 “(B) *if the cost is directly related to moving*
16 *passengers and baggage in air commerce within*
17 *the airport, including vehicles for moving pas-*
18 *sengers between terminal facilities and between*
19 *terminal facilities and aircraft; and*

20 “(C) *under terms necessary to protect the*
21 *interests of the Government.*

22 “(2) *PROJECT IN REVENUE-PRODUCING AREAS*
23 *AND NONREVENUE-PRODUCING PARKING LOTS.—In*
24 *making a decision under paragraph (1), the Secretary*
25 *may approve as allowable costs the expenses of ter-*

1 *minal development in a revenue-producing area and*
2 *construction, reconstruction, repair, and improvement*
3 *in a nonrevenue-producing parking lot if—*

4 *“(A) except as provided in section*
5 *47108(e)(3), the airport does not have more than*
6 *.05 percent of the total annual passenger*
7 *boardings in the United States; and*

8 *“(B) the sponsor certifies that any needed*
9 *airport development project affecting safety, secu-*
10 *rity, or capacity will not be deferred because of*
11 *the Secretary’s approval.”;*

12 *(3) in paragraphs (3) and (4)(A) of subsection*
13 *(b) (as redesignated by paragraph (1) of this sub-*
14 *section) by striking “section 47110(d)” and inserting*
15 *“subsection (a)”;*

16 *(4) in paragraph (5) of subsection (b) (as redesi-*
17 *gnated by paragraph (1) of this subsection) by strik-*
18 *ing “subsection (b)(1) and (2)” and inserting “sub-*
19 *sections (c)(1) and (c)(2)”;*

20 *(5) in paragraphs (2)(A), (3), and (4) of sub-*
21 *section (c) (as redesignated by paragraph (1) of this*
22 *subsection) by striking “section 47110(d) of this title”*
23 *and inserting “subsection (a)”;*

24 *(6) in paragraph (2)(B) of subsection (c) (as re-*
25 *designated by paragraph (1) of this subsection) by*

1 *striking “section 47110(d)” and inserting “subsection*
2 *(a)”;*

3 *(7) in subsection (c)(5) (as redesignated by para-*
4 *graph (1) of this subsection) by striking “section*
5 *47110(d)” and inserting “subsection (a)”;* and

6 *(8) by adding at the end the following:*

7 *“(f) LIMITATION ON DISCRETIONARY FUNDS.—The*
8 *Secretary may distribute not more than \$20,000,000 from*
9 *the discretionary fund established under section 47115 for*
10 *terminal development projects at a nonhub airport or a*
11 *small hub airport that is eligible to receive discretionary*
12 *funds under section 47108(e)(3).”.*

13 *(d) ANNUAL REPORT.—Section 47131(a) is amend-*
14 *ed—*

15 *(1) by striking “April 1” and inserting “June*
16 *1”;* and

17 *(2) by striking paragraphs (1), (2), (3), and (4)*
18 *and inserting the following:*

19 *“(1) a summary of airport development and*
20 *planning completed;*

21 *“(2) a summary of individual grants issued;*

22 *“(3) an accounting of discretionary and appor-*
23 *tioned funds allocated;*

24 *“(4) the allocation of appropriations; and”.*

1 (e) *CORRECTION TO EMISSION CREDITS PROVISION.*—

2 Section 47139 is amended—

3 (1) in subsection (a) by striking “47102(3)(F),”;

4 and

5 (2) in subsection (b)—

6 (A) by striking “47102(3)(F),”; and

7 (B) by striking “47103(3)(F),”.

8 (f) *CONFORMING AMENDMENT TO CIVIL PENALTY AS-*

9 *SESSMENT AUTHORITY.*—Section 46301(d)(2) is amended

10 by inserting “46319,” after “46318,”.

11 (g) *OTHER CONFORMING AMENDMENTS.*—

12 (1) Sections 40117(a)(3)(B) is amended by strik-

13 ing “section 47110(d)” and inserting “section

14 47119(a)”.

15 (2) Section 47108(e)(3) is amended—

16 (A) by striking “section 47110(d)(2)” and

17 inserting “section 47119(a)”;

18 (B) by striking “section 47110(d)” and in-

19 serting “section 47119(a)”.

20 (h) *CORRECTION TO SURPLUS PROPERTY AUTHOR-*

21 *ITY.*—Section 47151(e) is amended by striking “(other than

22 real property” and all that follows through “(10 U.S.C.

23 2687 note))”.

24 (i) *AIRPORT CAPACITY BENCHMARK REPORTS.*—Sec-

25 tion 47175(2) is amended by striking “Airport Capacity

1 *Benchmark Report 2001*” and inserting “2001 and 2004
2 *Airport Capacity Benchmark Reports or table 1 of the Fed-
3 eral Aviation Administration’s most recent airport capac-
4 ity benchmark report*”.

5 **SEC. 153. AIRPORT MASTER PLANS.**

6 *Section 47101 is amended by adding at the end the
7 following:*

8 “(i) *ADDITIONAL GOALS FOR AIRPORT MASTER
9 PLANS.—In addition to the goals set forth in subsection
10 (g)(2), the Secretary shall encourage airport sponsors and
11 State and local officials, through Federal Aviation Admin-
12 istration advisory circulars, to consider customer conven-
13 ience, airport ground access, and access to airport facilities
14 in airport master plans.*”.

15 **TITLE II—NEXT GENERATION**
16 **AIR TRANSPORTATION SYS-**
17 **TEM AND AIR TRAFFIC CON-**
18 **TROL MODERNIZATION**

19 **SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.**

20 (a) *FINDINGS.—Congress finds the following:*

21 (1) *The United States faces a great national
22 challenge as the Nation’s aviation infrastructure is at
23 a crossroads.*

24 (2) *The demand for aviation services, a critical
25 element of the United States economy, vital in sup-*

1 *porting the quality of life of the people of the United*
2 *States, and critical in support of the Nation’s defense*
3 *and national security, is growing at an ever increas-*
4 *ing rate. At the same time, the ability of the United*
5 *States air transportation system to expand and*
6 *change to meet this increasing demand is limited.*

7 *(3) The aviation industry accounts for more*
8 *than 11,000,000 jobs in the United States and con-*
9 *tributes approximately \$741,000,000,000 annually to*
10 *the United States gross domestic product.*

11 *(4) The United States air transportation system*
12 *continues to drive economic growth in the United*
13 *States and will continue to be a major economic driv-*
14 *er as air traffic triples over the next 20 years.*

15 *(5) The Next Generation Air Transportation*
16 *System (in this section referred to as the “NextGen*
17 *System”)* *is the system for achieving long-term trans-*
18 *formation of the United States air transportation sys-*
19 *tem that focuses on developing and implementing new*
20 *technologies and that will set the stage for the long-*
21 *term development of a scalable and more flexible air*
22 *transportation system without compromising the un-*
23 *precedented safety record of United States aviation.*

1 (6) *The benefits of the NextGen System, in terms*
2 *of promoting economic growth and development, are*
3 *enormous.*

4 (7) *The NextGen System will guide the path of*
5 *the United States air transportation system in the*
6 *challenging years ahead.*

7 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
8 *that—*

9 (1) *modernizing the air transportation system is*
10 *a national priority and the United States must make*
11 *a commitment to revitalizing this essential component*
12 *of the Nation’s transportation infrastructure;*

13 (2) *one fundamental requirement for the success*
14 *of the NextGen System is strong leadership and suffi-*
15 *cient resources;*

16 (3) *the Joint Planning and Development Office*
17 *of the Federal Aviation Administration and the Next*
18 *Generation Air Transportation System Senior Policy*
19 *Committee, each established by Congress in 2003, will*
20 *lead and facilitate this important national mission to*
21 *ensure that the programs and capabilities of the*
22 *NextGen System are carefully integrated and aligned;*

23 (4) *Government agencies and industry must*
24 *work together, carefully integrating and aligning*
25 *their work to meet the needs of the NextGen System*

1 *in the development of budgets, programs, planning,*
2 *and research;*

3 *(5) the Department of Transportation, the Fed-*
4 *eral Aviation Administration, the Department of De-*
5 *fense, the Department of Homeland Security, the De-*
6 *partment of Commerce, and the National Aeronautics*
7 *and Space Administration must work in cooperation*
8 *and make transformational improvements to the*
9 *United States air transportation infrastructure a pri-*
10 *ority; and*

11 *(6) due to the critical importance of the NextGen*
12 *System to the economic and national security of the*
13 *United States, partner departments and agencies*
14 *must be provided with the resources required to com-*
15 *plete the implementation of the NextGen System.*

16 **SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYS-**
17 **TEM JOINT PLANNING AND DEVELOPMENT**
18 **OFFICE.**

19 *(a) ESTABLISHMENT.—*

20 *(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT*
21 *GENERATION AIR TRANSPORTATION SYSTEM.—Section*
22 *709(a) of Vision 100—Century of Aviation Reauthor-*
23 *ization Act (49 U.S.C. 40101 note; 117 Stat. 2582)*
24 *is amended—*

1 (A) by redesignating paragraphs (2), (3),
2 and (4) as paragraphs (3), (4), and (5), respec-
3 tively; and

4 (B) by inserting after paragraph (1) the fol-
5 lowing:

6 “(2) *The director of the Office shall be the Associate*
7 *Administrator for the Next Generation Air Transportation*
8 *System, who shall be appointed by the Administrator of the*
9 *Federal Aviation Administration. The Associate Adminis-*
10 *trator shall report to the Administrator.”.*

11 (2) *RESPONSIBILITIES.—Section 709(a)(3) of*
12 *such Act (as redesignated by paragraph (1) of this*
13 *subsection) is amended—*

14 (A) in subparagraph (G) by striking “;
15 and” and inserting a semicolon;

16 (B) in subparagraph (H) by striking the
17 period at the end and inserting a semicolon; and

18 (C) by adding at the end the following:

19 “(I) *establishing specific quantitative goals*
20 *for the safety, capacity, efficiency, performance,*
21 *and environmental impacts of each phase of Next*
22 *Generation Air Transportation System imple-*
23 *mentation activities and measuring actual oper-*
24 *ational experience against those goals, taking*
25 *into account noise pollution reduction concerns*

1 *of affected communities to the greatest extent*
2 *practicable in establishing the environmental*
3 *goals;*

4 *“(J) working to ensure global interoper-*
5 *ability of the Next Generation Air Transpor-*
6 *tation System;*

7 *“(K) working to ensure the use of weather*
8 *information and space weather information in*
9 *the Next Generation Air Transportation System*
10 *as soon as possible;*

11 *“(L) overseeing, with the Administrator of*
12 *the Federal Aviation Administration, the selec-*
13 *tion of products or outcomes of research and de-*
14 *velopment activities that would be moved to the*
15 *next stage of a demonstration project; and*

16 *“(M) maintaining a baseline modeling and*
17 *simulation environment for testing and evalu-*
18 *ating alternative concepts to satisfy Next Gen-*
19 *eration Air Transportation enterprise architec-*
20 *ture requirements.”.*

21 (3) COOPERATION WITH OTHER FEDERAL AGEN-
22 CIES.—Section 709(a)(4) of such Act (as redesignated
23 by paragraph (1) of this subsection) is amended—

24 (A) by striking “(4)” and inserting
25 “(4)(A)”; and

1 (B) by adding at the end the following:

2 “(B) The Secretary of Defense, the Administrator of
3 the National Aeronautics and Space Administration, the
4 Secretary of Commerce, the Secretary of Homeland Secu-
5 rity, and the head of any other Federal agency from which
6 the Secretary of Transportation requests assistance under
7 subparagraph (A) shall designate a senior official in the
8 agency to be responsible for—

9 “(i) carrying out the activities of the agency re-
10 lating to the Next Generation Air Transportation
11 System in coordination with the Office, including the
12 execution of all aspects of the work of the agency in
13 developing and implementing the integrated work
14 plan described in subsection (b)(5);

15 “(ii) serving as a liaison for the agency in ac-
16 tivities of the agency relating to the Next Generation
17 Air Transportation System and coordinating with
18 other Federal agencies involved in activities relating
19 to the System; and

20 “(iii) ensuring that the agency meets its obliga-
21 tions as set forth in any memorandum of under-
22 standing executed by or on behalf of the agency relat-
23 ing to the Next Generation Air Transportation Sys-
24 tem.

1 “(C) *The head of a Federal agency referred to in sub-*
2 *paragraph (B) shall ensure that—*

3 “(i) *the responsibilities of the agency relating to*
4 *the Next Generation Air Transportation System are*
5 *clearly communicated to the senior official of the*
6 *agency designated under subparagraph (B); and*

7 “(ii) *the performance of the senior official in*
8 *carrying out the responsibilities of the agency relating*
9 *to the Next Generation Air Transportation System is*
10 *reflected in the official’s annual performance evalua-*
11 *tions and compensation.*

12 “(D) *The head of a Federal agency referred to in sub-*
13 *paragraph (B) shall—*

14 “(i) *establish or designate an office within the*
15 *agency to carry out its responsibilities under the*
16 *memorandum of understanding under the supervision*
17 *of the designated official; and*

18 “(ii) *ensure that the designated official has suffi-*
19 *cient budgetary authority and staff resources to carry*
20 *out the agency’s Next Generation Air Transportation*
21 *System responsibilities as set forth in the integrated*
22 *plan under subsection (b).*

23 “(E) *Not later than 6 months after the date of enact-*
24 *ment of this subparagraph, the head of each Federal agency*
25 *that has responsibility for carrying out any activity under*

1 *the integrated plan under subsection (b) shall execute a*
2 *memorandum of understanding with the Office obligating*
3 *that agency to carry out the activity.”.*

4 (4) *COORDINATION WITH OMB.—Section 709(a)*
5 *of such Act (117 Stat. 2582) is further amended by*
6 *adding at the end the following:*

7 “(6)(A) *The Office shall work with the Director of the*
8 *Office of Management and Budget to develop a process*
9 *whereby the Director will identify projects related to the*
10 *Next Generation Air Transportation System across the*
11 *agencies referred to in paragraph (4)(A) and consider the*
12 *Next Generation Air Transportation System as a unified,*
13 *cross-agency program.*

14 “(B) *The Director, to the maximum extent practicable,*
15 *shall—*

16 “(i) *ensure that—*

17 “(I) *each Federal agency covered by the*
18 *plan has sufficient funds requested in the Presi-*
19 *dent’s budget, as submitted under section*
20 *1105(a) of title 31, United States Code, for each*
21 *fiscal year covered by the plan to carry out its*
22 *responsibilities under the plan; and*

23 “(II) *the development and implementation*
24 *of the Next Generation Air Transportation Sys-*
25 *tem remains on schedule;*

1 “(ii) include, in the President’s budget, a state-
2 ment of the portion of the estimated budget of each
3 Federal agency covered by the plan that relates to the
4 activities of the agency under the Next Generation Air
5 Transportation System initiative; and

6 “(iii) identify and justify as part of the Presi-
7 dent’s budget submission any inconsistencies between
8 the plan and amounts requested in the budget.

9 “(7) The Associate Administrator of the Next Genera-
10 tion Air Transportation System shall be a voting member
11 of the Joint Resources Council of the Federal Aviation Ad-
12 ministration.”.

13 (b) *INTEGRATED PLAN*.—Section 709(b) of such Act
14 (117 Stat. 2583) is amended—

15 (1) in the matter preceding paragraph (1)—

16 (A) by striking “meets air” and inserting
17 “meets anticipated future air”; and

18 (B) by striking “beyond those currently in-
19 cluded in the Federal Aviation Administration’s
20 operational evolution plan”;

21 (2) by striking “and” at the end of paragraph

22 (3);

23 (3) by striking the period at the end of para-
24 graph (4) and inserting “; and”; and

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

1 “(5) a multiagency integrated work plan for the
2 *Next Generation Air Transportation System* that in-
3 cludes—

4 “(A) an outline of the activities required to
5 achieve the end-state architecture, as expressed in
6 the concept of operations and enterprise architec-
7 ture documents, that identifies each Federal
8 agency or other entity responsible for each activ-
9 ity in the outline;

10 “(B) details on a year-by-year basis of spe-
11 cific accomplishments, activities, research re-
12 quirements, rulemakings, policy decisions, and
13 other milestones of progress for each Federal
14 agency or entity conducting activities relating to
15 the *Next Generation Air Transportation System*;

16 “(C) for each element of the *Next Genera-*
17 *tion Air Transportation System*, an outline, on
18 a year-by-year basis, of what is to be accom-
19 plished in that year toward meeting the *Next*
20 *Generation Air Transportation System’s* end-
21 state architecture, as expressed in the concept of
22 operations and enterprise architecture docu-
23 ments, as well as identifying each Federal agen-
24 cy or other entity that will be responsible for

1 *each component of any research, development, or*
2 *implementation program;*

3 “(D) *an estimate of all necessary expendi-*
4 *tures on a year-by-year basis, including a state-*
5 *ment of each Federal agency or entity’s responsi-*
6 *bility for costs and available resources, for each*
7 *stage of development from the basic research*
8 *stage through the demonstration and implemen-*
9 *tation phase;*

10 “(E) *a clear explanation of how each step*
11 *in the development of the Next Generation Air*
12 *Transportation System will lead to the following*
13 *step and of the implications of not successfully*
14 *completing a step in the time period described in*
15 *the integrated work plan;*

16 “(F) *a transition plan for the implementa-*
17 *tion of the Next Generation Air Transportation*
18 *System that includes date-specific milestones for*
19 *the implementation of new capabilities into the*
20 *national airspace system;*

21 “(G) *date-specific timetables for meeting the*
22 *environmental goals identified in subsection*
23 *(a)(3)(I); and*

24 “(H) *a description of potentially significant*
25 *operational or workforce changes resulting from*

1 *deployment of the Next Generation Air Trans-*
2 *portation System.”.*

3 (c) *NEXTGEN IMPLEMENTATION PLAN.*—Section
4 709(d) of such Act (117 Stat. 2584) is amended to read
5 as follows:

6 “(d) *NEXTGEN IMPLEMENTATION PLAN.*—The Admin-
7 istrator of the Federal Aviation Administration shall de-
8 velop and publish annually the document known as the
9 ‘NextGen Implementation Plan’, or any successor docu-
10 ment, that provides a detailed description of how the agency
11 is implementing the Next Generation Air Transportation
12 System.”.

13 (d) *AUTHORIZATION OF APPROPRIATIONS.*—Section
14 709(e) of such Act (117 Stat. 2584) is amended by striking
15 “2010” and inserting “2012”.

16 (e) *CONTINGENCY PLANNING.*—The Associate Adminis-
17 trator for the Next Generation Air Transportation System
18 shall, as part of the design of the System, develop contin-
19 gency plans for dealing with the degradation of the System
20 in the event of a natural disaster, major equipment failure,
21 or act of terrorism.

22 **SEC. 203. NEXT GENERATION AIR TRANSPORTATION SEN-**
23 **IOR POLICY COMMITTEE.**

24 (a) *MEETINGS.*—Section 710(a) of Vision 100—Cen-
25 tury of Aviation Reauthorization Act (49 U.S.C. 40101

1 *note; 117 Stat. 2584) is amended by inserting before the*
2 *period at the end the following “and shall meet at least*
3 *twice each year”.*

4 *(b) ANNUAL REPORT.—Section 710 of such Act (117*
5 *Stat. 2584) is amended by adding at the end the following:*

6 *“(e) ANNUAL REPORT.—*

7 *“(1) SUBMISSION TO CONGRESS.—Not later than*
8 *one year after the date of enactment of this subsection,*
9 *and annually thereafter on the date of submission of*
10 *the President’s budget request to Congress under sec-*
11 *tion 1105(a) of title 31, United States Code, the Sec-*
12 *retary shall submit to the Committee on Transpor-*
13 *tation and Infrastructure and the Committee on*
14 *Science and Technology of the House of Representa-*
15 *tives and the Committee on Commerce, Science, and*
16 *Transportation of the Senate a report summarizing*
17 *the progress made in carrying out the integrated work*
18 *plan required by section 709(b)(5) and any changes*
19 *in that plan.*

20 *“(2) CONTENTS.—The report shall include—*

21 *“(A) a copy of the updated integrated work*
22 *plan;*

23 *“(B) a description of the progress made in*
24 *carrying out the integrated work plan and any*
25 *changes in that plan, including any changes*

1 based on funding shortfalls and limitations set
 2 by the Office of Management and Budget;

3 “(C) a detailed description of—

4 “(i) the success or failure of each item
 5 of the integrated work plan for the previous
 6 year and relevant information as to why
 7 any milestone was not met; and

8 “(ii) the impact of not meeting the
 9 milestone and what actions will be taken in
 10 the future to account for the failure to com-
 11 plete the milestone;

12 “(D) an explanation of any change to fu-
 13 ture years in the integrated work plan and the
 14 reasons for such change; and

15 “(E) an identification of the levels of fund-
 16 ing for each agency participating in the inte-
 17 grated work plan devoted to programs and ac-
 18 tivities under the plan for the previous fiscal
 19 year and in the President’s budget request.”.

20 **SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
 21 **CAST SERVICES.**

22 (a) *REPORT ON FAA PROGRAM AND SCHEDULE.*—

23 (1) *IN GENERAL.*—*The Administrator of the Fed-*
 24 *eral Aviation Administration shall prepare a report*
 25 *detailing the program and schedule for integrating*

1 *automatic dependent surveillance-broadcast (in this*
2 *section referred to as “ADS–B”) technology into the*
3 *national airspace system.*

4 (2) *CONTENTS.—The report shall include—*

5 (A) *a description of segment 1 and segment*
6 *2 activity to acquire ADS–B services;*

7 (B) *a description of plans for implementa-*
8 *tion of advanced operational procedures and*
9 *ADS–B air-to-air applications; and*

10 (C) *a detailed description of the protections*
11 *that the Administration will require as part of*
12 *any contract or program in the event of a con-*
13 *tractor’s default, bankruptcy, acquisition by an-*
14 *other entity, or any other event jeopardizing the*
15 *uninterrupted provision of ADS–B services.*

16 (3) *SUBMISSION TO CONGRESS.—Not later than*
17 *90 days after the date of enactment of this Act, the*
18 *Administrator shall submit to the Committee on*
19 *Transportation and Infrastructure of the House of*
20 *Representatives and the Committee on Commerce,*
21 *Science, and Transportation of the Senate the report*
22 *prepared under paragraph (1).*

23 (b) *REQUIREMENTS OF FAA CONTRACTS FOR ADS–*
24 *B SERVICES.—Any contract entered into by the Adminis-*

1 *trator with an entity to acquire ADS-B services shall con-*
2 *tain terms and conditions that—*

3 *(1) require approval by the Administrator before*
4 *the contract may be assigned to or assumed by an-*
5 *other entity, including any successor entity, sub-*
6 *subsidiary of the contractor, or other corporate entity;*

7 *(2) provide that the assets, equipment, hardware,*
8 *and software used in the performance of the contract*
9 *be designated as critical national infrastructure for*
10 *national security and related purposes;*

11 *(3) require the contractor to provide continued*
12 *broadcast services for a reasonable period, as deter-*
13 *mined by the Administrator, until the provision of*
14 *such services can be transferred to another vendor or*
15 *to the Government in the event of a termination of the*
16 *contract;*

17 *(4) require the contractor to provide continued*
18 *broadcast services for a reasonable period, as deter-*
19 *mined by the Administrator, until the provision of*
20 *such services can be transferred to another vendor or*
21 *to the Government in the event of material non-*
22 *performance, as determined by the Administrator;*
23 *and*

24 *(5) permit the Government to acquire or utilize*
25 *for a reasonable period, as determined by the Admin-*

1 *istrator, the assets, equipment, hardware, and soft-*
2 *ware necessary to ensure the continued and uninter-*
3 *rupted provision of ADS-B services and to have*
4 *ready access to such assets, equipment, hardware, and*
5 *software through its own personnel, agents, or others,*
6 *if the Administrator provides reasonable compensa-*
7 *tion for such acquisition or utilization.*

8 *(c) REVIEW BY DOT INSPECTOR GENERAL.—*

9 *(1) IN GENERAL.—The Inspector General of the*
10 *Department of Transportation shall conduct a review*
11 *concerning the Federal Aviation Administration’s*
12 *award and oversight of any contract entered into by*
13 *the Administration to provide ADS-B services for the*
14 *national airspace system.*

15 *(2) CONTENTS.—The review shall include, at a*
16 *minimum—*

17 *(A) an examination of how program risks*
18 *are being managed;*

19 *(B) an assessment of expected benefits at-*
20 *tributable to the deployment of ADS-B services,*
21 *including the implementation of advanced oper-*
22 *ational procedures and air-to-air applications as*
23 *well as to the extent to which ground radar will*
24 *be retained;*

1 (C) a determination of whether the Admin-
2 istration has established sufficient mechanisms to
3 ensure that all design, acquisition, operation,
4 and maintenance requirements have been met by
5 the contractor;

6 (D) an assessment of whether the Adminis-
7 tration and any contractors are meeting cost,
8 schedule, and performance milestones, as meas-
9 ured against the original baseline of the Admin-
10 istration's program for providing ADS-B serv-
11 ices;

12 (E) an assessment of whether security issues
13 are being adequately addressed in the overall de-
14 sign and implementation of the ADS-B system;
15 and

16 (F) any other matters or aspects relating to
17 contract implementation and oversight that the
18 Inspector General determines merit attention.

19 (3) *REPORTS TO CONGRESS.*—The Inspector
20 General shall periodically, on at least an annual
21 basis, submit to the Committee on Transportation
22 and Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and Trans-
24 portation of the Senate a report on the results of the
25 review conducted under this subsection.

1 **SEC. 205. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC**
2 **CONTROL MODERNIZATION PROJECTS.**

3 (a) *IN GENERAL.*—*The Administrator of the Federal*
4 *Aviation Administration shall establish a process for in-*
5 *cluding in the planning, development, and deployment of*
6 *air traffic control modernization projects (including the*
7 *Next Generation Air Transportation System) and collabo-*
8 *rating with qualified employees selected by each exclusive*
9 *collective bargaining representative of employees of the Ad-*
10 *ministration who are likely to be impacted by such plan-*
11 *ning, development, and deployment.*

12 (b) *PARTICIPATION.*—

13 (1) *BARGAINING OBLIGATIONS AND RIGHTS.*—
14 *Participation in the process described in subsection*
15 *(a) shall not be construed as a waiver of any bar-*
16 *gaining obligations or rights under section*
17 *40122(a)(1) or 40122(g)(2)(C) of title 49, United*
18 *States Code.*

19 (2) *CAPACITY AND COMPENSATION.*—*Exclusive*
20 *collective bargaining representatives and selected em-*
21 *ployees participating in the process described in sub-*
22 *section (a) shall—*

23 (A) *serve in a collaborative and advisory*
24 *capacity; and*

25 (B) *receive appropriate travel and per diem*
26 *expenses in accordance with the travel policies of*

1 *the Administration in addition to any regular*
2 *compensation and benefits.*

3 (c) *REPORT.*—*Not later than 180 days after the date*
4 *of enactment of this Act, the Administrator shall submit*
5 *to the Committee on Transportation and Infrastructure of*
6 *the House of Representatives and the Committee on Com-*
7 *merce, Science, and Transportation of the Senate a report*
8 *on the implementation of this section.*

9 **SEC. 206. GAO REVIEW OF CHALLENGES ASSOCIATED WITH**
10 **TRANSFORMING TO THE NEXT GENERATION**
11 **AIR TRANSPORTATION SYSTEM.**

12 (a) *IN GENERAL.*—*The Comptroller General shall con-*
13 *duct a review of the progress and challenges associated with*
14 *transforming the Nation’s air traffic control system into the*
15 *Next Generation Air Transportation System (in this section*
16 *referred to as the “NextGen System”).*

17 (b) *REVIEW.*—*The review shall include the following:*

18 (1) *An evaluation of the continued implementa-*
19 *tion and institutionalization of the processes that are*
20 *key to the ability of the Air Traffic Organization to*
21 *effectively maintain management structures and sys-*
22 *tems acquisitions procedures utilized under the cur-*
23 *rent air traffic control modernization program as a*
24 *basis for the NextGen System.*

1 (2) *An assessment of the progress and challenges*
2 *associated with collaboration and contributions of the*
3 *partner agencies working with the Joint Planning*
4 *and Development Office of the Federal Aviation Ad-*
5 *ministration (in this section referred to as the*
6 *“JPDO”) in planning and implementing the NextGen*
7 *System.*

8 (3) *The progress and challenges associated with*
9 *coordinating government and industry stakeholders in*
10 *activities relating to the NextGen System, including*
11 *an assessment of the contributions of the NextGen In-*
12 *stitute.*

13 (4) *An assessment of planning and implementa-*
14 *tion of the NextGen System against established sched-*
15 *ules, milestones, and budgets.*

16 (5) *An evaluation of the recently modified orga-*
17 *nizational structure of the JPDO.*

18 (6) *An examination of transition planning by*
19 *the Air Traffic Organization and the JPDO.*

20 (7) *Any other matters or aspects of planning and*
21 *coordination of the NextGen System by the Federal*
22 *Aviation Administration and the JPDO that the*
23 *Comptroller General determines appropriate.*

24 (c) *REPORTS.—*

1 (1) *REPORT TO CONGRESS ON PRIORITIES.*—Not
2 *later than one year after the date of enactment of this*
3 *Act, the Comptroller General shall determine the pri-*
4 *ority of topics to be reviewed under this section and*
5 *report such priorities to the Committee on Transpor-*
6 *tation and Infrastructure and the Committee on*
7 *Science and Technology of the House of Representa-*
8 *tives and the Committee on Commerce, Science, and*
9 *Transportation of the Senate.*

10 (2) *PERIODIC REPORTS TO CONGRESS ON RE-*
11 *SULTS OF THE REVIEW.*—*The Comptroller General*
12 *shall periodically submit to the committees referred to*
13 *in paragraph (1) a report on the results of the review*
14 *conducted under this section.*

15 **SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANS-**
16 **PORTATION SYSTEM ACQUISITION AND PRO-**
17 **CEDURES DEVELOPMENT.**

18 (a) *STUDY.*—*The Comptroller General shall conduct a*
19 *review of the progress made and challenges related to the*
20 *acquisition of designated technologies and the development*
21 *of procedures for the Next Generation Air Transportation*
22 *System (in this section referred to as the “NextGen Sys-*
23 *tem”).*

24 (b) *SPECIFIC SYSTEMS REVIEW.*—*The review shall in-*
25 *clude, at a minimum, an examination of the acquisition*

1 *costs, schedule, and other relevant considerations for the fol-*
2 *lowing systems:*

3 (1) *En Route Automation Modernization*
4 (*ERAM*).

5 (2) *Standard Terminal Automation Replacement*
6 *System/Common Automated Radar Terminal System*
7 (*STARS/CARTS*).

8 (3) *Automatic Dependent Surveillance-Broadcast*
9 (*ADS-B*).

10 (4) *System Wide Information Management*
11 (*SWIM*).

12 (5) *Traffic Flow Management Modernization*
13 (*TFM-M*).

14 (c) *REVIEW*.—*The review shall include, at a min-*
15 *imum, an assessment of the progress and challenges related*
16 *to the development of standards, regulations, and proce-*
17 *dures that will be necessary to implement the NextGen Sys-*
18 *tem, including required navigation performance, area navi-*
19 *gation, the airspace management program, and other pro-*
20 *grams and procedures that the Comptroller General identi-*
21 *fies as relevant to the transformation of the air traffic sys-*
22 *tem.*

23 (d) *PERIODIC REPORTS TO CONGRESS ON RESULTS OF*
24 *THE REVIEW*.—*The Comptroller General shall periodically*
25 *submit to the Committee on Transportation and Infrastruc-*

1 *ture and the Committee on Science and Technology of the*
2 *House of Representatives and the Committee on Commerce,*
3 *Science, and Transportation of the Senate a report on the*
4 *results of the review conducted under this section.*

5 **SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPER-**
6 **ATIONAL AND APPROACH PROCEDURES BY A**
7 **THIRD PARTY.**

8 (a) *REVIEW.*—*The Inspector General of the Depart-*
9 *ment of Transportation shall conduct a review regarding*
10 *the effectiveness of the oversight activities conducted by the*
11 *Federal Aviation Administration in connection with any*
12 *agreement with or delegation of authority to a third party*
13 *for the development of flight procedures, including public*
14 *use procedures, for the national airspace system.*

15 (b) *ASSESSMENTS.*—*The Inspector General shall in-*
16 *clude, at a minimum, in the review—*

17 (1) *an assessment of the extent to which the Fed-*
18 *eral Aviation Administration is relying or intends to*
19 *rely on a third party for the development of new pro-*
20 *cedures and a determination of whether the Adminis-*
21 *tration has established sufficient mechanisms and*
22 *staffing to provide safety oversight functions, which*
23 *may include quality assurance processes, flight checks,*
24 *integration of procedures into the National Aviation*

1 *System, and operational assessments of procedures de-*
2 *veloped by third parties; and*

3 (2) *an assessment regarding whether the Admin-*
4 *istration has sufficient existing personnel and tech-*
5 *nical resources or mechanisms to develop such flight*
6 *procedures in a safe and efficient manner to meet the*
7 *demands of the national airspace system without the*
8 *use of third party resources.*

9 (c) *REPORT.*—*Not later than one year after the date*
10 *of enactment of this Act, the Inspector General shall submit*
11 *to the Committee on Transportation and Infrastructure of*
12 *the House of Representatives and the Committee on Com-*
13 *merce, Science, and Transportation of the Senate a report*
14 *on the results of the review conducted under this section,*
15 *including the assessments described in subsection (b).*

16 **SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**
17 **FOR NEXT GENERATION AIR TRANSPOR-**
18 **TATION SYSTEM.**

19 (a) *REVIEW.*—*The Administrator of the Federal Avia-*
20 *tion Administration shall enter into an arrangement with*
21 *the National Research Council to review the enterprise ar-*
22 *chitecture for the Next Generation Air Transportation Sys-*
23 *tem.*

24 (b) *CONTENTS.*—*At a minimum, the review to be con-*
25 *ducted under subsection (a) shall—*

1 (1) *highlight the technical activities, including*
2 *human-system design, organizational design, and*
3 *other safety and human factor aspects of the system,*
4 *that will be necessary to successfully transition cur-*
5 *rent and planned modernization programs to the fu-*
6 *ture system envisioned by the Joint Planning and De-*
7 *velopment Office of the Administration;*

8 (2) *assess technical, cost, and schedule risk for*
9 *the software development that will be necessary to*
10 *achieve the expected benefits from a highly automated*
11 *air traffic management system and the implications*
12 *for ongoing modernization projects; and*

13 (3) *include judgments on how risks with automa-*
14 *tion efforts for the Next Generation Air Transpor-*
15 *tation System can be mitigated based on the experi-*
16 *ences of other public or private entities in developing*
17 *complex, software-intensive systems.*

18 (c) *REPORT.*—*Not later than one year after the date*
19 *of enactment of this Act, the Administrator shall submit*
20 *to Congress a report containing the results of the review*
21 *conducted pursuant to subsection (a).*

22 **SEC. 210. NEXTGEN TECHNOLOGY TESTBED.**

23 *Of amounts appropriated under section 48101(a) of*
24 *title 49, United States Code, the Administrator of the Fed-*
25 *eral Aviation Administration shall use such sums as may*

1 *be necessary for each of the fiscal years 2009 through 2012*
2 *to contribute to the establishment by a public-private part-*
3 *nership (including a university component with significant*
4 *aviation expertise in air traffic management, simulation,*
5 *meteorology, and engineering and aviation business) an*
6 *airport-based testing site for existing Next Generation Air*
7 *Transport System technologies. The Administrator shall en-*
8 *sure that next generation air traffic control integrated sys-*
9 *tems developed by private industries are installed at the site*
10 *for demonstration, operational research, and evaluation by*
11 *the Administration. The testing site shall serve a mix of*
12 *general aviation and commercial traffic.*

13 **SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO**
14 **REIMBURSABLE AGREEMENTS.**

15 *Section 106(m) is amended in the last sentence by in-*
16 *serting “with or” before “without reimbursement”.*

17 **SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.**

18 *Section 40102(a)(4) is amended—*

19 *(1) by redesignating subparagraph (D) as sub-*
20 *paragraph (E);*

21 *(2) by striking subparagraphs (B) and (C) and*
22 *inserting the following:*

23 *“(B) runway lighting and airport surface*
24 *visual and other navigation aids;*

1 “(C) aeronautical and meteorological infor-
2 mation to air traffic control facilities or aircraft;

3 “(D) communication, navigation, or sur-
4 veillance equipment for air-to-ground or air-to-
5 air applications;”;

6 (3) in subparagraph (E) (as redesignated by
7 paragraph (1) of this section)—

8 (A) by striking “another structure” and in-
9 serting “any structure, equipment,”; and

10 (B) by striking the period at the end and
11 inserting “; and”; and

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

13 “(F) buildings, equipment, and systems
14 dedicated to the national airspace system.”.

15 **SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
16 **TORY.**

17 Section 40110(a)(2) is amended by striking “com-
18 pensation” and inserting “compensation, and the amount
19 received shall be credited as an offsetting collection to the
20 account from which the amount was expended and shall re-
21 main available until expended”.

22 **SEC. 214. CLARIFICATION TO ACQUISITION REFORM AU-**
23 **THORITY.**

24 Section 40110(c) is amended—

1 *viding such services and shall remain available until*
2 *expended.”.*

3 **SEC. 216. FRONT LINE MANAGER STAFFING.**

4 *(a) STUDY.—Not later than 90 days after the date of*
5 *enactment of this Act, the Administrator of the Federal*
6 *Aviation Administration shall initiate a study on front line*
7 *manager staffing requirements in air traffic control facili-*
8 *ties.*

9 *(b) CONSIDERATIONS.—In conducting the study, the*
10 *Administrator shall take into consideration—*

11 *(1) the number of supervisory positions of oper-*
12 *ation requiring watch coverage in each air traffic*
13 *control facility;*

14 *(2) coverage requirements in relation to traffic*
15 *demand;*

16 *(3) facility type;*

17 *(4) complexity of traffic and managerial respon-*
18 *sibilities;*

19 *(5) proficiency and training requirements; and*

20 *(6) such other factors as the Administrator con-*
21 *siders appropriate.*

22 *(c) DETERMINATIONS.—The Administrator shall*
23 *transmit any determinations made as a result of the study*
24 *to the Chief Operating Officer for the air traffic control sys-*
25 *tem.*

1 (d) *REPORT.*—Not later than one year after the date
2 of enactment of this Act, the Administrator shall submit
3 to the Committee on Transportation and Infrastructure of
4 the House of Representatives and the Committee on Com-
5 merce, Science, and Transportation of the Senate a report
6 on the results of the study and a description of any deter-
7 minations submitted to the Chief Operating Officer under
8 subsection (c).

9 **SEC. 217. FLIGHT SERVICE STATIONS.**

10 (a) *ESTABLISHMENT OF MONITORING SYSTEM.*—Not
11 later than 60 days after the date of enactment of this Act,
12 the Administrator of the Federal Aviation Administration
13 shall develop and implement a monitoring system for flight
14 service specialist staffing and training under service con-
15 tracts for flight service stations.

16 (b) *COMPONENTS.*—At a minimum, the monitoring
17 system shall include mechanisms to monitor—

18 (1) *flight specialist staffing plans for individual*
19 *facilities;*

20 (2) *actual staffing levels for individual facilities;*

21 (3) *the initial and recurrent certification and*
22 *training of flight service specialists on the safety,*
23 *operational, and technological aspects of flight serv-*
24 *ices, including any certification and training nec-*
25 *essary to meet user demand; and*

1 (4) *system outages, excessive hold times, dropped*
2 *calls, poor quality briefings, and any other safety or*
3 *customer service issues under a contract for flight*
4 *service station services.*

5 (c) *REPORT TO CONGRESS.*—*Not later than 90 days*
6 *after the date of enactment of this Act, the Administrator*
7 *shall submit to the Committee on Transportation and In-*
8 *frastructure of the House of Representatives and the Com-*
9 *mittee on Commerce, Science, and Transportation of the*
10 *Senate a report containing—*

11 (1) *a description of monitoring system;*

12 (2) *if the Administrator determines that contrac-*
13 *tual changes or corrective actions are required for the*
14 *Administration to ensure that the vendor under a*
15 *contract for flight service station services provides safe*
16 *and high quality service to consumers, a description*
17 *of the changes or actions required; and*

18 (3) *a description of the contingency plans of the*
19 *Administrator and the protections that the Adminis-*
20 *trator will have in place to provide uninterrupted*
21 *flight service station services in the event of—*

22 (A) *material non-performance of the con-*
23 *tract;*

24 (B) *a vendor's default, bankruptcy, or ac-*
25 *quisition by another entity; or*

1 (C) any other event that could jeopardize
2 the uninterrupted provision of flight service sta-
3 tion services.

4 **SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
5 **TER OF EXCELLENCE.**

6 (a) *ESTABLISHMENT.*—Of the amount appropriated
7 under section 48101(a) of title 49, United States Code, the
8 Administrator of the Federal Aviation Administration shall
9 use such sums as may be necessary for each of fiscal years
10 2009 through 2012 to contribute to the establishment of a
11 center of excellence for the research and development of Next
12 Generation Air Transportation System technologies.

13 (b) *FUNCTIONS.*—The center established under sub-
14 section (a) shall—

15 (1) leverage the centers of excellence program of
16 the Federal Aviation Administration, as well as other
17 resources and partnerships, to enhance the develop-
18 ment of Next Generation Air Transportation System
19 technologies within academia and industry; and

20 (2) provide educational, technical, and analyt-
21 ical assistance to the Federal Aviation Administra-
22 tion and other Federal agencies with responsibilities
23 to research and develop Next Generation Air Trans-
24 portation System technologies.

1 **SEC. 219. AIRSPACE REDESIGN.**

2 (a) *FINDINGS.*—Congress finds the following:

3 (1) *The airspace redesign efforts of the Federal*
4 *Aviation Administration will play a critical near-*
5 *term role in enhancing capacity, reducing delays,*
6 *transitioning to more flexible routing, and ultimately*
7 *saving money in fuel costs for airlines and airspace*
8 *users.*

9 (2) *The critical importance of airspace redesign*
10 *efforts is underscored by the fact that they are high-*
11 *lighted in strategic plans of the Administration, in-*
12 *cluding Flight Plan 2009–2013 and the document*
13 *known as the “NextGen Implementation Plan”.*

14 (3) *Funding cuts have led to delays and deferrals*
15 *of critical capacity enhancing airspace redesign ef-*
16 *forts.*

17 (4) *Several new runways planned for the period*
18 *of fiscal years 2009 to 2012 will not provide esti-*
19 *mated capacity benefits without additional funds.*

20 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
21 *tion to amounts authorized by section 106(k) of title 49,*
22 *United States Code, there are authorized to be appropriated*
23 *to the Administrator of the Federal Aviation Administra-*
24 *tion \$14,500,000 for fiscal year 2009 and \$20,000,000 for*
25 *each of fiscal years 2010, 2011, and 2012 to carry out such*

1 *airspace redesign initiatives as the Administrator deter-*
 2 *mines appropriate.*

3 (c) *ADDITIONAL AMOUNTS.*—*Of the amounts appro-*
 4 *priated under section 48101(a) of such title, the Adminis-*
 5 *trator may use \$5,000,000 for each of fiscal years 2009,*
 6 *2010, 2011, and 2012 to carry out such airspace redesign*
 7 *initiatives as the Administrator determines appropriate.*

8 **TITLE III—SAFETY**

9 **Subtitle A—General Provisions**

10 **SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-** 11 **TIFICATES.**

12 (a) *JUDICIAL REVIEW OF NTSB DECISIONS.*—*Section*
 13 *44703(d) is amended by adding at the end the following:*

14 “(3) *JUDICIAL REVIEW.*—*A person who is sub-*
 15 *stantially affected by an order of the Board under*
 16 *this subsection, or the Administrator if the Adminis-*
 17 *trator decides that an order of the Board will have a*
 18 *significant adverse impact on carrying out this sub-*
 19 *title, may seek judicial review of the order under sec-*
 20 *tion 46110. The Administrator shall be made a party*
 21 *to the judicial review proceedings. The findings of fact*
 22 *of the Board in any such case are conclusive if sup-*
 23 *ported by substantial evidence.”.*

1 (b) *CONFORMING AMENDMENT.*—Section 1153(c) is
 2 amended by striking “section 44709 or” and inserting “sec-
 3 tion 44703(d), 44709, or”.

4 **SEC. 302. RELEASE OF DATA RELATING TO ABANDONED**
 5 **TYPE CERTIFICATES AND SUPPLEMENTAL**
 6 **TYPE CERTIFICATES.**

7 (a) *RELEASE OF DATA.*—Section 44704(a) is amended
 8 by adding at the end the following:

9 “(5) *RELEASE OF DATA.*—

10 “(A) *IN GENERAL.*—Notwithstanding any
 11 other provision of law, the Administrator may
 12 make available upon request to a person seeking
 13 to maintain the airworthiness of an aircraft, en-
 14 gine, propeller, or appliance, engineering data in
 15 the possession of the Administration relating to
 16 a type certificate or a supplemental type certifi-
 17 cate for such aircraft, engine, propeller, or appli-
 18 ance, without the consent of the owner of record,
 19 if the Administrator determines that—

20 “(i) the certificate containing the re-
 21 quested data has been inactive for 3 or more
 22 years;

23 “(ii) after using due diligence, the Ad-
 24 ministrator is unable to find the owner of
 25 record, or the owner of record’s heir, of the

1 *type certificate or supplemental certificate;*
2 *and*

3 “(iii) *making such data available will*
4 *enhance aviation safety.*

5 “(B) *ENGINEERING DATA DEFINED.—In*
6 *this section, the term ‘engineering data’ as used*
7 *with respect to an aircraft, engine, propeller, or*
8 *appliance means type design drawing and speci-*
9 *fications for the entire aircraft, engine, propeller,*
10 *or appliance or change to the aircraft, engine,*
11 *propeller, or appliance, including the original*
12 *design data, and any associated supplier data*
13 *for individual parts or components approved as*
14 *part of the particular certificate for the aircraft*
15 *engine, propeller, or appliance.”.*

16 (b) *DESIGN ORGANIZATION CERTIFICATES.—Section*
17 *44704(e)(1) is amended by striking “Beginning 7 years*
18 *after the date of enactment of this subsection,” and inserting*
19 *“Beginning January 1, 2014.”.*

20 **SEC. 303. INSPECTION OF FOREIGN REPAIR STATIONS.**

21 (a) *IN GENERAL.—Chapter 447 is amended by adding*
22 *at the end the following:*

1 **“§ 44730. Inspection of foreign repair stations**

2 “Not later than one year after the date of enactment
3 of this section, and annually thereafter, the Administrator
4 of the Federal Aviation Administration shall—

5 “(1) submit to Congress a certification that each
6 foreign repair station that is certified by the Admin-
7 istrator under part 145 of title 14, Code of Federal
8 Regulations, and performs work on air carrier air-
9 craft or components has been inspected by safety in-
10 spectors of the Administration not fewer than 2 times
11 in the preceding calendar year; and

12 “(2) modify the certification requirements under
13 such part to include testing for the use of alcohol or
14 a controlled substance in accordance with section
15 45102 of any individual performing a safety-sensitive
16 function at a foreign aircraft repair station, includ-
17 ing an individual working at a station of a third-
18 party with whom an air carrier contracts to perform
19 work on air carrier aircraft or components.”.

20 (b) *CLERICAL AMENDMENT.*—The analysis for such
21 chapter is amended by adding at the end the following:

“44730. Inspection of foreign repair stations.”.

22 **SEC. 304. RUNWAY SAFETY.**

23 (a) *STRATEGIC RUNWAY SAFETY PLAN.*—

24 (1) *IN GENERAL.*—Not later than 6 months after
25 the date of enactment of this Act, the Administrator

1 of the Federal Aviation Administration shall develop
2 and submit to Congress a report containing a stra-
3 tegic runway safety plan.

4 (2) *CONTENTS OF PLAN.*—*The strategic runway*
5 *safety plan—*

6 (A) *shall include, at a minimum—*

7 (i) *goals to improve runway safety;*

8 (ii) *near- and longer-term actions de-*
9 *signed to reduce the severity, number, and*
10 *rate of runway incursions;*

11 (iii) *timeframes and resources needed*
12 *for the actions described in clause (ii); and*

13 (iv) *a continuous evaluative process to*
14 *track performance toward the goals referred*
15 *to in clause (i); and*

16 (B) *shall address the increased runway safe-*
17 *ty risk associated with the expected increased*
18 *volume of air traffic.*

19 (b) *PLAN FOR INSTALLATION AND DEPLOYMENT OF*
20 *SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY IN-*
21 *CURSIONS.*—*Not later than December 31, 2009, the Admin-*
22 *istrator of the Federal Aviation Administration shall sub-*
23 *mit to Congress a report containing a plan for the installa-*
24 *tion and deployment of systems the Administration is in-*
25 *stalling to alert controllers or flight crews, or both, of poten-*

1 *tial runway incursions. The plan shall be integrated into*
2 *the annual NextGen Implementation Plan document of the*
3 *Administration or any successor document.*

4 **SEC. 305. IMPROVED PILOT LICENSES.**

5 *(a) IN GENERAL.—Not later than 6 months after the*
6 *date of enactment of this Act, the Administrator of the Fed-*
7 *eral Aviation Administration shall begin to issue improved*
8 *pilot licenses consistent with the requirements of title 49,*
9 *United States Code, and title 14, Code of Federal Regula-*
10 *tions.*

11 *(b) REQUIREMENTS.—Improved pilots licenses issued*
12 *under subsection (a) shall—*

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

15 *(2) include a photograph of the individual to*
16 *whom the license is issued; and*

17 *(3) be capable of accommodating a digital photo-*
18 *graph, a biometric identifier, or any other unique*
19 *identifier that the Administrator considers necessary.*

20 *(c) TAMPERING.—To the extent practical, the Admin-*
21 *istrator shall develop methods to determine or reveal wheth-*
22 *er any component or security feature of a license issued*
23 *under subsection (a) has been tampered, altered, or counter-*
24 *feited.*

1 (d) *USE OF DESIGNEES.*—*The Administrator may use*
2 *designees to carry out subsection (a) to the extent feasible*
3 *in order to minimize the burdens on pilots.*

4 (e) *REPORT.*—*Not later than 9 months after the date*
5 *of enactment of this Act and every 6 months thereafter until*
6 *September 30, 2012, the Administrator shall submit to the*
7 *Committee on Transportation and Infrastructure of the*
8 *House of Representatives and the Committee on Commerce,*
9 *Science, and Transportation of the Senate a report on the*
10 *issuance of improved pilot licenses under this section.*

11 **SEC. 306. FLIGHT CREW FATIGUE.**

12 (a) *IN GENERAL.*—*Not later than 3 months after the*
13 *date of enactment of this Act, the Administrator of the Fed-*
14 *eral Aviation Administration shall conclude arrangements*
15 *with the National Academy of Sciences for a study of pilot*
16 *fatigue.*

17 (b) *STUDY.*—*The study shall include consideration*
18 *of—*

19 (1) *research on pilot fatigue, sleep, and circa-*
20 *dian rhythms;*

21 (2) *sleep and rest requirements of pilots rec-*
22 *ommended by the National Aeronautics and Space*
23 *Administration and the National Transportation*
24 *Safety Board; and*

1 (3) *Federal Aviation Administration and inter-*
2 *national standards regarding flight limitations and*
3 *rest for pilots.*

4 (c) *REPORT.*—*Not later than 18 months after initi-*
5 *ating the study, the National Academy of Sciences shall*
6 *submit to the Administrator a report containing its find-*
7 *ings and recommendations regarding the study under sub-*
8 *sections (a) and (b), including recommendations with re-*
9 *spect to Federal Aviation Administration regulations gov-*
10 *erning flight time limitations and rest requirements for pi-*
11 *lots.*

12 (d) *RULEMAKING.*—*After the Administrator receives*
13 *the report of the National Academy of Sciences, the Admin-*
14 *istrator shall consider the findings in the report and update*
15 *as appropriate based on scientific data Federal Aviation*
16 *Administration regulations governing flight time limita-*
17 *tions and rest requirements for pilots.*

18 (e) *FLIGHT ATTENDANT FATIGUE.*—

19 (1) *STUDY.*—*The Administrator, acting through*
20 *the Civil Aerospace Medical Institute, shall conduct a*
21 *study on the issue of flight attendant fatigue.*

22 (2) *CONTENTS.*—*The study shall include the fol-*
23 *lowing:*

24 (A) *A survey of field operations of flight at-*
25 *tendants.*

1 **“§44731. Occupational safety and health standards**
2 **for flight attendants on board aircraft**

3 “(a) *IN GENERAL.*—*The Administrator of the Federal*
4 *Aviation Administration shall prescribe and enforce stand-*
5 *ards and regulations to ensure the occupational safety and*
6 *health of individuals serving as flight attendants in the*
7 *cabin of an aircraft of an air carrier.*

8 “(b) *STANDARDS AND REGULATIONS.*—*Standards and*
9 *regulations issued under this section shall require each air*
10 *carrier operating an aircraft in air transportation—*

11 “(1) *to provide for an environment in the cabin*
12 *of the aircraft that is free from hazards that could*
13 *cause physical harm to a flight attendant working in*
14 *the cabin; and*

15 “(2) *to meet minimum standards for the occupa-*
16 *tional safety and health of flight attendants who work*
17 *in the cabin of the aircraft.*

18 “(c) *RULEMAKING.*—*In carrying out this section, the*
19 *Administrator shall conduct a rulemaking proceeding to ad-*
20 *dress, at a minimum, the following areas:*

21 “(1) *Record keeping.*

22 “(2) *Blood borne pathogens.*

23 “(3) *Noise.*

24 “(4) *Sanitation.*

25 “(5) *Hazard communication.*

26 “(6) *Anti-discrimination.*

1 “(7) *Access to employee exposure and medical*
2 *records.*

3 “(8) *Temperature standards for the aircraft*
4 *cabin.*

5 “(d) *REGULATIONS.—*

6 “(1) *DEADLINE.—Not later than 3 years after*
7 *the date of enactment of this section, the Adminis-*
8 *trator shall issue final regulations to carry out this*
9 *section.*

10 “(2) *CONTENTS.—Regulations issued under this*
11 *subsection shall address each of the issues identified*
12 *in subsection (c) and others aspects of the environ-*
13 *ment of an aircraft cabin that may cause illness or*
14 *injury to a flight attendant working in the cabin.*

15 “(3) *EMPLOYER ACTIONS TO ADDRESS OCCUPA-*
16 *TIONAL SAFETY AND HEALTH HAZARDS.—Regulations*
17 *issued under this subsection shall set forth clearly the*
18 *circumstances under which an air carrier is required*
19 *to take action to address occupational safety and*
20 *health hazards.*

21 “(e) *ADDITIONAL RULEMAKING PROCEEDINGS.—After*
22 *issuing regulations under subsection (c), the Administrator*
23 *may conduct additional rulemaking proceedings as the Ad-*
24 *ministrators determines appropriate to carry out this sec-*
25 *tion.*

1 “(f) *OVERSIGHT.*—

2 “(1) *CABIN OCCUPATIONAL SAFETY AND HEALTH*
3 *INSPECTORS.*—*The Administrator shall establish the*
4 *position of Cabin Occupational Safety and Health*
5 *Inspector within the Federal Aviation Administration*
6 *and shall employ individuals with appropriate quali-*
7 *fications and expertise to serve in the position.*

8 “(2) *RESPONSIBILITIES.*—*Inspectors employed*
9 *under this subsection shall be solely responsible for*
10 *conducting proper oversight of air carrier programs*
11 *implemented under this section.*

12 “(g) *CONSULTATION.*—*In developing regulations under*
13 *this section, the Administrator shall consult with the Ad-*
14 *ministrator of the Occupational Safety and Health Admin-*
15 *istration, labor organizations representing flight attend-*
16 *ants, air carriers, and other interested persons.*

17 “(h) *SAFETY PRIORITY.*—*In developing and imple-*
18 *menting regulations under this section, the Administrator*
19 *shall give priority to the safe operation and maintenance*
20 *of an aircraft.*

21 “(i) *FLIGHT ATTENDANT DEFINED.*—*In this section,*
22 *the term ‘flight attendant’ has the meaning given that term*
23 *by section 44728.*

24 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
25 *authorized to be appropriated such sums as may be nec-*

1 *essary to carry out this section. Such sums shall remain*
2 *available until expended.”.*

3 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
4 *447 is amended by adding at the end the following:*

“44731. Occupational safety and health standards for flight attendants on board
aircraft.”.

5 **SEC. 308. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS**
6 **AREAS.**

7 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*
8 *eral Aviation Administration may establish a pilot pro-*
9 *gram to improve safety and efficiency by providing surveil-*
10 *lance for aircraft flying outside of radar coverage in moun-*
11 *tainous areas.*

12 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated such sums as may be nec-*
14 *essary to carry out this section. Such sums shall remain*
15 *available until expended.*

16 **SEC. 309. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
17 **ER OBSERVATION TECHNOLOGY.**

18 (a) *STUDY.*—*The Administrator of the Federal Avia-*
19 *tion Administration shall conduct a review of off-airport,*
20 *low-altitude aircraft weather observation technologies.*

21 (b) *SPECIFIC REVIEW.*—*The review shall include, at*
22 *a minimum, an examination of off-airport, low-altitude*
23 *weather reporting needs, an assessment of technical alter-*
24 *natives (including automated weather observation stations),*

1 *an investment analysis, and recommendations for improv-*
2 *ing weather reporting.*

3 (c) *REPORT.*—*Not later than one year after the date*
4 *of enactment of this Act, the Administrator shall submit*
5 *to Congress a report containing the results of the review.*

6 **SEC. 310. NONCERTIFICATED MAINTENANCE PROVIDERS.**

7 (a) *ISSUANCE OF REGULATIONS.*—*Not later than 3*
8 *years after the date of enactment of this Act, the Adminis-*
9 *trator of the Federal Aviation Administration shall issue*
10 *regulations requiring that all covered maintenance work on*
11 *aircraft used to provide air transportation under part 121*
12 *of title 14, Code of Federal Regulations, be performed by*
13 *individuals in accordance with subsection (b).*

14 (b) *PERSONS AUTHORIZED TO PERFORM CERTAIN*
15 *WORK.*—*Covered maintenance work for a part 121 air car-*
16 *rier shall only be performed by—*

17 (1) *an individual employed by the air carrier;*

18 (2) *an individual employed by another part 121*
19 *air carrier;*

20 (3) *an individual employed by a part 145 repair*
21 *station; or*

22 (4) *an individual employed by a company that*
23 *provides contract maintenance workers to a part 145*
24 *repair station or part 121 air carrier, if the indi-*
25 *vidual—*

1 (A) meets the requirements of the part 145
2 repair station or the part 121 air carrier;

3 (B) works under the direct supervision and
4 control of the part 145 repair station or part
5 121 air carrier; and

6 (C) carries out the work in accordance with
7 the part 121 air carrier's maintenance manual
8 and, if applicable, the part 145 certificate hold-
9 er's repair station and quality control manuals.

10 (c) *PLAN.*—

11 (1) *DEVELOPMENT.*—The Administrator shall
12 develop a plan to—

13 (A) require air carriers to identify and pro-
14 vide to the Administrator a complete listing of
15 all noncertificated maintenance providers that
16 perform, before the effective date of the regula-
17 tions to be issued under subsection (a), covered
18 maintenance work on aircraft used to provide
19 air transportation under part 121 of title 14,
20 Code of Federal Regulations;

21 (B) validate the lists that air carriers pro-
22 vide under subparagraph (A) by sampling air
23 carrier records, such as maintenance activity re-
24 ports and general vendor listings; and

1 (C) include surveillance and oversight by
2 field inspectors of the Federal Aviation Adminis-
3 tration for all noncertificated maintenance pro-
4 viders that perform covered maintenance work
5 on aircraft used to provide air transportation in
6 accordance with such part 121.

7 (2) *REPORT TO CONGRESS.*—Not later than 6
8 months after the date of enactment of this Act, the
9 Administrator shall transmit to Congress a report
10 containing the plan developed under paragraph (1).

11 (d) *DEFINITIONS.*—In this section, the following defi-
12 nitions apply:

13 (1) *COVERED MAINTENANCE WORK.*—The term
14 “covered maintenance work” means maintenance
15 work that is essential, regularly scheduled, or a re-
16 quired inspection item, as determined by the Admin-
17 istrator.

18 (2) *PART 121 AIR CARRIER.*—The term “part 121
19 air carrier” means an air carrier that holds a certifi-
20 cate issued under part 121 of title 14, Code of Federal
21 Regulations.

22 (3) *PART 145 REPAIR STATION.*—The term “part
23 145 repair station” means a repair station that holds
24 a certificate issued under part 145 of title 14, Code
25 of Federal Regulations.

1 (b) *CONTENTS OF PROPOSED AND FINAL RULE.*—The
2 *proposed and final rule to be issued under subsection (a)*
3 *shall address the following:*

4 (1) *The mission of aircraft rescue and fire-*
5 *fighting personnel, including responsibilities for pas-*
6 *senger egress in the context of other Administration*
7 *requirements.*

8 (2) *The proper level of staffing.*

9 (3) *The timeliness of a response.*

10 (4) *The handling of hazardous materials inci-*
11 *dents at airports.*

12 (5) *Proper vehicle deployment.*

13 (6) *The need for equipment modernization.*

14 (c) *CONSISTENCY WITH VOLUNTARY CONSENSUS*
15 *STANDARDS.*—The *proposed and final rule issued under*
16 *subsection (a) shall be, to the extent practical, consistent*
17 *with national voluntary consensus standards for aircraft*
18 *rescue and firefighting services at airports.*

19 (d) *ASSESSMENTS OF POTENTIAL IMPACTS.*—In the
20 *rulemaking proceeding initiated under subsection (a), the*
21 *Administrator shall assess the potential impact of any revi-*
22 *sions to the firefighting standards on airports and air*
23 *transportation service.*

24 (e) *INCONSISTENCY WITH STANDARDS.*—If the *pro-*
25 *posed or final rule issued under subsection (a) is not con-*

1 *sistent with national voluntary consensus standards for air-*
2 *craft rescue and firefighting services at airports, the Admin-*
3 *istrator shall submit to the Office of Management and*
4 *Budget an explanation of the reasons for such inconsistency*
5 *in accordance with section 12(d) of the National Technology*
6 *Transfer and Advancement Act of 1995 (15 U.S.C. 272*
7 *note; 110 Stat. 783).*

8 (f) *FINAL RULE.*—*Not later than 24 months after the*
9 *date of enactment of this Act, the Administrator shall issue*
10 *the final rule required by subsection (a).*

11 ***Subtitle B—Unmanned Aircraft***
12 ***Systems***

13 ***SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS IN-***
14 ***TEGRATION PLAN.***

15 (a) *INTEGRATION PLAN.*—

16 (1) *COMPREHENSIVE PLAN.*—*Not later than 9*
17 *months after the date of enactment of this Act, the*
18 *Secretary, in consultation with representatives of the*
19 *aviation industry, shall develop a comprehensive plan*
20 *to safely integrate commercial unmanned aircraft sys-*
21 *tems into the national airspace system.*

22 (2) *MINIMUM REQUIREMENTS.*—*In developing*
23 *the plan under paragraph (1), the Secretary shall, at*
24 *a minimum—*

1 (A) review technologies and research that
2 will assist in facilitating the safe integration of
3 commercial unmanned aircraft systems into the
4 national airspace system;

5 (B) provide recommendations or projections
6 for the rulemaking to be conducted under sub-
7 section (b) to—

8 (i) define the acceptable standards for
9 operations and certification of commercial
10 unmanned aircraft systems;

11 (ii) ensure that any commercial un-
12 manned aircraft system includes a detect,
13 sense, and avoid capability; and

14 (iii) develop standards and require-
15 ments for the operator, pilot, and pro-
16 grammer of a commercial unmanned air-
17 craft system, including standards and re-
18 quirements for registration and licensing;

19 (C) recommend how best to enhance the
20 technologies and subsystems necessary to effect
21 the safe and routine operations of commercial
22 unmanned aircraft systems in the national air-
23 space system; and

24 (D) recommend how a phased-in approach
25 to the integration of commercial unmanned air-

1 *the date of enactment of this Act, the Secretary shall deter-*
2 *mine if certain unmanned aircraft systems may operate*
3 *safely in the national airspace system before completion of*
4 *the plan and rulemaking required by section 321 or the*
5 *guidance required by section 323.*

6 (b) *ASSESSMENT OF UNMANNED AIRCRAFT SYS-*
7 *TEMS.—In making the determination under subsection (a),*
8 *the Secretary shall determine, at a minimum—*

9 (1) *which types of unmanned aircraft systems, if*
10 *any, as a result of their size, weight, speed, oper-*
11 *ational capability, proximity to airports and popu-*
12 *lation areas, and operation within visual line-of-sight*
13 *do not create a hazard to users of the national air-*
14 *space system or the public or pose a threat to na-*
15 *tional security; and*

16 (2) *whether a certificate of authorization or an*
17 *airworthiness certification under section 44704 of*
18 *title 49, United States Code, is required for the oper-*
19 *ation of unmanned aircraft systems identified under*
20 *paragraph (1).*

21 (c) *REQUIREMENTS FOR SAFE OPERATION.—If the*
22 *Secretary determines under this section that certain un-*
23 *manned aircraft systems may operate safely in the national*
24 *airspace system, the Secretary shall establish requirements*

1 *for the safe operation of such aircraft systems in the na-*
2 *tional airspace system.*

3 **SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

4 *Not later than 9 months after the date of enactment*
5 *of this Act, the Secretary shall issue guidance regarding the*
6 *operation of public unmanned aircraft systems to—*

7 *(1) expedite the issuance of a certificate of au-*
8 *thorization process;*

9 *(2) provide for a collaborative process with pub-*
10 *lic agencies to allow for an incremental expansion of*
11 *access to the national airspace system as technology*
12 *matures and the necessary safety analysis and data*
13 *become available and until standards are completed*
14 *and technology issues are resolved; and*

15 *(3) facilitate the capability of public agencies to*
16 *develop and use test ranges, subject to operating re-*
17 *strictions required by the Federal Aviation Adminis-*
18 *tration, to test and operate unmanned aircraft sys-*
19 *tems.*

20 **SEC. 324. DEFINITIONS.**

21 *In this subtitle, the following definitions apply:*

22 *(1) CERTIFICATE OF AUTHORIZATION.—The term*
23 *“certificate of authorization” means a Federal Avia-*
24 *tion Administration grant of approval for a specific*
25 *flight operation.*

1 (2) *DETECT, SENSE, AND AVOID CAPABILITY.*—
2 *The term “detect, sense, and avoid capability” means*
3 *the technical capability to perform separation assur-*
4 *ance and collision avoidance, as defined by the Fed-*
5 *eral Aviation Administration.*

6 (3) *PUBLIC UNMANNED AIRCRAFT SYSTEM.*—*The*
7 *term “public unmanned aircraft system” means an*
8 *unmanned aircraft system that meets the qualifica-*
9 *tions and conditions required for operation of a pub-*
10 *lic aircraft, as defined by section 40102 of title 49,*
11 *United States Code.*

12 (4) *SECRETARY.*—*The term “Secretary” means*
13 *the Secretary of Transportation.*

14 (5) *TEST RANGE.*—*The term “test range” means*
15 *a defined geographic area where research and develop-*
16 *ment are conducted.*

17 (6) *UNMANNED AIRCRAFT.*—*The term “un-*
18 *manned aircraft” means an aircraft that is operated*
19 *without the possibility of direct human intervention*
20 *from within or on the aircraft.*

21 (7) *UNMANNED AIRCRAFT SYSTEM.*—*The term*
22 *“unmanned aircraft system” means an unmanned*
23 *aircraft and associated elements (such as communica-*
24 *tion links and a ground control station) that are re-*

1 *quired to operate safely and efficiently in the national*
2 *airspace system.*

3 ***Subtitle C—Safety and Protections***

4 ***SEC. 331. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-***
5 ***TION OFFICE.***

6 *Section 106 of title 49, United States Code, is amended*
7 *by adding at the end the following:*

8 *“(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGA-*
9 *TION OFFICE.—*

10 *“(1) ESTABLISHMENT.—There is established in*
11 *the Federal Aviation Administration (in this section*
12 *referred to as the ‘Agency’) an Aviation Safety Whis-*
13 *tleblower Investigation Office (in this subsection re-*
14 *ferred to as the ‘Office’).*

15 *“(2) DIRECTOR.—*

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

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

22 *“(C) TERM.—The Director shall be ap-*
23 *pointed for a term of 5 years.*

24 *“(D) VACANCY.—Any individual appointed*
25 *to fill a vacancy in the position of the Director*

1 *occurring before the expiration of the term for*
2 *which the individual's predecessor was appointed*
3 *shall be appointed for the remainder of that*
4 *term.*

5 “(3) *COMPLAINTS AND INVESTIGATIONS.—*

6 “(A) *AUTHORITY OF DIRECTOR.—The Di-*
7 *rector shall—*

8 “(i) *receive complaints and informa-*
9 *tion submitted by employees of persons*
10 *holding certificates issued under title 14,*
11 *Code of Federal Regulations, and employees*
12 *of the Agency concerning the possible exist-*
13 *ence of an activity relating to a violation of*
14 *an order, regulation, or standard of the*
15 *Agency or any other provision of Federal*
16 *law relating to aviation safety;*

17 “(ii) *assess complaints and informa-*
18 *tion submitted under clause (i) and deter-*
19 *mine whether a substantial likelihood exists*
20 *that a violation of an order, regulation, or*
21 *standard of the Agency or any other provi-*
22 *sion of Federal law relating to aviation*
23 *safety may have occurred; and*

24 “(iii) *based on findings of the assess-*
25 *ment conducted under clause (ii), make rec-*

1 *ommendations to the Administrator in*
2 *writing for further investigation or correc-*
3 *tive actions.*

4 “(B) *DISCLOSURE OF IDENTITIES.*—*The Di-*
5 *rector shall not disclose the identity of an indi-*
6 *vidual who submits a complaint or information*
7 *under subparagraph (A)(i) unless—*

8 “(i) *the individual consents to the dis-*
9 *closure in writing; or*

10 “(ii) *the Director determines, in the*
11 *course of an investigation, that the disclo-*
12 *sure is unavoidable.*

13 “(C) *INDEPENDENCE OF DIRECTOR.*—*The*
14 *Secretary, the Administrator, or any officer or*
15 *employee of the Agency may not prevent or pro-*
16 *hibit the Director from initiating, carrying out,*
17 *or completing any assessment of a complaint or*
18 *information submitted subparagraph (A)(i) or*
19 *from reporting to Congress on any such assess-*
20 *ment.*

21 “(D) *ACCESS TO INFORMATION.*—*In con-*
22 *ducting an assessment of a complaint or infor-*
23 *mation submitted under subparagraph (A)(i),*
24 *the Director shall have access to all records, re-*
25 *ports, audits, reviews, documents, papers, rec-*

1 *ommendations, and other material necessary to*
2 *determine whether a substantial likelihood exists*
3 *that a violation of an order, regulation, or*
4 *standard of the Agency or any other provision of*
5 *Federal law relating to aviation safety may have*
6 *occurred.*

7 “(4) *RESPONSES TO RECOMMENDATIONS.*—*The*
8 *Administrator shall respond to a recommendation*
9 *made by the Director under subparagraph (A)(iii) in*
10 *writing and retain records related to any further in-*
11 *vestigations or corrective actions taken in response to*
12 *the recommendation.*

13 “(5) *INCIDENT REPORTS.*—*If the Director deter-*
14 *mines there is a substantial likelihood that a viola-*
15 *tion of an order, regulation, or standard of the Agen-*
16 *cy or any other provision of Federal law relating to*
17 *aviation safety may have occurred that requires im-*
18 *mediate corrective action, the Director shall report the*
19 *potential violation expeditiously to the Administrator*
20 *and the Inspector General of the Department of*
21 *Transportation.*

22 “(6) *REPORTING OF CRIMINAL VIOLATIONS TO*
23 *INSPECTOR GENERAL.*—*If the Director has reasonable*
24 *grounds to believe that there has been a violation of*

1 *Federal criminal law, the Director shall report the*
2 *violation expeditiously to the Inspector General.*

3 “(7) *ANNUAL REPORTS TO CONGRESS.*—Not later
4 *than October 1 of each year, the Director shall submit*
5 *to Congress a report containing—*

6 “(A) *information on the number of submis-*
7 *sions of complaints and information received by*
8 *the Director under paragraph (3)(A)(i) in the*
9 *preceding 12-month period;*

10 “(B) *summaries of those submissions;*

11 “(C) *summaries of further investigations*
12 *and corrective actions recommended in response*
13 *to the submissions; and*

14 “(D) *summaries of the responses of the Ad-*
15 *ministrator to such recommendations.”.*

16 **SEC. 332. MODIFICATION OF CUSTOMER SERVICE INITIA-**
17 **TIVE.**

18 (a) *FINDINGS.*—Congress finds the following:

19 (1) *Subsections (a) and (d) of section 40101 of*
20 *title 49, United States Code, directs the Federal Avia-*
21 *tion Administration (in this section referred to as the*
22 *“Agency”) to make safety its highest priority.*

23 (2) *In 1996, to ensure that there would be no ap-*
24 *pearance of a conflict of interest for the Agency in*
25 *carrying out its safety responsibilities, Congress*

1 *amended section 40101(d) of such title to remove the*
2 *responsibilities of the Agency to promote airlines.*

3 (3) *Despite these directives from Congress re-*
4 *garding the priority of safety, the Agency issued a vi-*
5 *sion statement in which it stated that it has a “vi-*
6 *sion” of “being responsive to our customers and ac-*
7 *countable to the public” and, in 2003, issued a cus-*
8 *tomers service initiative that required aviation inspec-*
9 *tors to treat air carriers and other aviation certificate*
10 *holders as “customers” rather than regulated entities.*

11 (4) *The initiatives described in paragraph (3)*
12 *appear to have given regulated entities and Agency*
13 *inspectors the impression that the management of the*
14 *Agency gives an unduly high priority to the satisfac-*
15 *tion of regulated entities regarding its inspection and*
16 *certification decisions and other lawful actions of its*
17 *safety inspectors.*

18 (5) *As a result of the emphasis on customer sat-*
19 *isfaction, some managers of the Agency have discour-*
20 *aged vigorous enforcement and replaced inspectors*
21 *whose lawful actions adversely affected an air carrier.*

22 (b) *MODIFICATION OF INITIATIVE.—Not later than 90*
23 *days after the date of enactment of this Act, the Adminis-*
24 *trator of the Federal Aviation Administration shall modify*

1 *the customer service initiative, mission and vision state-*
2 *ments, and other statements of policy of the Agency—*

3 *(1) to remove any reference to air carriers or*
4 *other entities regulated by the Agency as “customers”;*

5 *(2) to clarify that in regulating safety the only*
6 *customers of the Agency are individuals traveling on*
7 *aircraft; and*

8 *(3) to clarify that air carriers and other entities*
9 *regulated by the Agency do not have the right to select*
10 *the employees of the Agency who will inspect their op-*
11 *erations.*

12 *(c) SAFETY PRIORITY.—In carrying out the Adminis-*
13 *trator’s responsibilities, the Administrator shall ensure that*
14 *safety is given a higher priority than preventing the dis-*
15 *satisfaction of an air carrier or other entity regulated by*
16 *the Agency with an employee of the Agency.*

17 **SEC. 333. POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT**
18 **STANDARDS INSPECTORS.**

19 *(a) IN GENERAL.—Section 44711 of title 49, United*
20 *States Code, is amended by adding at the end the following:*

21 *“(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT*
22 *STANDARDS INSPECTORS.—*

23 *“(1) PROHIBITION.—A person holding an oper-*
24 *ating certificate issued under title 14, Code of Federal*
25 *Regulations, may not knowingly employ, or make a*

1 *contractual arrangement which permits, an indi-*
2 *vidual to act as an agent or representative of the cer-*
3 *tificate holder in any matter before the Federal Avia-*
4 *tion Administration (in this subsection referred to as*
5 *the ‘Agency’) if the individual, in the preceding 2-*
6 *year period—*

7 “(A) served as, or was responsible for over-

8 sight of, a flight standards inspector of the Agen-

9 cy; and

10 “(B) had responsibility to inspect, or over-

11 see inspection of, the operations of the certificate

12 holder.

13 “(2) *WRITTEN AND ORAL COMMUNICATIONS.—*

14 *For purposes of paragraph (1), an individual shall be*

15 *considered to be acting as an agent or representative*

16 *of a certificate holder in a matter before the Agency*

17 *if the individual makes any written or oral commu-*

18 *nication on behalf of the certificate holder to the*

19 *Agency (or any of its officers or employees) in connec-*

20 *tion with a particular matter, whether or not involv-*

21 *ing a specific party and without regard to whether*

22 *the individual has participated in, or had responsi-*

23 *bility for, the particular matter while serving as a*

24 *flight standards inspector of the Agency.”.*

1 (b) *APPLICABILITY.*—The amendment made by sub-
2 section (a) shall not apply to an individual employed by
3 a certificate holder as of the date of enactment of this Act.

4 **SEC. 334. ASSIGNMENT OF PRINCIPAL SUPERVISORY IN-**
5 **SPECTORS.**

6 (a) *IN GENERAL.*—An individual serving as a prin-
7 cipal supervisory inspector of the Federal Aviation Admin-
8 istration (in this section referred to as the “Agency”) may
9 not be responsible for overseeing the operations of a single
10 air carrier for a continuous period of more than 5 years.

11 (b) *TRANSITIONAL PROVISION.*—An individual serving
12 as a principal supervisory inspector of the Agency with re-
13 spect to an air carrier as of the date of enactment of this
14 Act may be responsible for overseeing the operations of the
15 carrier until the last day of the 5-year period specified in
16 subsection (a) or last day of the 2-year period beginning
17 on such date of enactment, whichever is later.

18 (c) *ISSUANCE OF ORDER.*—Not later than 30 days
19 after the date of enactment of this Act, the Administrator
20 of the Federal Aviation Administration shall issue an order
21 to carry out this section.

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—There are
23 authorized to be appropriated to the Administrator such
24 sums as may be necessary to carry out this section.

1 **SEC. 335. HEADQUARTERS REVIEW OF AIR TRANSPOR-**
2 **TATION OVERSIGHT SYSTEM DATABASE.**

3 (a) *REVIEWS.*—*The Administrator of the Federal*
4 *Aviation Administration shall establish a process by which*
5 *the air transportation oversight system database of the Fed-*
6 *eral Aviation Administration (in this section referred to as*
7 *the “Agency”)* *is reviewed by a team of employees of the*
8 *Agency on a monthly basis to ensure that—*

9 (1) *any trends in regulatory compliance are*
10 *identified; and*

11 (2) *appropriate corrective actions are taken in*
12 *accordance with Agency regulations, advisory direc-*
13 *tives, policies, and procedures.*

14 (b) *MONTHLY TEAM REPORTS.*—

15 (1) *IN GENERAL.*—*The team of employees con-*
16 *ducting a monthly review of the air transportation*
17 *oversight system database under subsection (a) shall*
18 *submit to the Administrator, the Associate Adminis-*
19 *trator for Aviation Safety, and the Director of Flight*
20 *Standards a report on the results of the review.*

21 (2) *CONTENTS.*—*A report submitted under para-*
22 *graph (1) shall identify—*

23 (A) *any trends in regulatory compliance*
24 *discovered by the team of employees in con-*
25 *ducting the monthly review; and*

1 (B) any corrective actions taken or proposed
2 to be taken in response to the trends.

3 (c) *QUARTERLY REPORTS TO CONGRESS.*—The Ad-
4 ministrators, on a quarterly basis, shall submit to the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report on the
8 results of reviews of the air transportation oversight system
9 database conducted under this section, including copies of
10 reports received under subsection (b).

11 **SEC. 336. IMPROVED VOLUNTARY DISCLOSURE REPORTING**
12 **SYSTEM.**

13 (a) *VOLUNTARY DISCLOSURE REPORTING PROGRAM*
14 *DEFINED.*—In this section, the term “Voluntary Disclosure
15 Reporting Program” means the program established by the
16 Federal Aviation Administration through Advisory Cir-
17 cular 00–58A, dated September 8, 2006, including any sub-
18 sequent revisions thereto.

19 (b) *VERIFICATION.*—The Administrator of the Federal
20 Aviation Administration shall modify the Voluntary Dis-
21 closure Reporting Program to require inspectors to—

22 (1) verify that air carriers implement com-
23 prehensive solutions to correct the underlying causes
24 of the violations voluntarily disclosed by such air car-
25 riers; and

1 (2) *confirm, before approving a final report of a*
2 *violation, that the violation, or another violation oc-*
3 *curring under the same circumstances, has not been*
4 *previously discovered by an inspector or self-disclosed*
5 *by the air carrier.*

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

11 (d) *GAO STUDY.—*

12 (1) *IN GENERAL.—The Comptroller General shall*
13 *conduct a study of the Voluntary Disclosure Report-*
14 *ing Program.*

15 (2) *REVIEW.—In conducting the study, the*
16 *Comptroller General shall examine, at a minimum,*
17 *whether—*

18 (A) *there is evidence that voluntary disclo-*
19 *sure is resulting in regulated entities discovering*
20 *and correcting violations to a greater extent than*
21 *would otherwise occur if there was no program*
22 *for immunity from enforcement action;*

23 (B) *the voluntary disclosure program makes*
24 *the Federal Aviation Administration (FAA)*
25 *aware of violations that the FAA would not have*

1 *discovered if there was not a program, and if a*
2 *violation is disclosed voluntarily, whether the*
3 *FAA insists on stronger corrective actions than*
4 *would have occurred if the regulated entity knew*
5 *of a violation, but FAA did not;*

6 *(C) the information the FAA gets under the*
7 *program leads to fewer violations by other enti-*
8 *ties, either because the information leads other*
9 *entities to look for similar violations or because*
10 *the information leads FAA investigators to look*
11 *for similar violations at other entities; and*

12 *(D) there is any evidence that voluntary*
13 *disclosure has improved compliance with regula-*
14 *tions, either for the entities making disclosures or*
15 *for the industry generally.*

16 (3) *REPORT.*—*Not later than one year after the*
17 *date of enactment of this Act, the Comptroller General*
18 *shall submit to the Committee on Transportation and*
19 *Infrastructure of the House of Representatives and*
20 *Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate a report on the results of the*
22 *study conducted under this section.*

1 **TITLE IV—AIR SERVICE**
2 **IMPROVEMENTS**

3 **SEC. 401. MONTHLY AIR CARRIER REPORTS.**

4 (a) *IN GENERAL.*—Section 41708 is amended by add-
5 *ing at the end the following:*

6 “(c) *DIVERTED AND CANCELLED FLIGHTS.*—

7 “(1) *MONTHLY REPORTS.*—The Secretary shall
8 *require an air carrier referred to in paragraph (2) to*
9 *file with the Secretary a monthly report on each flight*
10 *of the air carrier that is diverted from its scheduled*
11 *destination to another airport and each flight of the*
12 *air carrier that departs the gate at the airport at*
13 *which the flight originates but is cancelled before*
14 *wheels-off time.*

15 “(2) *APPLICABILITY.*—An air carrier that is re-
16 *quired to file a monthly airline service quality per-*
17 *formance report under subsection (b) shall be subject*
18 *to the requirement of paragraph (1).*

19 “(3) *CONTENTS.*—A monthly report filed by an
20 *air carrier under paragraph (1) shall include, at a*
21 *minimum, the following information:*

22 “(A) *For a diverted flight—*

23 “(i) *the flight number of the diverted*
24 *flight;*

1 “(ii) the scheduled destination of the
2 flight;

3 “(iii) the date and time of the flight;

4 “(iv) the airport to which the flight
5 was diverted;

6 “(v) wheels-on time at the diverted air-
7 port;

8 “(vi) the time, if any, passengers
9 deplaned the aircraft at the diverted air-
10 port; and

11 “(vii) if the flight arrives at the sched-
12 uled destination airport—

13 “(I) the gate-departure time at the
14 diverted airport;

15 “(II) the wheels-off time at the di-
16 verted airport;

17 “(III) the wheels-on time at the
18 scheduled arrival airport; and

19 “(IV) the gate arrival time at the
20 scheduled arrival airport.

21 “(B) For flights cancelled after gate depar-
22 ture—

23 “(i) the flight number of the cancelled
24 flight;

1 “(ii) the scheduled origin and destina-
2 tion airports of the cancelled flight;

3 “(iii) the date and time of the can-
4 celled flight;

5 “(iv) the gate-departure time of the
6 cancelled flight; and

7 “(v) the time the aircraft returned to
8 the gate.

9 “(4) *PUBLICATION.*—The Secretary shall compile
10 the information provided in the monthly reports filed
11 pursuant to paragraph (1) in a single monthly report
12 and publish such report on the website of the Depart-
13 ment of Transportation.”.

14 (b) *EFFECTIVE DATE.*—The Secretary of Transpor-
15 tation shall require monthly reports pursuant to the amend-
16 ment made by subsection (a) beginning not later than 90
17 days after the date of enactment of this Act.

18 **SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIR-**
19 **PORT.**

20 (a) *BEYOND PERIMETER EXEMPTIONS.*—Section
21 41718(a) is amended by striking “24” and inserting “34”.

22 (b) *LIMITATIONS.*—Section 41718(c)(2) is amended by
23 striking “3 operations” and inserting “5 operations”.

24 (c) *ALLOCATION OF BEYOND-PERIMETER EXEMP-*
25 *TIONS.*—Section 41718(c) is amended—

1 (1) by redesignating paragraphs (3) and (4) as
2 paragraphs (4) and (5), respectively; and

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) SLOTS.—The Administrator of the Federal
6 Aviation Administration shall reduce the hourly air
7 carrier slot quota for Ronald Reagan Washington Na-
8 tional Airport in section 93.123(a) of title 14, Code
9 of Federal Regulations, by a total of 10 slots that are
10 available for allocation. Such reductions shall be
11 taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m.
12 hours, as determined by the Administrator, in order
13 to grant exemptions under subsection (a).”.

14 (d) SCHEDULING PRIORITY.—Section 41718 is amend-
15 ed—

16 (1) by redesignating subsections (e) and (f) as
17 subsections (f) and (g), respectively; and

18 (2) by inserting after subsection (d) the fol-
19 lowing:

20 “(e) SCHEDULING PRIORITY.—Operations conducted
21 by new entrant air carriers and limited incumbent air car-
22 riers shall be afforded a scheduling priority over operations
23 conducted by other air carriers granted exemptions pursu-
24 ant to this section, with the highest scheduling priority to
25 be afforded to beyond-perimeter operations conducted by

1 *new entrant air carriers and limited incumbent air car-*
2 *riers.”.*

3 **SEC. 403. EAS CONTRACT GUIDELINES.**

4 (a) COMPENSATION GUIDELINES.—Section
5 41737(a)(1) is amended—

6 (1) by striking “and” at the end of subpara-
7 graph (B);

8 (2) in subparagraph (C) by striking the period
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following:

11 “(D) include provisions under which the Sec-
12 retary may encourage an air carrier to improve air
13 service for which compensation is being paid under
14 this subchapter by incorporating financial incentives
15 in an essential air service contract based on specified
16 performance goals, including goals related to improv-
17 ing on-time performance, reducing the number of
18 flight cancellations, establishing reasonable fares (in-
19 cluding joint fares beyond the hub airport), estab-
20 lishing convenient connections to flights providing
21 service beyond hub airports, and increasing mar-
22 keting efforts; and

23 “(E) include provisions under which the Sec-
24 retary may execute a long-term essential air service
25 contract to encourage an air carrier to provide air

1 *service to an eligible place if it would be in the public*
2 *interest to do so.”.*

3 **(b) DEADLINE FOR ISSUANCE OF REVISED GUID-**
4 **ANCE.**—*Not later than 90 days after the date of enactment*
5 *of this Act, the Secretary of Transportation shall issue re-*
6 *vised guidelines governing the rate of compensation payable*
7 *under subchapter II of chapter 417 of title 49, United States*
8 *Code, that incorporate the amendments made by subsection*
9 *(a).*

10 **(c) REPORT.**—*Not later than 2 years after the date of*
11 *issuance of revised guidelines pursuant to subsection (b),*
12 *the Secretary shall submit to the Committee on Transpor-*
13 *tation and Infrastructure of the House of Representatives*
14 *and the Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate a report on the extent to which the*
16 *revised guidelines have been implemented and the impact,*
17 *if any, such implementation has had on air carrier per-*
18 *formance and community satisfaction with air service for*
19 *which compensation is being paid under subchapter II of*
20 *chapter 417 of title 49, United States Code.*

21 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

22 **(a) AUTHORIZATION OF APPROPRIATIONS.**—*Section*
23 *41742(a)(2) of title 49, United States Code, is amended by*
24 *striking “there is authorized to be appropriated*
25 *\$77,000,000” and inserting “there is authorized to be ap-*

1 *propriated out of the Airport and Airway Trust Fund*
2 *\$150,000,000”.*

3 *(b) DISTRIBUTION OF EXCESS FUNDS.—*

4 *(1) IN GENERAL.—Section 41742(a) is amended*
5 *by adding at the end the following:*

6 *“(4) DISTRIBUTION OF EXCESS FUNDS.—Of the*
7 *funds, if any, credited to the account established*
8 *under section 45303 in a fiscal year that exceed the*
9 *\$50,000,000 made available for such fiscal year under*
10 *paragraph (1)—*

11 *“(A) one-half shall be made available imme-*
12 *diately for obligation and expenditure to carry*
13 *out section 41743; and*

14 *“(B) one-half shall be made available imme-*
15 *diately for obligation and expenditure to carry*
16 *out subsection (b).”.*

17 *(2) CONFORMING AMENDMENT.—Section*
18 *41742(b) is amended—*

19 *(A) in the first sentence by striking “mon-*
20 *eys credited” and all that follows before “shall be*
21 *used” and inserting “amounts made available*
22 *under subsection (a)(4)(B)”;* and

23 *(B) in the second sentence by striking “any*
24 *amounts from those fees” and inserting “any of*
25 *such amounts”.*

1 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

2 (a) *PRIORITIES.*—Section 41743(c)(5) is amended—

3 (1) by striking “and” at the end of subpara-
4 graph (D);

5 (2) in subparagraph (E) by striking “fashion.”
6 and inserting “fashion; and”; and

7 (3) by adding at the end the following:

8 “(F) multiple communities cooperate to sub-
9 mit a regional or multistate application to im-
10 prove air service.”

11 (b) *EXTENSION OF AUTHORIZATION.*—Section
12 41743(e)(2) is amended by striking “2009” and inserting
13 “2012”.

14 **SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.**

15 (a) *IN GENERAL.*—Subtitle VII is amended by insert-
16 ing after chapter 421 the following:

17 **“CHAPTER 423—AIR PASSENGER SERVICE**
18 **IMPROVEMENTS**

“Sec.

“42301. *Emergency contingency plans.*

“42302. *Consumer complaints.*

“42303. *Use of insecticides in passenger aircraft.*

19 **“§ 42301. *Emergency contingency plans***

20 “(a) *SUBMISSION OF AIR CARRIER AND AIRPORT*
21 *PLANS.*—Not later than 90 days after the date of enactment
22 of this section, each air carrier providing covered air trans-
23 portation at a large hub airport or medium hub airport

1 *and each operator of a large hub airport or medium hub*
2 *airport shall submit to the Secretary of Transportation for*
3 *review and approval an emergency contingency plan in ac-*
4 *cordance with the requirements of this section.*

5 “(b) *COVERED AIR TRANSPORTATION DEFINED.*—*In*
6 *this section, the term ‘covered air transportation’ means*
7 *scheduled passenger air transportation provided by an air*
8 *carrier using aircraft with more than 30 seats.*

9 “(c) *AIR CARRIER PLANS.*—

10 “(1) *PLANS FOR INDIVIDUAL AIRPORTS.*—*An air*
11 *carrier shall submit an emergency contingency plan*
12 *under subsection (a) for—*

13 “(A) *each large hub airport and medium*
14 *hub airport at which the carrier provides covered*
15 *air transportation; and*

16 “(B) *each large hub airport and medium*
17 *hub airport at which the carrier has flights for*
18 *which it has primary responsibility for inven-*
19 *tory control.*

20 “(2) *CONTENTS.*—*An emergency contingency*
21 *plan submitted by an air carrier for an airport under*
22 *subsection (a) shall contain a description of how the*
23 *air carrier will—*

24 “(A) *provide food, water that meets the*
25 *standards of the Safe Drinking Water Act (42*

1 *U.S.C. 300f et seq.*), *restroom facilities, cabin*
2 *ventilation, and access to medical treatment for*
3 *passengers onboard an aircraft at the airport*
4 *that is on the ground for an extended period of*
5 *time without access to the terminal;*

6 “(B) *allow passengers to deplane following*
7 *excessive delays; and*

8 “(C) *share facilities and make gates avail-*
9 *able at the airport in an emergency.*

10 “(d) *AIRPORT PLANS.—An emergency contingency*
11 *plan submitted by an airport operator under subsection (a)*
12 *shall contain—*

13 “(1) *a description of how the airport operator, to*
14 *the maximum extent practicable, will provide for the*
15 *deplanement of passengers following excessive delays*
16 *and will provide for the sharing of facilities and*
17 *make gates available at the airport in an emergency;*
18 *and*

19 “(2) *in the case of an airport that is used by an*
20 *air carrier or foreign air carrier for flights in foreign*
21 *air transportation, a description of how the airport*
22 *operator will provide for use of the airport’s terminal,*
23 *to the maximum extent practicable, for the processing*
24 *of passengers arriving at the airport on such a flight*
25 *in the case of an excessive tarmac delay.*

1 “(e) *UPDATES.*—

2 “(1) *AIR CARRIERS.*—*An air carrier shall up-*
3 *date the emergency contingency plan submitted by the*
4 *air carrier under subsection (a) every 3 years and*
5 *submit the update to the Secretary for review and ap-*
6 *proval.*

7 “(2) *AIRPORTS.*—*An airport operator shall up-*
8 *date the emergency contingency plan submitted by the*
9 *airport operator under subsection (a) every 5 years*
10 *and submit the update to the Secretary for review*
11 *and approval.*

12 “(f) *APPROVAL.*—

13 “(1) *IN GENERAL.*—*Not later than 9 months*
14 *after the date of enactment of this section, the Sec-*
15 *retary shall review and approve or require modifica-*
16 *tions to emergency contingency plans submitted under*
17 *subsection (a) and updates submitted under sub-*
18 *section (e) to ensure that the plans and updates will*
19 *effectively address emergencies and provide for the*
20 *health and safety of passengers.*

21 “(2) *CIVIL PENALTIES.*—*The Secretary may as-*
22 *sess a civil penalty under section 46301 against an*
23 *air carrier or airport that does not adhere to an*
24 *emergency contingency plan approved under this sub-*
25 *section.*

1 “(g) *MINIMUM STANDARDS.*—*The Secretary may es-*
2 *tablish, as necessary or desirable, minimum standards for*
3 *elements in an emergency contingency plan required to be*
4 *submitted under this section.*

5 “(h) *PUBLIC ACCESS.*—*An air carrier or airport re-*
6 *quired to submit emergency contingency plans under this*
7 *section shall ensure public access to such plan after its ap-*
8 *proval under this section on the Internet website of the car-*
9 *rier or airport or by such other means as determined by*
10 *the Secretary.*

11 **“§ 42302. Consumer complaints**

12 “(a) *CONSUMER COMPLAINTS HOTLINE TELEPHONE*
13 *NUMBER.*—*The Secretary of Transportation shall establish*
14 *a consumer complaints hotline telephone number for the use*
15 *of passengers in air transportation.*

16 “(b) *PUBLIC NOTICE.*—*The Secretary shall notify the*
17 *public of the telephone number established under subsection*
18 *(a).*

19 “(c) *NOTICE TO PASSENGERS OF AIR CARRIERS.*—*An*
20 *air carrier providing scheduled air transportation using*
21 *aircraft with 30 or more seats shall include on the Internet*
22 *Web site of the carrier and on any ticket confirmation and*
23 *boarding pass issued by the air carrier—*

24 “(1) *the hotline telephone number established*
25 *under subsection (a);*

1 “(2) the email address, telephone number, and
2 mailing address of the air carrier; and

3 “(3) the email address, telephone number, and
4 mailing address of the Aviation Consumer Protection
5 Division of the Department of Transportation for the
6 submission of reports by passengers about air travel
7 service problems.

8 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—There
9 are authorized to be appropriated such sums as may be nec-
10 essary to carry out this section. Such sums shall remain
11 available until expended.

12 **“§ 42303. Use of insecticides in passenger aircraft**

13 “(a) *INFORMATION TO BE PROVIDED ON THE INTER-*
14 *NET.*—The Secretary shall establish, and make available to
15 the general public, an Internet Web site that contains a list-
16 ing of countries that may require an air carrier or foreign
17 air carrier to treat an aircraft passenger cabin with insecti-
18 cides prior to a flight in foreign air transportation to that
19 country or to apply an aerosol insecticide in an aircraft
20 cabin used for such a flight when the cabin is occupied with
21 passengers.

22 “(b) *REQUIRED DISCLOSURES.*—An air carrier, for-
23 eign air carrier, or ticket agent selling, in the United
24 States, a ticket for a flight in foreign air transportation

1 to a country listed on the Internet Web site established
2 under subsection (a) shall—

3 “(1) disclose, on its own Internet Web site or
4 through other means, that the destination country
5 may require the air carrier or foreign air carrier to
6 treat an aircraft passenger cabin with insecticides
7 prior to the flight or to apply an aerosol insecticide
8 in an aircraft cabin used for such a flight when the
9 cabin is occupied with passengers; and

10 “(2) refer the purchaser of the ticket to the Inter-
11 net Web site established under subsection (a) for addi-
12 tional information.”.

13 (b) *CLERICAL AMENDMENT.*—The analysis for subtitle
14 VII is amended by inserting after the item relating to chap-
15 ter 421 the following:

“423. Air Passenger Service Improvements 42301”.

16 (c) *PENALTIES.*—Section 46301 is amended in sub-
17 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter 423,”
18 after “chapter 421,”.

19 (d) *APPLICABILITY OF REQUIREMENTS.*—Except as
20 otherwise specifically provided, the requirements of chapter
21 423 of title 49, United States Code, as added by this section,
22 shall begin to apply 60 days after the date of enactment
23 of this Act.

24 **SEC. 407. CONTENTS OF COMPETITION PLANS.**

25 Section 47106(f)(2) is amended—

- 1 (1) *by striking “patterns of air service,”*
2 (2) *by inserting “and” before “whether”; and*
3 (3) *by striking “, and airfare levels” and all that*
4 *follows before the period.*

5 **SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

6 *Section 47107(s)(3) is amended by striking “April 1,*
7 *2009” and inserting “September 30, 2012”.*

8 **SEC. 409. CONTRACT TOWER PROGRAM.**

9 *(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)*
10 *is amended—*

11 *(1) by striking “(1) The Secretary” and insert-*
12 *ing the following:*

13 *“(1) CONTRACT TOWER PROGRAM.—*

14 *“(A) CONTINUATION AND EXTENSION.—The*
15 *Secretary”;*

16 *(2) by adding at the end of paragraph (1) the*
17 *following:*

18 *“(B) SPECIAL RULE.—If the Secretary de-*
19 *termines that a tower already operating under*
20 *the program continued under this paragraph has*
21 *a benefit to cost ratio of less than 1.0, the airport*
22 *sponsor or State or local government having ju-*
23 *risdiction over the airport shall not be required*
24 *to pay the portion of the costs that exceeds the*

1 *benefit for a period of 18 months after such de-*
2 *termination is made.*

3 “(C) *USE OF EXCESS FUNDS.*—*If the Sec-*
4 *retary finds that all or part of an amount made*
5 *available to carry out the program continued*
6 *under this paragraph is not required during a*
7 *fiscal year, the Secretary may use, during such*
8 *fiscal year, the amount not so required to carry*
9 *out the program established under paragraph*
10 *(3).”;* and

11 *(3) by striking “(2) The Secretary” and insert-*
12 *ing the following:*

13 “(2) *GENERAL AUTHORITY.*—*The Secretary”.*

14 **(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-**
15 **SHARING PROGRAM.—**

16 (1) *FUNDING.*—*Section 47124(b)(3)(E) is*
17 *amended—*

18 (A) *by striking “and”; and*

19 (B) *by inserting “, \$8,500,000 for fiscal*
20 *year 2008, \$9,000,000 for fiscal year 2009,*
21 *\$9,500,000 for fiscal year 2010, \$10,000,000 for*
22 *fiscal year 2011, and \$10,000,000 for fiscal year*
23 *2012” after “2007”.*

24 (2) *USE OF EXCESS FUNDS.*—*Section*
25 *47124(b)(3) is amended—*

1 (A) by redesignating subparagraph (E) (as
2 amended by paragraph (1) of this subsection) as
3 subparagraph (F); and

4 (B) by inserting after subparagraph (D) the
5 following:

6 “(E) *USE OF EXCESS FUNDS.*—If the Sec-
7 retary finds that all or part of an amount made
8 available under this subparagraph is not re-
9 quired during a fiscal year to carry out this
10 paragraph, the Secretary may use, during such
11 fiscal year, the amount not so required to carry
12 out the program continued under paragraph
13 (1).”.

14 (c) *FEDERAL SHARE.*—Section 47124(b)(4)(C) is
15 amended by striking “\$1,500,000” and inserting
16 “\$2,000,000”.

17 (d) *SAFETY AUDITS.*—Section 47124 is amended by
18 adding at the end the following:

19 “(c) *SAFETY AUDITS.*—The Secretary shall establish
20 uniform standards and requirements for safety assessments
21 of air traffic control towers that receive funding under this
22 section.”.

23 **SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED FORCES.**

24 (a) *FINDINGS.*—Congress finds that—

1 (1) *the Armed Forces is comprised of approxi-*
2 *mately 1,400,000 members who are stationed on ac-*
3 *tive duty at more than 6,000 military bases in 146*
4 *different countries;*

5 (2) *the United States is indebted to the members*
6 *of the Armed Forces, many of whom are in grave*
7 *danger due to their engagement in, or exposure to,*
8 *combat;*

9 (3) *military service, especially in the current*
10 *war against terrorism, often requires members of the*
11 *Armed Forces to be separated from their families on*
12 *short notice, for long periods of time, and under very*
13 *stressful conditions;*

14 (4) *the unique demands of military service often*
15 *preclude members of the Armed Forces from pur-*
16 *chasing discounted advance airline tickets in order to*
17 *visit their loved ones at home and require members of*
18 *the Armed Forces to travel with heavy bags; and*

19 (5) *it is the patriotic duty of the people of the*
20 *United States to support the members of the Armed*
21 *Forces who are defending the Nation's interests*
22 *around the world at great personal sacrifice.*

23 (b) *SENSE OF CONGRESS.—It is the sense of Congress*
24 *that each United States air carrier should—*

1 (1) *establish for all members of the Armed Forces*
2 *on active duty reduced air fares that are comparable*
3 *to the lowest airfare for ticketed flights; and*

4 (2) *offer flexible terms that allow members of the*
5 *Armed Forces on active duty to purchase, modify, or*
6 *cancel tickets without time restrictions, fees, and pen-*
7 *alties and waive baggage fees for a minimum of 3*
8 *bags.*

9 **SEC. 411. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**
10 **TICIPATION PROGRAM.**

11 (a) *REPEAL.*—*Section 41747 of title 49, United States*
12 *Code, and the item relating to such section in the analysis*
13 *for chapter 417 of such title, are repealed.*

14 (b) *APPLICABILITY.*—*Title 49, United States Code,*
15 *shall be applied as if section 41747 of such title had not*
16 *been enacted.*

17 **SEC. 412. ADJUSTMENT TO SUBSIDY CAP TO REFLECT IN-**
18 **CREASED FUEL COSTS.**

19 (a) *IN GENERAL.*—*The \$200 per passenger subsidy*
20 *cap initially established by Public Law 103–122 (107 Stat.*
21 *1198; 1201) and made permanent by section 332 of Public*
22 *Law 106–69 (113 Stat. 1022) shall be increased by an*
23 *amount necessary to account for the increase, if any, in*
24 *the cost of aviation fuel in the 24 months preceding the date*
25 *of enactment of this Act, as determined by the Secretary.*

1 (b) *ADJUSTMENT OF CAP.*—Not later than 60 days
2 after the date of enactment of this Act, the Secretary shall
3 publish in the Federal Register the increased subsidy cap
4 as an interim final rule, pursuant to which public comment
5 will be sought and a final rule issued.

6 (c) *LIMITATION ON ELIGIBILITY.*—A community that
7 has been determined, pursuant to a final order issued by
8 the Department of Transportation before the date of enact-
9 ment of this Act, to be ineligible for subsidized air service
10 under subchapter II of chapter 417 of title 49, United States
11 Code, shall not be eligible for the increased subsidy cap es-
12 tablished pursuant to this section.

13 **SEC. 413. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
14 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
15 **SENTIAL AIR SERVICE.**

16 Section 41733 of title 49, United States Code, is
17 amended by adding at the end the following:

18 “(f) *NOTICE TO COMMUNITIES PRIOR TO TERMI-*
19 *NATION OF ELIGIBILITY.*—

20 “(1) *IN GENERAL.*—The Secretary shall notify
21 each community receiving basic essential air service
22 for which compensation is being paid under this sub-
23 chapter on or before the 45th day before issuing any
24 final decision to end the payment of such compensa-
25 tion due to a determination by the Secretary that

1 *providing such service requires a rate of subsidy per*
2 *passenger in excess of the subsidy cap.*

3 “(2) *PROCEDURES TO AVOID TERMINATION.*—
4 *The Secretary shall establish, by order, procedures by*
5 *which each community notified of an impending loss*
6 *of subsidy under paragraph (1) may work directly*
7 *with an air carrier to ensure that the air carrier is*
8 *able to submit a proposal to the Secretary to provide*
9 *essential air service to such community for an*
10 *amount of compensation that would not exceed the*
11 *subsidy cap.*

12 “(3) *ASSISTANCE PROVIDED.*—*The Secretary*
13 *shall provide, by order, to each community notified*
14 *under paragraph (1) information regarding—*

15 “(A) *the procedures established pursuant to*
16 *paragraph (2); and*

17 “(B) *the maximum amount of compensation*
18 *that could be provided under this subchapter to*
19 *an air carrier serving such community that*
20 *would comply with the subsidy cap.*

21 “(4) *SUBSIDY CAP DEFINED.*—*In this subsection,*
22 *the term ‘subsidy cap’ means the subsidy cap estab-*
23 *lished by section 332 of Public Law 106–69, includ-*
24 *ing any increase to that subsidy cap established by*

1 *the Secretary pursuant to the FAA Reauthorization*
2 *Act of 2009.”.*

3 **SEC. 414. RESTORATION OF ELIGIBILITY TO A PLACE DE-**
4 **TERMINED BY THE SECRETARY TO BE INELI-**
5 **GIBLE FOR SUBSIDIZED ESSENTIAL AIR SERV-**
6 **ICE.**

7 *Section 41733 (as amended by section 413 of this Act)*
8 *is further amended by adding at the end the following:*

9 “(g) *PROPOSALS OF STATE AND LOCAL GOVERNMENTS*
10 *TO RESTORE ELIGIBILITY.*—

11 “(1) *IN GENERAL.*—*If the Secretary, after the*
12 *date of enactment of this subsection, ends payment of*
13 *compensation to an air carrier for providing basic es-*
14 *sential air service to an eligible place because the Sec-*
15 *retary has determined that providing such service re-*
16 *quires a rate of subsidy per passenger in excess of the*
17 *subsidy cap (as defined in subsection (f)), a State or*
18 *local government may submit to the Secretary a pro-*
19 *posal for restoring compensation for such service.*
20 *Such proposal shall be a joint proposal of the State*
21 *or local government and an air carrier.*

22 “(2) *DETERMINATION BY SECRETARY.*—*If a*
23 *State or local government submits to the Secretary a*
24 *proposal under paragraph (1) with respect to an eli-*
25 *gible place, and the Secretary determines that—*

1 “(A) the rate of subsidy per passenger under
2 the proposal does not exceed the subsidy cap (as
3 defined in subsection (f)); and

4 “(B) the proposal is consistent with the
5 legal and regulatory requirements of the essential
6 air service program,
7 the Secretary shall issue an order restoring the eligi-
8 bility of the otherwise eligible place to receive basic es-
9 sential air service by an air carrier for compensation
10 under subsection (c).”.

11 **SEC. 415. OFFICE OF RURAL AVIATION.**

12 (a) *IN GENERAL.*—Subchapter II of chapter 417 is
13 amended by adding at the end the following:

14 **“§ 41749. Office of Rural Aviation**

15 “(a) *ESTABLISHMENT.*—The Secretary of Transpor-
16 tation shall establish within the Department of Transpor-
17 tation an office to be known as the ‘Office of Rural Avia-
18 tion’ (in this section referred to as the ‘Office’).

19 “(b) *FUNCTIONS.*—The Office shall—

20 “(1) monitor the status of air service to small
21 communities;

22 “(2) develop proposals to improve air service to
23 small communities; and

24 “(3) carry out such other functions as the Sec-
25 retary considers appropriate.”.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for sub-*
 2 *chapter II of chapter 417 is amended by adding at the end*
 3 *the following:*

“41749. *Office of Rural Aviation.*”.

4 **SEC. 416. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
 5 **CANTLY INCREASED COSTS.**

6 (a) *EMERGENCY ACROSS-THE-BOARD ADJUSTMENT.*—
 7 *Subject to the availability of funds, the Secretary may in-*
 8 *crease the rates of compensation payable to air carriers*
 9 *under subchapter II of chapter 417 of title 49, United States*
 10 *Code, to compensate such carriers for increased aviation*
 11 *fuel costs, without regard to any agreement or requirement*
 12 *relating to the renegotiation of contracts or any notice re-*
 13 *quirement under section 41734 of such title.*

14 (b) *EXPEDITED PROCESS FOR ADJUSTMENTS TO INDI-*
 15 *VIDUAL CONTRACTS.*—

16 (1) *IN GENERAL.*—*Section 41734(d) of title 49,*
 17 *United States Code, is amended by striking “continue*
 18 *to pay” and all that follows through “compensation*
 19 *sufficient—” and inserting “provide the carrier with*
 20 *compensation sufficient—”.*

21 (2) *EFFECTIVE DATE.*—*The amendment made by*
 22 *paragraph (1) shall apply to compensation to air car-*
 23 *riers for air service provided after the 30th day fol-*
 24 *lowing the date of enactment of this Act.*

1 **SEC. 417. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**
2 **CELLATIONS, AND ASSOCIATED CAUSES.**

3 (a) *REVIEW.*—*The Inspector General of the Depart-*
4 *ment of Transportation shall conduct a review regarding*
5 *air carrier flight delays, cancellations, and associated*
6 *causes to update its 2000 report numbered CR–2000–112*
7 *and entitled “Audit of Air Carrier Flight Delays and Can-*
8 *cancellations”.*

9 (b) *ASSESSMENTS.*—*In conducting the review under*
10 *subsection (a), the Inspector General shall assess—*

11 (1) *the need for an update on delay and can-*
12 *cellation statistics, such as number of chronically de-*
13 *layed flights and taxi-in and taxi-out times;*

14 (2) *air carriers’ scheduling practices;*

15 (3) *the need for a re-examination of capacity*
16 *benchmarks at the Nation’s busiest airports; and*

17 (4) *the impact of flight delays and cancellations*
18 *on air travelers, including recommendations for pro-*
19 *grams that could be implemented to address the im-*
20 *port of flight delays on air travelers.*

21 (c) *REPORT.*—*Not later than one year after the date*
22 *of enactment of this Act, the Inspector General shall submit*
23 *to the Committee on Transportation and Infrastructure of*
24 *the House of Representatives and the Committee on Com-*
25 *merce, Science, and Transportation of the Senate a report*

1 *on the results of the review conducted under this section,*
2 *including the assessments described in subsection (b).*

3 **SEC. 418. EUROPEAN UNION RULES FOR PASSENGER**
4 **RIGHTS.**

5 (a) *IN GENERAL.*—*The Comptroller General shall con-*
6 *duct a study to evaluate and compare the regulations of*
7 *the European Union and the United States on compensa-*
8 *tion and other consideration offered to passengers who are*
9 *denied boarding or whose flights are cancelled or delayed.*

10 (b) *SPECIFIC STUDY REQUIREMENTS.*—*The study*
11 *shall include an evaluation and comparison of the regula-*
12 *tions based on costs to the air carriers, preferences of pas-*
13 *sengers for compensation or other consideration, and forms*
14 *of compensation. In conducting the study, the Comptroller*
15 *General shall also take into account the differences in struc-*
16 *ture and size of the aviation systems of the European Union*
17 *and the United States.*

18 (c) *REPORT.*—*Not later than one year after the date*
19 *of enactment of this Act, the Comptroller General shall sub-*
20 *mit a report to Congress on the results of the study.*

21 **SEC. 419. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**
22 **AVIATION CONSUMER PROTECTION.**

23 (a) *IN GENERAL.*—*The Secretary of Transportation*
24 *shall establish an advisory committee for aviation consumer*
25 *protection (in this section referred to as the “advisory com-*

1 *mittee*”) to advise the Secretary in carrying out air pas-
2 senger service improvements, including those required by
3 chapter 423 of title 49, United States Code.

4 (b) *MEMBERSHIP*.—The Secretary shall appoint 8
5 members to the advisory committee as follows:

6 (1) *Two representatives of air carriers required*
7 *to submit emergency contingency plans pursuant to*
8 *section 42301 of title 49, United States Code.*

9 (2) *Two representatives of the airport operators*
10 *required to submit emergency contingency plans pur-*
11 *suant to section 42301 of such title.*

12 (3) *Two representatives of State and local gov-*
13 *ernments who have expertise in aviation consumer*
14 *protection matters.*

15 (4) *Two representatives of nonprofit public inter-*
16 *est groups who have expertise in aviation consumer*
17 *protection matters.*

18 (c) *VACANCIES*.—A vacancy in the advisory committee
19 shall be filled in the manner in which the original appoint-
20 ment was made.

21 (d) *TRAVEL EXPENSES*.—Members of the advisory
22 committee shall serve without pay but shall receive travel
23 expenses, including per diem in lieu of subsistence, in ac-
24 cordance with subchapter I of chapter 57 of title 5, United
25 States Code.

1 (e) *CHAIRPERSON.*—*The Secretary shall designate,*
2 *from among the individuals appointed under subsection (b),*
3 *an individual to serve as chairperson of the advisory com-*
4 *mittee.*

5 (f) *DUTIES.*—*The duties of the advisory committee*
6 *shall include the following:*

7 (1) *Evaluating existing aviation consumer pro-*
8 *tection programs and providing recommendations for*
9 *the improvement of such programs, if needed.*

10 (2) *Providing recommendations to establish ad-*
11 *ditional aviation consumer protection programs, if*
12 *needed.*

13 (g) *REPORT.*—*Not later than February 1 of each year*
14 *beginning after the date of enactment of this Act, the Sec-*
15 *retary shall transmit to Congress a report containing—*

16 (1) *each recommendation made by the advisory*
17 *committee during the preceding calendar year; and*

18 (2) *an explanation of how the Secretary has im-*
19 *plemented each recommendation and, for each rec-*
20 *ommendation not implemented, the Secretary's reason*
21 *for not implementing the recommendation.*

22 **SEC. 420. DENIED BOARDING COMPENSATION.**

23 *Not later than May 19, 2010, and every 2 years there-*
24 *after, the Secretary shall evaluate the amount provided for*

1 *denied boarding compensation and issue a regulation to ad-*
2 *just such compensation as necessary.*

3 **SEC. 421. COMPENSATION FOR DELAYED BAGGAGE.**

4 (a) *STUDY.*—*The Comptroller General shall conduct a*
5 *study to—*

6 (1) *examine delays in the delivery of checked*
7 *baggage to passengers of air carriers; and*

8 (2) *make recommendations for establishing min-*
9 *imum standards to compensate a passenger in the*
10 *case of an unreasonable delay in the delivery of*
11 *checked baggage.*

12 (b) *CONSIDERATION.*—*In conducting the study, the*
13 *Comptroller General shall take into account the additional*
14 *fees for checked baggage that are imposed by many air car-*
15 *riers and how the additional fees should improve an air*
16 *carrier's baggage performance.*

17 (c) *REPORT.*—*Not later than 180 days after the date*
18 *of enactment of this Act, the Comptroller General shall*
19 *transmit to Congress a report on the results of the study.*

20 **SEC. 422. SCHEDULE REDUCTION.**

21 (a) *IN GENERAL.*—*If the Administrator of the Federal*
22 *Aviation Administration determines that: (1) the aircraft*
23 *operations of air carriers during any hour at an airport*
24 *exceeds the hourly maximum departure and arrival rate es-*
25 *tablished by the Administrator for such operations; and (2)*

1 *the operations in excess of the maximum departure and ar-*
2 *rival rate for such hour at such airport are likely to have*
3 *a significant adverse effect on the national or regional air-*
4 *space system, the Administrator shall convene a conference*
5 *of such carriers to reduce pursuant to section 41722, on a*
6 *voluntary basis, the number of such operations to less than*
7 *such maximum departure and arrival rate.*

8 **(b) NO AGREEMENT.**—*If the air carriers participating*
9 *in a conference with respect to an airport under subsection*
10 *(a) are not able to agree to a reduction in the number of*
11 *flights to and from the airport to less than the maximum*
12 *departure and arrival rate, the Administrator shall take*
13 *such action as is necessary to ensure such reduction is im-*
14 *plemented.*

15 **(c) QUARTERLY REPORTS.**—*Beginning 3 months after*
16 *the date of enactment of this Act and every 3 months there-*
17 *after, the Administrator shall submit to Congress a report*
18 *regarding scheduling at the 35 airports that have the great-*
19 *est number of passenger enplanements, including each oc-*
20 *currence in which hourly scheduled aircraft operations of*
21 *air carriers at such an airport exceed the hourly maximum*
22 *departure and arrival rate at any such airport.*

1 **SEC. 423. EXPANSION OF DOT AIRLINE CONSUMER COM-**
2 **PLAINT INVESTIGATIONS.**

3 (a) *IN GENERAL.*—Subject to the availability of appro-
4 priations, the Secretary of Transportation shall investigate
5 consumer complaints regarding—

6 (1) *flight cancellations;*

7 (2) *compliance with Federal regulations con-*
8 *cerning overbooking seats on flights;*

9 (3) *lost, damaged, or delayed baggage, and dif-*
10 *ficulties with related airline claims procedures;*

11 (4) *problems in obtaining refunds for unused or*
12 *lost tickets or fare adjustments;*

13 (5) *incorrect or incomplete information about*
14 *fares, discount fare conditions and availability, over-*
15 *charges, and fare increases;*

16 (6) *the rights of passengers who hold frequent*
17 *flier miles or equivalent redeemable awards earned*
18 *through customer-loyalty programs; and*

19 (7) *deceptive or misleading advertising.*

20 (b) *BUDGET NEEDS REPORT.*—The Secretary shall
21 provide, as an annex to its annual budget request, an esti-
22 mate of resources which would have been sufficient to inves-
23 tigate all such claims the Department of Transportation re-
24 ceived in the previous fiscal year. The annex shall be trans-
25 mitted to Congress when the President submits the budget

1 *of the United States to the Congress under section 1105 of*
2 *title 31, United States Code.*

3 **SEC. 424. PROHIBITIONS AGAINST VOICE COMMUNICA-**
4 **TIONS USING MOBILE COMMUNICATIONS DE-**
5 **VICES ON SCHEDULED FLIGHTS.**

6 *(a) IN GENERAL.—Subchapter I of chapter 417 of title*
7 *49, United States Code, is amended by adding at the end*
8 *the following:*

9 **“§41724. Prohibitions against voice communications**
10 **using mobile communications devices on**
11 **scheduled flights**

12 *“(a) INTERSTATE AND INTRASTATE AIR TRANSPOR-*
13 *TATION.—*

14 *“(1) IN GENERAL.—An individual may not en-*
15 *gage in voice communications using a mobile commu-*
16 *nications device in an aircraft during a flight in*
17 *scheduled passenger interstate air transportation or*
18 *scheduled passenger intrastate air transportation.*

19 *“(2) EXCEPTIONS.—The prohibition described in*
20 *paragraph (1) shall not apply to—*

21 *“(A) a member of the flight crew or flight*
22 *attendants on an aircraft; or*

23 *“(B) a Federal law enforcement officer act-*
24 *ing in an official capacity.*

25 *“(b) FOREIGN AIR TRANSPORTATION.—*

1 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
2 *tation shall require all air carriers and foreign air*
3 *carriers to adopt the prohibition described in sub-*
4 *section (a) with respect to the operation of an aircraft*
5 *in scheduled passenger foreign air transportation.*

6 “(2) *ALTERNATE PROHIBITION.*—*If a foreign*
7 *government objects to the application of paragraph*
8 *(1) on the basis that paragraph (1) provides for an*
9 *extraterritorial application of the laws of the United*
10 *States, the Secretary may waive the application of*
11 *paragraph (1) to a foreign air carrier licensed by*
12 *that foreign government until such time as an alter-*
13 *native prohibition on voice communications using a*
14 *mobile communications device during flight is nego-*
15 *tiated by the Secretary with such foreign government*
16 *through bilateral negotiations.*

17 “(c) *DEFINITIONS.*—*In this section, the following defi-*
18 *nitions apply:*

19 “(1) *FLIGHT.*—*The term ‘flight’ means the pe-*
20 *riod beginning when an aircraft takes off and ending*
21 *when an aircraft lands.*

22 “(2) *VOICE COMMUNICATIONS USING A MOBILE*
23 *COMMUNICATIONS DEVICE.*—

1 “(A) *INCLUSIONS.*—*The term ‘voice commu-*
2 *nications using a mobile communications device’*
3 *includes voice communications using—*

4 “(i) *a commercial mobile radio service*
5 *or other wireless communications device;*

6 “(ii) *a broadband wireless device or*
7 *other wireless device that transmits data*
8 *packets using the Internet Protocol or com-*
9 *parable technical standard; or*

10 “(iii) *a device having voice override*
11 *capability.*

12 “(B) *EXCLUSION.*—*Such term does not in-*
13 *clude voice communications using a phone in-*
14 *stalled on an aircraft.*

15 “(d) *SAFETY REGULATIONS.*—*This section shall not be*
16 *construed to affect the authority of the Secretary to impose*
17 *limitations on voice communications using a mobile com-*
18 *munications device for safety reasons.*

19 “(e) *REGULATIONS.*—*The Secretary shall prescribe*
20 *such regulations as are necessary to carry out this section.”.*

21 “(b) *CLERICAL AMENDMENT.*—*The analysis for such*
22 *subchapter is amended by adding at the end the following:*

 “41724. *Prohibitions against voice communications using mobile communications*
 devices on scheduled flights.”.

1 **SEC. 425. ANTITRUST EXEMPTIONS.**

2 (a) *STUDY.*—*The Comptroller General shall conduct a*
3 *study of the legal requirements and policies followed by the*
4 *Department in deciding whether to approve international*
5 *alliances under section 41309 of title 49, United States*
6 *Code, and grant exemptions from the antitrust laws under*
7 *section 41308 of such title in connection with such inter-*
8 *national alliances.*

9 (b) *ISSUES TO BE CONSIDERED.*—*In conducting the*
10 *study under subsection (a), the Comptroller General, at a*
11 *minimum, shall examine the following:*

12 (1) *Whether granting exemptions from the anti-*
13 *trust laws in connection with international alliances*
14 *has resulted in public benefits, including an analysis*
15 *of whether such benefits could have been achieved by*
16 *international alliances not receiving exemptions from*
17 *the antitrust laws.*

18 (2) *Whether granting exemptions from the anti-*
19 *trust laws in connection with international alliances*
20 *has resulted in reduced competition, increased prices*
21 *in markets, or other adverse effects.*

22 (3) *Whether international alliances that have*
23 *been granted exemptions from the antitrust laws have*
24 *implemented pricing or other practices with respect to*
25 *the hub airports at which the alliances operate that*
26 *have resulted in increased costs for consumers or fore-*

1 *closed competition by rival (nonalliance) air carriers*
2 *at such airports.*

3 (4) *Whether increased network size resulting*
4 *from additional international alliance members will*
5 *adversely affect competition between international al-*
6 *liances.*

7 (5) *The areas in which immunized international*
8 *alliances compete and whether there is sufficient com-*
9 *petition among immunized international alliances to*
10 *ensure that consumers will receive benefits of at least*
11 *the same magnitude as those that consumers would*
12 *receive if there were no immunized international alli-*
13 *ances.*

14 (6) *The minimum number of international alli-*
15 *ances that is necessary to ensure robust competition*
16 *and benefits to consumers on major international*
17 *routes.*

18 (7) *Whether the different regulatory and anti-*
19 *trust responsibilities of the Secretary and the Attor-*
20 *ney General with respect to international alliances*
21 *have created any significant conflicting agency rec-*
22 *ommendations, such as the conditions imposed in*
23 *granting exemptions from the antitrust laws.*

24 (8) *Whether, from an antitrust standpoint, re-*
25 *quests for exemptions from the antitrust laws in con-*

1 *nection with international alliances should be treated*
2 *as mergers, and therefore be exclusively subject to a*
3 *traditional merger analysis by the Attorney General*
4 *and be subject to advance notification requirements*
5 *and a confidential review process similar to those re-*
6 *quired under section 7A of the Clayton Act (15 U.S.C.*
7 *18a).*

8 *(9) Whether the Secretary should amend, modify,*
9 *or revoke any exemption from the antitrust laws*
10 *granted by the Secretary in connection with an inter-*
11 *national alliance.*

12 *(10) The effect of international alliances on the*
13 *number and quality of jobs for United States air car-*
14 *rier flight crew employees, including the share of alli-*
15 *ance flying done by those employees.*

16 *(c) REPORT.—Not later than one year after the date*
17 *of enactment of this Act, the Comptroller General shall sub-*
18 *mit to the Secretary of Transportation, the Committee on*
19 *Transportation and Infrastructure of the House of Rep-*
20 *resentatives, and the Committee on Commerce, Science, and*
21 *Transportation of the Senate a report on the results of the*
22 *study under subsection (a), including any recommendations*
23 *of the Comptroller General as to whether there should be*
24 *changes in the authority of the Secretary under title 49,*
25 *United States Code, or policy changes that the Secretary*

1 *can implement administratively, with respect to approving*
2 *international alliances and granting exemptions from the*
3 *antitrust laws in connection with such international alli-*
4 *ances.*

5 (d) *ADOPTION OF RECOMMENDED POLICY CHANGES.—*
6 *Not later than one year after the date of receipt of the report*
7 *under subsection (c), and after providing notice and an op-*
8 *portunity for public comment, the Secretary shall issue a*
9 *written determination as to whether the Secretary will*
10 *adopt the policy changes, if any, recommended by the*
11 *Comptroller General in the report or make any other policy*
12 *changes with respect to approving international alliances*
13 *and granting exemptions from the antitrust laws in connec-*
14 *tion with such international alliances.*

15 (e) *SUNSET PROVISION.—*

16 (1) *IN GENERAL.—An exemption from the anti-*
17 *trust laws granted by the Secretary on or before the*
18 *last day of the 3-year period beginning on the date*
19 *of enactment of this Act in connection with an inter-*
20 *national alliance, including an exemption granted be-*
21 *fore the date of enactment of this Act, shall cease to*
22 *be effective after such last day unless the exemption*
23 *is renewed by the Secretary.*

24 (2) *TIMING FOR RENEWALS.—The Secretary may*
25 *not renew an exemption under paragraph (1) before*

1 *the date on which the Secretary issues a written de-*
2 *termination under subsection (d).*

3 (3) *STANDARDS FOR RENEWALS.*—*The Secretary*
4 *shall make a decision on whether to renew an exemp-*
5 *tion under paragraph (1) based on the policies of the*
6 *Department in effect after the Secretary issues a writ-*
7 *ten determination under subsection (d).*

8 (f) *DEFINITIONS.*—*In this section, the following defini-*
9 *tions apply:*

10 (1) *EXEMPTION FROM THE ANTITRUST LAWS.*—
11 *The term “exemption from the antitrust laws” means*
12 *an exemption from the antitrust laws granted by the*
13 *Secretary under section 41308 of title 49, United*
14 *States Code.*

15 (2) *IMMUNIZED INTERNATIONAL ALLIANCE.*—*The*
16 *term “immunized international alliance” means an*
17 *international alliance for which the Secretary has*
18 *granted an exemption from the antitrust laws.*

19 (3) *INTERNATIONAL ALLIANCE.*—*The term*
20 *“international alliance” means a cooperative agree-*
21 *ment between an air carrier and a foreign air carrier*
22 *to provide foreign air transportation subject to ap-*
23 *proval or disapproval by the Secretary under section*
24 *41309 of title 49, United States Code.*

1 (4) *DEPARTMENT.*—*The term “Department”*
2 *means the Department of Transportation.*

3 (5) *SECRETARY.*—*The term “Secretary” means*
4 *the Secretary of Transportation.*

5 **TITLE V—ENVIRONMENTAL**
6 **STEWARDSHIP AND STREAM-**
7 **LINING**

8 **SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PRO-**
9 **GRAM.**

10 *Section 40128 is amended—*

11 (1) *in subsection (a)(1)(C) by inserting “or vol-*
12 *untary agreement under subsection (b)(7)” before “for*
13 *the park”;*

14 (2) *in subsection (a) by adding at the end the*
15 *following:*

16 “(5) *EXEMPTION.*—

17 “(A) *IN GENERAL.*—*Notwithstanding para-*
18 *graph (1), a national park that has 50 or fewer*
19 *commercial air tour flights a year shall be ex-*
20 *empt from the requirements of this section, ex-*
21 *cept as provided in subparagraph (B).*

22 “(B) *WITHDRAWAL OF EXEMPTION.*—*If the*
23 *Director determines that an air tour manage-*
24 *ment plan or voluntary agreement is necessary*
25 *to protect park resources and values or park vis-*

1 itor use and enjoyment, the Director shall with-
2 draw the exemption of a park under subpara-
3 graph (A).

4 “(C) *LIST OF PARKS.*—The Director shall
5 inform the Administrator, in writing, of each de-
6 termination under subparagraph (B). The Direc-
7 tor and Administrator shall publish an annual
8 list of national parks that are covered by the ex-
9 emption provided by this paragraph.

10 “(D) *ANNUAL REPORT.*—A commercial air
11 tour operator conducting commercial air tours
12 in a national park that is exempt from the re-
13 quirements of this section shall submit to the Ad-
14 ministrator and the Director an annual report
15 regarding the number of commercial air tour
16 flights it conducts each year in such park.”;

17 (3) in subsection (b) by adding at the end the
18 following:

19 “(7) *VOLUNTARY AGREEMENTS.*—

20 “(A) *IN GENERAL.*—As an alternative to an
21 air tour management plan, the Director and the
22 Administrator may enter into a voluntary agree-
23 ment with a commercial air tour operator (in-
24 cluding a new entrant applicant and an oper-
25 ator that has interim operating authority) that

1 *has applied to conduct air tour operations over*
2 *a national park to manage commercial air tour*
3 *operations over such national park.*

4 “(B) *PARK PROTECTION.*—A voluntary
5 *agreement under this paragraph with respect to*
6 *commercial air tour operations over a national*
7 *park shall address the management issues nec-*
8 *essary to protect the resources of such park and*
9 *visitor use of such park without compromising*
10 *aviation safety or the air traffic control system*
11 *and may—*

12 “(i) *include provisions such as those*
13 *described in subparagraphs (B) through (E)*
14 *of paragraph (3);*

15 “(ii) *include provisions to ensure the*
16 *stability of, and compliance with, the vol-*
17 *untary agreement; and*

18 “(iii) *provide for fees for such oper-*
19 *ations.*

20 “(C) *PUBLIC.*—The Director and the Ad-
21 *ministrator shall provide an opportunity for*
22 *public review of a proposed voluntary agreement*
23 *under this paragraph and shall consult with any*
24 *Indian tribe whose tribal lands are, or may be,*
25 *flown over by a commercial air tour operator*

1 *under a voluntary agreement under this para-*
2 *graph. After such opportunity for public review*
3 *and consultation, the voluntary agreement may*
4 *be implemented without further administrative*
5 *or environmental process beyond that described*
6 *in this subsection.*

7 “(D) *TERMINATION.*—*A voluntary agree-*
8 *ment under this paragraph may be terminated*
9 *at any time at the discretion of the Director or*
10 *the Administrator if the Director determines that*
11 *the agreement is not adequately protecting park*
12 *resources or visitor experiences or the Adminis-*
13 *trator determines that the agreement is adversely*
14 *affecting aviation safety or the national aviation*
15 *system. If a voluntary agreement for a national*
16 *park is terminated, the operators shall conform*
17 *to the requirements for interim operating author-*
18 *ity under subsection (c) until an air tour man-*
19 *agement plan for the park is in effect.”;*

20 *(4) in subsection (c) by striking paragraph*
21 *(2)(I) and inserting the following:*

22 “(I) *may allow for modifications of the in-*
23 *terim operating authority without further envi-*
24 *ronmental review beyond that described in this*
25 *section if—*

1 “(i) adequate information regarding
2 the operator’s existing and proposed oper-
3 ations under the interim operating author-
4 ity is provided to the Administrator and the
5 Director;

6 “(ii) the Administrator determines that
7 there would be no adverse impact on avia-
8 tion safety or the air traffic control system;
9 and

10 “(iii) the Director agrees with the
11 modification, based on the Director’s profes-
12 sional expertise regarding the protection of
13 the park resources and values and visitor
14 use and enjoyment.”;

15 (5) in subsection (c)(3)(A) by striking “if the
16 Administrator determines” and all that follows
17 through the period at the end and inserting “without
18 further environmental process beyond that described
19 in this paragraph if—

20 “(i) adequate information on the oper-
21 ator’s proposed operations is provided to the
22 Administrator and the Director by the oper-
23 ator making the request;

24 “(ii) the Administrator agrees that
25 there would be no adverse impact on avia-

1 *tion safety or the air traffic control system;*
2 *and*

3 *“(iii) the Director agrees, based on the*
4 *Director’s professional expertise regarding*
5 *the protection of park resources and values*
6 *and visitor use and enjoyment.”;*

7 *(6) by redesignating subsections (d), (e), and (f)*
8 *as subsections (e), (f), and (g), respectively; and*

9 *(7) by inserting after subsection (c) the fol-*
10 *lowing:*

11 *“(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—*

12 *“(1) REPORT.—Each commercial air tour oper-*
13 *ator providing a commercial air tour over a national*
14 *park under interim operating authority granted*
15 *under subsection (c) or in accordance with an air*
16 *tour management plan under subsection (b) shall sub-*
17 *mit a report to the Administrator and Director re-*
18 *garding the number of its commercial air tour oper-*
19 *ations over each national park and such other infor-*
20 *mation as the Administrator and Director may re-*
21 *quest in order to facilitate administering the provi-*
22 *sions of this section.*

23 *“(2) REPORT SUBMISSION.—Not later than 3*
24 *months after the date of enactment of the FAA Reau-*
25 *thorization Act of 2009, the Administrator and Direc-*

1 *tor shall jointly issue an initial request for reports*
2 *under this subsection. The reports shall be submitted*
3 *to the Administrator and Director on a frequency and*
4 *in a format prescribed by the Administrator and Di-*
5 *rector.”.*

6 **SEC. 502. STATE BLOCK GRANT PROGRAM.**

7 *(a) GENERAL REQUIREMENTS.—Section 47128(a) is*
8 *amended—*

9 *(1) in the first sentence by striking “prescribe*
10 *regulations” and inserting “issue guidance”; and*

11 *(2) in the second sentence by striking “regula-*
12 *tions” and inserting “guidance”.*

13 *(b) APPLICATIONS AND SELECTION.—Section*
14 *47128(b)(4) is amended by inserting before the semicolon*
15 *the following: “, including the National Environmental Pol-*
16 *icy Act of 1969 (42 U.S.C. 4321 et seq.), State and local*
17 *environmental policy acts, Executive orders, agency regula-*
18 *tions and guidance, and other Federal environmental re-*
19 *quirements”.*

20 *(c) ENVIRONMENTAL ANALYSIS AND COORDINATION*
21 *REQUIREMENTS.—Section 47128 is amended by adding at*
22 *the end the following:*

23 *“(d) ENVIRONMENTAL ANALYSIS AND COORDINATION*
24 *REQUIREMENTS.—A Federal agency, other than the Federal*
25 *Aviation Administration, that is responsible for issuing an*

1 “(4) to conduct special studies or reviews to sup-
2 port environmental mitigation in a record of decision
3 or finding of no significant impact by the Federal
4 Aviation Administration.”.

5 **SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
6 **PROCEDURES.**

7 Section 47504 is amended by adding at the end the
8 following:

9 “(e) **GRANTS FOR ASSESSMENT OF FLIGHT PROCE-**
10 **DURES.—**

11 “(1) **IN GENERAL.**—In accordance with sub-
12 section (c)(1), the Secretary may make a grant to an
13 airport operator to assist in completing environ-
14 mental review and assessment activities for proposals
15 to implement flight procedures at such airport that
16 have been approved as part of an airport noise com-
17 patibility program under subsection (b).

18 “(2) **ADDITIONAL STAFF.**—The Administrator
19 may accept funds from an airport operator, including
20 funds provided to the operator under paragraph (1),
21 to hire additional staff or obtain the services of con-
22 sultants in order to facilitate the timely processing,
23 review, and completion of environmental activities as-
24 sociated with proposals to implement flight proce-
25 dures at such airport that have been approved as part

1 *of an airport noise compatibility program under sub-*
 2 *section (b).*

3 “(3) *RECEIPTS CREDITED AS OFFSETTING COL-*
 4 *LECTIONS.—Notwithstanding section 3302 of title 31,*
 5 *any funds accepted under this section—*

6 “(A) *shall be credited as offsetting collec-*
 7 *tions to the account that finances the activities*
 8 *and services for which the funds are accepted;*

9 “(B) *shall be available for expenditure only*
 10 *to pay the costs of activities and services for*
 11 *which the funds are accepted; and*

12 “(C) *shall remain available until ex-*
 13 *pended.”.*

14 **SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLE-**
 15 **MENTATION PARTNERSHIP.**

16 (a) *COOPERATIVE AGREEMENT.—Subchapter I of*
 17 *chapter 475 is amended by adding at the end the following:*

18 **“§47511. CLEEN research, development, and imple-**
 19 **mentation partnership**

20 “(a) *IN GENERAL.—The Administrator of the Federal*
 21 *Aviation Administration, in coordination with the Admin-*
 22 *istrator of the National Aeronautics and Space Administra-*
 23 *tion, shall enter into a cooperative agreement, using a com-*
 24 *petitive process, with an institution, entity, or consortium*
 25 *to carry out a program for the development, maturing, and*

1 *certification of CLEEN engine and airframe technology for*
2 *aircraft over the next 10 years.*

3 “(b) *CLEEN ENGINE AND AIRFRAME TECHNOLOGY*
4 *DEFINED.—In this section, the term ‘CLEEN engine and*
5 *airframe technology’ means continuous lower energy, emis-*
6 *sions, and noise engine and airframe technology.*

7 “(c) *PERFORMANCE OBJECTIVE.—The Administrator*
8 *of the Federal Aviation Administration, in coordination*
9 *with the Administrator of the National Aeronautics and*
10 *Space Administration, shall establish the following per-*
11 *formance objectives for the program, to be achieved by Sep-*
12 *tember 30, 2016:*

13 “(1) *Development of certifiable aircraft tech-*
14 *nology that reduces fuel burn by 33 percent compared*
15 *to current technology, reducing energy consumption*
16 *and greenhouse gas emissions.*

17 “(2) *Development of certifiable engine technology*
18 *that reduces landing and takeoff cycle nitrogen oxide*
19 *emissions by 60 percent, at a pressure ratio of 30,*
20 *over the International Civil Aviation Organization*
21 *standard adopted at the 6th Meeting of the Committee*
22 *on Aviation Environmental Protection, with commensurate*
23 *reductions over the full pressure ratio range,*
24 *while limiting or reducing other gaseous or particle*
25 *emissions.*

1 “(3) *Development of certifiable aircraft tech-*
2 *nology that reduces noise levels by 32 Effective Per-*
3 *ceived Noise Level in Decibels cumulative, relative to*
4 *Stage 4 standards.*

5 “(4) *Determination of the feasibility of the use of*
6 *alternative fuels in aircraft systems, including suc-*
7 *cessful demonstration and quantification of the bene-*
8 *fits of such fuels.*

9 “(5) *Determination of the extent to which new*
10 *engine and aircraft technologies may be used to ret-*
11 *rofit or re-engine aircraft to increase the integration*
12 *of retrofitted and re-engined aircraft into the commer-*
13 *cial fleet.*

14 “(d) *FUNDING.—Of amounts appropriated under sec-*
15 *tion 48102(a), not more than the following amounts may*
16 *be used to carry out this section:*

17 “(1) *\$20,000,000 for fiscal year 2009.*

18 “(2) *\$25,000,000 for fiscal year 2010.*

19 “(3) *\$33,000,000 for fiscal year 2011.*

20 “(4) *\$50,000,000 for fiscal year 2012.*

21 “(e) *REPORT.—Beginning in fiscal year 2010, the Ad-*
22 *ministrator of the Federal Aviation Administration shall*
23 *publish an annual report on the program established under*
24 *this section until completion of the program.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for such*
 2 *subchapter is amended by adding at the end the following:*
 “47511. *CLEEN research, development, and implementation partnership.*”

3 **SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**
 4 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**
 5 **PLYING WITH STAGE 3 NOISE LEVELS.**

6 (a) *IN GENERAL.*—*Subchapter II of chapter 475 is*
 7 *amended by adding at the end the following:*

8 **“§47534. Prohibition on operating certain aircraft**
 9 **weighing 75,000 pounds or less not com-**
 10 **plying with stage 3 noise levels**

11 “(a) *PROHIBITION.*—*Except as provided in subsection*
 12 *(b), (c), or (d), after December 31, 2013, a person may not*
 13 *operate a civil subsonic jet airplane with a maximum*
 14 *weight of 75,000 pounds or less, and for which an air-*
 15 *worthiness certificate (other than an experimental certifi-*
 16 *cate) has been issued, to or from an airport in the United*
 17 *States unless the Secretary of Transportation finds that the*
 18 *aircraft complies with stage 3 noise levels.*

19 “(b) *EXCEPTION.*—*Subsection (a) shall not apply to*
 20 *aircraft operated only outside the 48 contiguous States.*

21 “(c) *EXCEPTIONS.*—*The Secretary may allow tem-*
 22 *porary operation of an airplane otherwise prohibited from*
 23 *operation under subsection (a) to or from an airport in the*
 24 *contiguous United States by granting a special flight au-*
 25 *thorization for one or more of the following circumstances:*

1 “(1) *To sell, lease, or use the aircraft outside the*
2 *48 contiguous States.*

3 “(2) *To scrap the aircraft.*

4 “(3) *To obtain modifications to the aircraft to*
5 *meet stage 3 noise levels.*

6 “(4) *To perform scheduled heavy maintenance or*
7 *significant modifications on the aircraft at a mainte-*
8 *nance facility located in the contiguous 48 States.*

9 “(5) *To deliver the aircraft to an operator leas-*
10 *ing the aircraft from the owner or return the aircraft*
11 *to the lessor.*

12 “(6) *To prepare, park, or store the aircraft in*
13 *anticipation of any of the activities described in*
14 *paragraphs (1) through (5).*

15 “(7) *To provide transport of persons and goods*
16 *in the relief of emergency situations.*

17 “(8) *To divert the aircraft to an alternative air*
18 *port in the 48 contiguous States on account of weath-*
19 *er, mechanical, fuel, air traffic control, or other safety*
20 *reasons while conducting a flight in order to perform*
21 *any of the activities described in paragraphs (1)*
22 *through (7).*

23 “(d) *STATUTORY CONSTRUCTION.—Nothing in the sec-*
24 *tion may be construed as interfering with, nullifying, or*
25 *otherwise affecting determinations made by the Federal*

1 *Aviation Administration, or to be made by the Administra-*
 2 *tion, with respect to applications under part 161 of title*
 3 *14, Code of Federal Regulations, that were pending on the*
 4 *date of enactment of this section.”.*

5 (b) *CONFORMING AMENDMENTS.*—

6 (1) *Section 47531 is amended—*

7 (A) *in the section heading by striking “for*
 8 ***violating sections 47528–47530*”; and**

9 (B) *by striking “47529, or 47530” and in-*
 10 *serting “47529, 47530, or 47534”.*

11 (2) *Section 47532 is amended by inserting “or*
 12 *47534” after “47528–47531”.*

13 (3) *The analysis for chapter 475 is amended—*

14 (A) *by striking the item relating to section*
 15 *47531 and inserting the following:*

“47531. Penalties.”;

16 *and*

17 (B) *by inserting after the item relating to*
 18 *section 47533 the following:*

*“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less
 not complying with stage 3 noise levels.”.*

19 **SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.**

20 (a) *ESTABLISHMENT.*—*The Secretary of Transpor-*
 21 *tation shall establish a pilot program to carry out not more*
 22 *than 6 environmental mitigation demonstration projects at*
 23 *public-use airports.*

1 (b) *GRANTS.*—*In implementing the program, the Sec-*
2 *retary may make a grant to the sponsor of a public-use*
3 *airport from funds apportioned under section*
4 *47117(e)(1)(A) of title 49, United States Code, to carry out*
5 *an environmental mitigation demonstration project to*
6 *measurably reduce or mitigate aviation impacts on noise,*
7 *air quality, or water quality in the vicinity of the airport.*

8 (c) *ELIGIBILITY FOR PASSENGER FACILITY FEES.*—
9 *An environmental mitigation demonstration project that*
10 *receives funds made available under this section may be*
11 *considered an eligible airport-related project for purposes*
12 *of section 40117 of such title.*

13 (d) *SELECTION CRITERIA.*—*In selecting among appli-*
14 *cants for participation in the program, the Secretary shall*
15 *give priority consideration to applicants proposing to carry*
16 *out environmental mitigation demonstration projects that*
17 *will—*

18 (1) *achieve the greatest reductions in aircraft*
19 *noise, airport emissions, or airport water quality im-*
20 *pacts either on an absolute basis or on a per dollar*
21 *of funds expended basis; and*

22 (2) *be implemented by an eligible consortium.*

23 (e) *FEDERAL SHARE.*—*Notwithstanding any provi-*
24 *sion of subchapter I of chapter 471 of such title, the United*
25 *States Government share of allowable project costs of an en-*

1 *vironmental mitigation demonstration project carried out*
2 *under this section shall be 50 percent.*

3 (f) *MAXIMUM AMOUNT.—The Secretary may not make*
4 *grants for a single environmental mitigation demonstration*
5 *project under this section in a total amount that exceeds*
6 *\$2,500,000.*

7 (g) *PUBLICATION OF INFORMATION.—The Secretary*
8 *may develop and publish information on the results of envi-*
9 *ronmental mitigation demonstration projects carried out*
10 *under this section, including information identifying best*
11 *practices for reducing or mitigating aviation impacts on*
12 *noise, air quality, or water quality in the vicinity of air-*
13 *ports.*

14 (h) *DEFINITIONS.—In this section, the following defi-*
15 *nitions apply:*

16 (1) *ELIGIBLE CONSORTIUM.—The term “eligible*
17 *consortium” means a consortium of 2 or more of the*
18 *following entities:*

19 (A) *A business incorporated in the United*
20 *States.*

21 (B) *A public or private educational or re-*
22 *search organization located in the United States.*

23 (C) *An entity of a State or local govern-*
24 *ment.*

25 (D) *A Federal laboratory.*

1 (2) *ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.*—*The term “environmental mitigation demonstration project” means a project that—*

2
3
4 (A) *demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;*

5
6
7
8 (B) *utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and*

9
10
11 (C) *demonstrates whether a technique or technology for environmental mitigation identified in research is—*

12
13
14 (i) *practical to implement at or near multiple public-use airports; and*

15
16 (ii) *capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.*

17
18
19
20 **SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
21 **PILOT PROGRAM.**

22 (a) *IN GENERAL.*—*The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a)*

1 *to test air traffic flow management tools, methodologies, and*
2 *procedures that will allow air traffic controllers of the Ad-*
3 *ministration to better manage the flow of aircraft on the*
4 *ground and reduce the length of ground holds and idling*
5 *time for aircraft.*

6 (b) *SELECTION CRITERIA.*—*In selecting from among*
7 *airports at which to conduct the pilot program, the Sec-*
8 *retary shall give priority consideration to airports at which*
9 *improvements in ground control efficiencies are likely to*
10 *achieve the greatest fuel savings or air quality or other envi-*
11 *ronmental benefits, as measured by the amount of reduced*
12 *fuel, reduced emissions, or other environmental benefits per*
13 *dollar of funds expended under the pilot program.*

14 (c) *MAXIMUM AMOUNT.*—*Not more than a total of*
15 *\$5,000,000 may be expended under the pilot program at*
16 *any single public-use airport.*

17 (d) *REPORT TO CONGRESS.*—*Not later than 3 years*
18 *after the date of the enactment of this section, the Secretary*
19 *shall submit to the Committee on Transportation and In-*
20 *frastructure of the House of Representatives and the Com-*
21 *mittee on Commerce, Science, and Transportation of the*
22 *Senate a report containing—*

23 (1) *an evaluation of the effectiveness of the pilot*
24 *program, including an assessment of the tools, meth-*
25 *odologies, and procedures that provided the greatest*

1 *fuel savings and air quality and other environmental*
2 *benefits, and any impacts on safety, capacity, or effi-*
3 *ciency of the air traffic control system or the airports*
4 *at which affected aircraft were operating;*

5 *(2) an identification of anticipated benefits from*
6 *implementation of the tools, methodologies, and proce-*
7 *dures developed under the pilot program at other air-*
8 *ports;*

9 *(3) a plan for implementing the tools, methodolo-*
10 *gies, and procedures developed under the pilot pro-*
11 *gram at other airports or the Secretary's reasons for*
12 *not implementing such measures at other airports;*
13 *and*

14 *(4) such other information as the Secretary con-*
15 *siders appropriate.*

16 **SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR**
17 **TRAFFIC CONTROL FACILITIES.**

18 *(a) IN GENERAL.—The Administrator of the Federal*
19 *Aviation Administration shall implement, to the maximum*
20 *extent practicable, sustainable practices for the incorpora-*
21 *tion of energy-efficient design, equipment, systems, and*
22 *other measures in the construction and major renovation*
23 *of air traffic control facilities of the Administration in*
24 *order to reduce energy consumption and improve the envi-*
25 *ronmental performance of such facilities.*

1 (b) *AUTHORIZATION.*—Of amounts appropriated
2 under section 48101(a) of title 49, United States Code, such
3 sums as may be necessary may be used to carry out this
4 section.

5 **SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT**
6 **ENGINE NOISE AND EMISSIONS STANDARDS.**

7 (a) *INDEPENDENT REVIEW.*—The Administrator of the
8 FAA shall make appropriate arrangements for the National
9 Academy of Public Administration or another qualified
10 independent entity to review, in consultation with the FAA
11 and the EPA, whether it is desirable to locate the regulatory
12 responsibility for the establishment of engine noise and
13 emissions standards for civil aircraft within one of the
14 agencies.

15 (b) *CONSIDERATIONS.*—The review shall be conducted
16 so as to take into account—

17 (1) the interrelationships between aircraft engine
18 noise and emissions;

19 (2) the need for aircraft engine noise and emis-
20 sions to be evaluated and addressed in an integrated
21 and comprehensive manner;

22 (3) the scientific expertise of the FAA and the
23 EPA to evaluate aircraft engine emissions and noise
24 impacts on the environment;

1 (4) *expertise to interface environmental perform-*
2 *ance with ensuring the highest safe and reliable en-*
3 *gine performance of aircraft in flight;*

4 (5) *consistency of the regulatory responsibility*
5 *with other missions of the FAA and the EPA;*

6 (6) *past effectiveness of the FAA and the EPA in*
7 *carrying out the aviation environmental responsibil-*
8 *ities assigned to the agency; and*

9 (7) *the international responsibility to represent*
10 *the United States with respect to both engine noise*
11 *and emissions standards for civil aircraft.*

12 (c) *REPORT TO CONGRESS.*—*Not later than 6 months*
13 *after the date of enactment of this Act, the Administrator*
14 *of the FAA shall submit to Congress a report on the results*
15 *of the review. The report shall include any recommenda-*
16 *tions developed as a result of the review and, if a transfer*
17 *of responsibilities is recommended, a description of the steps*
18 *and timeline for implementation of the transfer.*

19 (d) *DEFINITIONS.*—*In this section, the following defi-*
20 *initions apply:*

21 (1) *EPA.*—*The term “EPA” means the Environ-*
22 *mental Protection Agency.*

23 (2) *FAA.*—*The term “FAA” means the Federal*
24 *Aviation Administration.*

1 **SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.**

2 *The Administrator of the Federal Aviation Adminis-*
3 *tration shall complete the air quality studies and analysis*
4 *started pursuant to section 815 of the Vision 100—Century*
5 *of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117*
6 *Stat. 2592), including the collection of samples of the air*
7 *onboard passenger aircraft by flight attendants and the test-*
8 *ing and analyzation of such samples for contaminants.*

9 **SEC. 512. SENSE OF CONGRESS.**

10 *It is the sense of Congress that—*

11 (1) *the proposed European Union directive ex-*
12 *tending the European Union’s emissions trading pro-*
13 *posal to international civil aviation without working*
14 *through the International Civil Aviation Organiza-*
15 *tion (in this section referred to as the “ICAO”) in a*
16 *consensus-based fashion is inconsistent with the Con-*
17 *vention on International Civil Aviation, done at Chi-*
18 *cago on December 7, 1944 (TIAS 1591; commonly*
19 *known as “Chicago Convention”), and other relevant*
20 *air services agreements and antithetical to building*
21 *international cooperation to address effectively the*
22 *problem of greenhouse gas emissions by aircraft en-*
23 *gaged in international civil aviation; and*

24 (2) *the European Union and its member states*
25 *should instead work with other contracting states of*
26 *the ICAO to develop a consensual approach to ad-*

1 *dressing aircraft greenhouse gas emissions through the*
2 *ICAO.*

3 **SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING**
4 **STUDY, PORT AUTHORITY OF NEW YORK AND**
5 **NEW JERSEY.**

6 *It is the sense of the House of Representatives that the*
7 *Port Authority of New York and New Jersey should under-*
8 *take an airport noise compatibility planning study under*
9 *part 150 of title 14, Code of Federal Regulations, for the*
10 *airports that the Port Authority operates as of November*
11 *2, 2009. In undertaking the study, the Port Authority*
12 *should pay particular attention to the impact of noise on*
13 *affected neighborhoods, including homes, businesses, and*
14 *places of worship surrounding LaGuardia Airport, Newark*
15 *Liberty Airport, and JFK Airport.*

16 **SEC. 514. GAO STUDY ON COMPLIANCE WITH FAA RECORD**
17 **OF DECISION.**

18 *(a) STUDY.—The Comptroller General shall conduct a*
19 *study to determine whether the Federal Aviation Adminis-*
20 *tration and the Massachusetts Port Authority are com-*
21 *plying with the requirements of the Federal Aviation Ad-*
22 *ministration's record of decision dated August 2, 2002.*

23 *(b) REPORT.—Not later than one year after the date*
24 *of the enactment of this Act, the Comptroller General shall*
25 *submit to Congress a report on the results of the study.*

1 **TITLE VI—FAA EMPLOYEES AND**
2 **ORGANIZATION**

3 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-**
4 **SONNEL MANAGEMENT SYSTEM.**

5 (a) *DISPUTE RESOLUTION.*—Section 40122(a) is
6 *amended—*

7 (1) *by redesignating paragraphs (3) and (4) as*
8 *paragraphs (5) and (6), respectively; and*

9 (2) *by striking paragraph (2) and inserting the*
10 *following:*

11 “(2) *DISPUTE RESOLUTION.*—

12 “(A) *MEDIATION.*—*If the Administrator*
13 *does not reach an agreement under paragraph*
14 *(1) or the provisions referred to in subsection*
15 *(g)(2)(C) with the exclusive bargaining rep-*
16 *resentative of the employees, the Administrator*
17 *and the bargaining representative—*

18 *“(i) shall use the services of the Federal*
19 *Mediation and Conciliation Service to at-*
20 *tempt to reach such agreement in accord-*
21 *ance with part 1425 of title 29, Code of*
22 *Federal Regulations (as in effect on the date*
23 *of enactment of the FAA Reauthorization*
24 *Act of 2009); or*

1 “(i) may by mutual agreement adopt
2 alternative procedures for the resolution of
3 disputes or impasses arising in the negotia-
4 tion of the collective-bargaining agreement.

5 “(B) BINDING ARBITRATION.—

6 “(i) ASSISTANCE FROM FEDERAL SERV-
7 ICE IMPASSES PANEL.—If the services of the
8 Federal Mediation and Conciliation Service
9 under subparagraph (A)(i) do not lead to
10 an agreement, the Administrator and the
11 exclusive bargaining representative of the
12 employees (in this subparagraph referred to
13 as the ‘parties’) shall submit their issues in
14 controversy to the Federal Service Impasses
15 Panel. The Panel shall assist the parties in
16 resolving the impasse by asserting jurisdic-
17 tion and ordering binding arbitration by a
18 private arbitration board consisting of 3
19 members.

20 “(ii) APPOINTMENT OF ARBITRATION
21 BOARD.—The Executive Director of the
22 Panel shall provide for the appointment of
23 the 3 members of a private arbitration
24 board under clause (i) by requesting the Di-
25 rector of the Federal Mediation and Concil-

1 *iation Service to prepare a list of not less*
2 *than 15 names of arbitrators with Federal*
3 *sector experience and by providing the list*
4 *to the parties. Within 10 days of receiving*
5 *the list, the parties shall each select one per-*
6 *son from the list. The 2 arbitrators selected*
7 *by the parties shall then select a third per-*
8 *son from the list within 7 days. If either of*
9 *the parties fails to select a person or if the*
10 *2 arbitrators are unable to agree on the*
11 *third person within 7 days, the parties shall*
12 *make the selection by alternately striking*
13 *names on the list until one arbitrator re-*
14 *mains.*

15 “(iii) *FRAMING ISSUES IN CON-*
16 *TROVERSY.—If the parties do not agree on*
17 *the framing of the issues to be submitted for*
18 *arbitration, the arbitration board shall*
19 *frame the issues.*

20 “(iv) *HEARINGS.—The arbitration*
21 *board shall give the parties a full and fair*
22 *hearing, including an opportunity to*
23 *present evidence in support of their claims*
24 *and an opportunity to present their case in*

1 *person, by counsel, or by other representa-*
2 *tive as they may elect.*

3 “(v) *DECISIONS.*—*The arbitration*
4 *board shall render its decision within 90*
5 *days after the date of its appointment. De-*
6 *cisions of the arbitration board shall be con-*
7 *clusive and binding upon the parties.*

8 “(vi) *COSTS.*—*The parties shall share*
9 *costs of the arbitration equally.*

10 “(3) *RATIFICATION OF AGREEMENTS.*—*Upon*
11 *reaching a voluntary agreement or at the conclusion*
12 *of the binding arbitration under paragraph (2)(B),*
13 *the final agreement, except for those matters decided*
14 *by an arbitration board, shall be subject to ratifica-*
15 *tion by the exclusive bargaining representative of the*
16 *employees, if so requested by the bargaining represent-*
17 *ative, and approval by the head of the agency in ac-*
18 *cordance with the provisions referred to in subsection*
19 *(g)(2)(C).*

20 “(4) *ENFORCEMENT.*—

21 “(A) *ENFORCEMENT ACTIONS IN UNITED*
22 *STATES COURTS.*—*Each United States district*
23 *court and each United States court of a place*
24 *subject to the jurisdiction of the United States*
25 *shall have jurisdiction of enforcement actions*

1 *brought under this section. Such an action may*
2 *be brought in any judicial district in the State*
3 *in which the violation of this section is alleged*
4 *to have been committed, the judicial district in*
5 *which the Federal Aviation Administration has*
6 *its principal office, or the District of Columbia.*

7 “(B) *ATTORNEY FEES.*—*The court may as-*
8 *sess against the Federal Aviation Administration*
9 *reasonable attorney fees and other litigation costs*
10 *reasonably incurred in any case under this sec-*
11 *tion in which the complainant has substantially*
12 *prevailed.”.*

13 **(b) APPLICATION.**—*On and after the date of enactment*
14 *of this Act, any changes implemented by the Administrator*
15 *of the Federal Aviation Administration on and after July*
16 *10, 2005, under section 40122(a) of title 49, United States*
17 *Code (as in effect on the day before such date of enactment),*
18 *without the agreement of the exclusive bargaining represent-*
19 *ative of the employees of the Administration certified under*
20 *section 7111 of title 5, United States Code, shall be null*
21 *and void and the parties shall be governed by their last*
22 *mutual agreement before the implementation of such*
23 *changes. The Administrator and the bargaining representa-*
24 *tive shall resume negotiations promptly, and, subject to sub-*
25 *section (c), their last mutual agreement shall be in effect*

1 *until a new contract is adopted by the Administrator and*
2 *the bargaining representative. If an agreement is not*
3 *reached within 45 days after the date on which negotiations*
4 *resume, the Administrator and the bargaining representa-*
5 *tive shall submit their issues in controversy to the Federal*
6 *Service Impasses Panel in accordance with section 7119 of*
7 *title 5, United States Code, for binding arbitration in ac-*
8 *cordance with paragraphs (2)(B), (3), and (4) of section*
9 *40122(a) of title 49, United States Code (as amended by*
10 *subsection (a) of this section).*

11 *(c) SAVINGS CLAUSE.—All cost of living adjustments*
12 *and other pay increases, lump sum payments to employees,*
13 *and leave and other benefit accruals implemented as part*
14 *of the changes referred to in subsection (b) may not be re-*
15 *versed unless such reversal is part of the calculation of back*
16 *pay under subsection (d). The Administrator shall waive*
17 *any overpayment paid to, and not collect any funds for*
18 *such overpayment, from former employees of the Adminis-*
19 *tration who received lump sum payments prior to their sep-*
20 *aration from the Administration.*

21 *(d) BACK PAY.—*

22 *(1) IN GENERAL.—Employees subject to changes*
23 *referred to in subsection (b) that are determined to be*
24 *null and void under subsection (b) shall be eligible for*
25 *pay that the employees would have received under the*

1 *last mutual agreement between the Administrator and*
2 *the exclusive bargaining representative of such em-*
3 *ployees before the date of enactment of this Act and*
4 *any changes were implemented without agreement of*
5 *the bargaining representative. The Administrator*
6 *shall pay the employees such pay subject to the avail-*
7 *ability of amounts appropriated to carry out this sub-*
8 *section. If the appropriated funds do not cover all*
9 *claims of the employees for such pay, the Adminis-*
10 *trator and the bargaining representative, pursuant to*
11 *negotiations conducted in accordance with section*
12 *40122(a) of title 49, United States Code (as amended*
13 *by subsection (a) of this section), shall determine the*
14 *allocation of the appropriated funds among the em-*
15 *ployees on a pro rata basis.*

16 (2) *AUTHORIZATION OF APPROPRIATIONS.—*
17 *There is authorized to be appropriated \$20,000,000 to*
18 *carry out this subsection.*

19 (e) *INTERIM AGREEMENT.—If the Administrator and*
20 *the exclusive bargaining representative of the employees*
21 *subject to the changes referred to in subsection (b) reach a*
22 *final and binding agreement with respect to such changes*
23 *before the date of enactment of this Act, such agreement*
24 *shall supersede any changes implemented by the Adminis-*
25 *trator under section 40122(a) of title 49, United States*

1 Code (as in effect on the day before such date of enactment),
2 without the agreement of the bargaining representative, and
3 subsections (b) and (c) shall not take effect.

4 **SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOY-**
5 **EES.**

6 Section 40122(g)(3) of title 49, United States Code, is
7 amended by adding at the end the following: “Notwith-
8 standing any other provision of law, retroactive to April
9 1, 1996, the Board shall have the same remedial authority
10 over such employee appeals that it had as of March 31,
11 1996.”.

12 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

13 (a) *STUDY.*—

14 (1) *IN GENERAL.*—The Comptroller General shall
15 conduct a study on the training of the airway trans-
16 portation systems specialists of the Federal Aviation
17 Administration (in this section referred to as “FAA
18 systems specialists”).

19 (2) *CONTENTS.*—The study shall—

20 (A) include an analysis of the type of train-
21 ing provided to FAA systems specialists;

22 (B) include an analysis of the type of train-
23 ing that FAA systems specialists need to be pro-
24 ficient on the maintenance of latest technologies;

1 (C) include a description of actions that the
2 Administration has undertaken to ensure that
3 FAA systems specialists receive up-to-date train-
4 ing on the latest technologies;

5 (D) identify the amount and cost of FAA
6 systems specialists training provided by vendors;

7 (E) identify the amount and cost of FAA
8 systems specialists training provided by the Ad-
9 ministration after developing courses for the
10 training of such specialists;

11 (F) identify the amount and cost of travel
12 that is required of FAA systems specialists in re-
13 ceiving training; and

14 (G) include a recommendation regarding
15 the most cost-effective approach to providing
16 FAA systems specialists training.

17 (3) *REPORT.*—Not later than 1 year after the
18 date of enactment of this Act, the Comptroller General
19 shall submit to the Committee on Transportation and
20 Infrastructure of the House of Representatives and the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate a report on the results of the
23 study.

24 (b) *WORKLOAD OF SYSTEMS SPECIALISTS.*—

1 (1) *STUDY BY NATIONAL ACADEMY OF*
2 *SCIENCES.*—*Not later than 90 days after the date of*
3 *enactment of this Act, the Administrator of the Fed-*
4 *eral Aviation Administration shall make appropriate*
5 *arrangements for the National Academy of Sciences to*
6 *conduct a study of the assumptions and methods used*
7 *by the Federal Aviation Administration to estimate*
8 *staffing needs for FAA systems specialists to ensure*
9 *proper maintenance and certification of the national*
10 *airspace system.*

11 (2) *CONTENTS.*—*The study shall be conducted so*
12 *as to provide the following:*

13 (A) *A suggested method of modifying FAA*
14 *systems specialists staffing models for applica-*
15 *tion to current local conditions or applying some*
16 *other approach to developing an objective staff-*
17 *ing standard.*

18 (B) *The approximate cost and length of*
19 *time for developing such models.*

20 (3) *CONSULTATION.*—*In conducting the study,*
21 *the National Academy of Sciences shall consult with*
22 *the exclusive bargaining representative of employees of*
23 *the Federal Aviation Administration certified under*
24 *section 7111 of title 5, United States Code, and the*

1 *Administrator of the Federal Aviation Administra-*
2 *tion.*

3 (4) *REPORT.—Not later than one year after the*
4 *initiation of the arrangements under subsection (a),*
5 *the National Academy of Sciences shall submit to*
6 *Congress a report on the results of the study.*

7 **SEC. 604. DESIGNEE PROGRAM.**

8 (a) *REPORT.—Not later than 18 months after the date*
9 *of enactment of this Act, the Comptroller General shall sub-*
10 *mit to the Committee on Transportation and Infrastructure*
11 *of the House of Representatives and the Committee on Com-*
12 *merce, Science, and Transportation of the Senate a report*
13 *on the status of recommendations made by the Government*
14 *Accountability Office in its October 2004 report, “Aviation*
15 *Safety: FAA Needs to Strengthen Management of Its Des-*
16 *ignee Programs” (GAO–05–40).*

17 (b) *CONTENTS.—The report shall include—*

18 (1) *an assessment of the extent to which the Fed-*
19 *eral Aviation Administration has responded to rec-*
20 *ommendations of the Government Accountability Of-*
21 *fice referred to in subsection (a);*

22 (2) *an identification of improvements, if any,*
23 *that have been made to the designee programs referred*
24 *to in the report of the Office as a result of such rec-*
25 *ommendations;*

1 **SEC. 606. SAFETY CRITICAL STAFFING.**

2 (a) *SAFETY INSPECTORS.*—*The Administrator of the*
3 *Federal Aviation Administration shall increase the number*
4 *of safety critical positions in the Flight Standards Service*
5 *and Aircraft Certification Service for a fiscal year commen-*
6 *surate with the funding levels provided in subsection (b)*
7 *for the fiscal year. Such increases shall be measured relative*
8 *to the number of persons serving in safety critical positions*
9 *as of September 30, 2008.*

10 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*In addi-*
11 *tion to amounts authorized by section 106(k) of title 49,*
12 *United States Code, there is authorized to be appropriated*
13 *to carry out subsection (a)—*

14 (1) *\$45,000,000 for fiscal year 2010;*

15 (2) *\$138,000,000 for fiscal year 2011; and*

16 (3) *\$235,000,000 for fiscal year 2012.*

17 *Such sums shall remain available until expended.*

18 (c) *IMPLEMENTATION OF STAFFING STANDARDS.*—
19 *Notwithstanding any other provision of this section, upon*
20 *completion of the flight standards service staffing model*
21 *under section 605 of this Act, and validation of the model*
22 *by the Administrator, there are authorized to be appro-*
23 *priated such sums as may be necessary to support the num-*
24 *ber of aviation safety inspectors, safety technical specialists,*
25 *and operation support positions that such model determines*

1 *are required to meet the responsibilities of the Flight Stand-*
2 *ards Service.*

3 (d) *SAFETY CRITICAL POSITIONS DEFINED.—In this*
4 *section, the term “safety critical positions” means—*

5 (1) *aviation safety inspectors, safety technical*
6 *specialists, and operations support positions in the*
7 *Flight Standards Service (as such terms are used in*
8 *the Administration’s fiscal year 2009 congressional*
9 *budget justification); and*

10 (2) *manufacturing safety inspectors, pilots, engi-*
11 *neers, Chief Scientist Technical Advisors, safety tech-*
12 *nical specialists, and operational support positions in*
13 *the Aircraft Certification Service (as such terms are*
14 *used in the Administration’s fiscal year 2009 congres-*
15 *sional budget justification).*

16 **SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.**

17 (a) *STUDY BY NATIONAL ACADEMY OF SCIENCES.—*
18 *Not later than 90 days after the date of enactment of this*
19 *Act, the Administrator of the Federal Aviation Administra-*
20 *tion shall enter into appropriate arrangements with the Na-*
21 *tional Academy of Sciences to conduct a study of the as-*
22 *sumptions and methods used by the Federal Aviation Ad-*
23 *ministration (in this section referred to as the “FAA”) to*
24 *estimate staffing needs for FAA air traffic controllers to en-*
25 *sure the safe operation of the national airspace system.*

1 (b) *CONSULTATION.*—*In conducting the study, the Na-*
2 *tional Academy of Sciences shall consult with the exclusive*
3 *bargaining representative of employees of the FAA certified*
4 *under section 7111 of title 5, United States Code, the Ad-*
5 *ministrator of the Federal Aviation Administration, and*
6 *representatives of the Civil Aeronautical Medical Institute.*

7 (c) *CONTENTS.*—*The study shall include an examina-*
8 *tion of representative information on human factors, traffic*
9 *activity, and the technology and equipment used in air traf-*
10 *fic control.*

11 (d) *RECOMMENDATIONS AND ESTIMATES.*—*In con-*
12 *ducting the study, the National Academy of Sciences shall*
13 *develop—*

14 (1) *recommendations for the development by the*
15 *FAA of objective staffing standards to maintain the*
16 *safety and efficiency of the national airspace system*
17 *with current and future projected air traffic levels;*
18 *and*

19 (2) *estimates of cost and schedule for the develop-*
20 *ment of such standards by the FAA or its contractors.*

21 (e) *REPORT.*—*Not later than 18 months after the date*
22 *of enactment of this Act, the National Academy of Sciences*
23 *shall submit to the Committee on Transportation and In-*
24 *frastructure of the House of Representatives and the Com-*

1 *mittee on Commerce, Science, and Transportation of the*
2 *Senate a report on the results of the study.*

3 **SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**
4 **TRAFFIC CONTROLLERS.**

5 *(a) STUDY.—The Administrator of the Federal Avia-*
6 *tion Administration shall conduct a study to assess the ade-*
7 *quacy of training programs for air traffic controllers.*

8 *(b) CONTENTS.—The study shall include—*

9 *(1) a review of the current training system for*
10 *air traffic controllers;*

11 *(2) an analysis of the competencies required of*
12 *air traffic controllers for successful performance in the*
13 *current air traffic control environment;*

14 *(3) an analysis of competencies required of air*
15 *traffic controllers as the Federal Aviation Adminis-*
16 *tration transitions to the Next Generation Air Trans-*
17 *portation System; and*

18 *(4) an analysis of various training approaches*
19 *available to satisfy the controller competencies identi-*
20 *fied under paragraphs (2) and (3).*

21 *(c) REPORT.—Not later than 180 days after the date*
22 *of enactment of this Act, the Administrator shall submit*
23 *to the Committee on Transportation and Infrastructure of*
24 *the House of Representatives and the Committee on Com-*

1 *merce, Science, and Transportation of the Senate a report*
2 *on the results of the study.*

3 **SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.**

4 (a) *STUDY.*—*The Administrator of the Federal Avia-*
5 *tion Administration shall conduct a study on training op-*
6 *tions for graduates of the Collegiate Training Initiative*
7 *program conducted under section 44506(c) of title 49,*
8 *United States Code. The study shall analyze the impact of*
9 *providing as an alternative to the current training provided*
10 *at the Mike Monroney Aeronautical Center of the Adminis-*
11 *tration a new controller orientation session for graduates*
12 *of such programs at the Mike Monroney Aeronautical Cen-*
13 *ter followed by on-the-job training for newly hired air traf-*
14 *fic controllers who are graduates of such program and shall*
15 *include—*

16 (1) *the cost effectiveness of such an alternative*
17 *training approach; and*

18 (2) *the effect that such an alternative training*
19 *approach would have on the overall quality of train-*
20 *ing received by graduates of such programs.*

21 (b) *REPORT.*—*Not later than 180 days after the date*
22 *of enactment of this Act, the Administrator shall submit*
23 *to the Committee on Transportation and Infrastructure of*
24 *the House of Representatives and to the Committee on Com-*

1 *merce, Science, and Transportation of the Senate a report*
2 *on the results of the study.*

3 **SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**
4 **CILITY CONDITIONS.**

5 (a) *ESTABLISHMENT.*—*The Administrator of the Fed-*
6 *eral Aviation Administration shall establish a special task*
7 *force to be known as the “FAA Task Force on Air Traffic*
8 *Control Facility Conditions” (in this section referred to as*
9 *the “Task Force”).*

10 (b) *MEMBERSHIP.*—

11 (1) *COMPOSITION.*—*The Task Force shall be com-*
12 *posed of 12 members of whom—*

13 (A) *8 members shall be appointed by the*
14 *Administrator; and*

15 (B) *4 members shall be appointed by labor*
16 *unions representing employees who work at field*
17 *facilities of the Administration.*

18 (2) *QUALIFICATIONS.*—*Of the members ap-*
19 *pointed by the Administrator under paragraph*

20 (1)(A)—

21 (A) *4 members shall be specialists on toxic*
22 *mold abatement, “sick building syndrome,” and*
23 *other hazardous building conditions that can*
24 *lead to employee health concerns and shall be ap-*
25 *pointed by the Administrator in consultation*

1 *with the Director of the National Institute for*
2 *Occupational Safety and Health; and*

3 *(B) 2 members shall be specialists on the re-*
4 *habilitation of aging buildings.*

5 *(3) TERMS.—Members shall be appointed for the*
6 *life of the Task Force.*

7 *(4) VACANCIES.—A vacancy in the Task Force*
8 *shall be filled in the manner in which the original*
9 *appointment was made.*

10 *(5) TRAVEL EXPENSES.—Members shall serve*
11 *without pay but shall receive travel expenses, includ-*
12 *ing per diem in lieu of subsistence, in accordance*
13 *with subchapter I of chapter 57 of title 5, United*
14 *States Code.*

15 *(c) CHAIRPERSON.—The Administrator shall des-*
16 *ignate, from among the individuals appointed under sub-*
17 *section (b)(1), an individual to serve as chairperson of the*
18 *Task Force.*

19 *(d) TASK FORCE PERSONNEL MATTERS.—*

20 *(1) STAFF.—The Task Force may appoint and*
21 *fix the pay of such personnel as it considers appro-*
22 *priate.*

23 *(2) STAFF OF FEDERAL AGENCIES.—Upon re-*
24 *quest of the Chairperson of the Task Force, the head*
25 *of any department or agency of the United States*

1 *may detail, on a reimbursable basis, any of the per-*
2 *sonnel of that department or agency to the Task Force*
3 *to assist it in carrying out its duties under this sec-*
4 *tion.*

5 (3) *OTHER STAFF AND SUPPORT.*—*Upon request*
6 *of the Task Force or a panel of the Task Force, the*
7 *Administrator shall provide the Task Force or panel*
8 *with professional and administrative staff and other*
9 *support, on a reimbursable basis, to the Task Force*
10 *to assist it in carrying out its duties under this sec-*
11 *tion.*

12 (e) *OBTAINING OFFICIAL DATA.*—*The Task Force may*
13 *secure directly from any department or agency of the*
14 *United States information (other than information required*
15 *by any statute of the United States to be kept confidential*
16 *by such department or agency) necessary for the Task Force*
17 *to carry out its duties under this section. Upon request of*
18 *the chairperson of the Task Force, the head of that depart-*
19 *ment or agency shall furnish such information to the Task*
20 *Force.*

21 (f) *DUTIES.*—

22 (1) *STUDY.*—*The Task Force shall undertake a*
23 *study of—*

1 (A) the conditions of all air traffic control
2 facilities across the Nation, including towers,
3 centers, and terminal radar air control;

4 (B) reports from employees of the Adminis-
5 tration relating to respiratory ailments and
6 other health conditions resulting from exposure
7 to mold, asbestos, poor air quality, radiation
8 and facility-related hazards in facilities of the
9 Administration;

10 (C) conditions of such facilities that could
11 interfere with such employees' ability to effec-
12 tively and safely perform their duties;

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

16 (E) whether employees of the Administra-
17 tion who report facility-related illnesses are
18 treated fairly;

19 (F) utilization of scientifically approved re-
20 mediation techniques in a timely fashion once
21 hazardous conditions are identified in a facility
22 of the Administration; and

23 (G) resources allocated to facility mainte-
24 nance and renovation by the Administration.

1 (2) *FACILITY CONDITION INDICIES (FCI).*—*The*
2 *Task Force shall review the facility condition indicies*
3 *of the Administration (in this section referred to as*
4 *the “FCI”) for inclusion in the recommendations*
5 *under subsection (g).*

6 (g) *RECOMMENDATIONS.*—*Based on the results of the*
7 *study and review of the FCI under subsection (f), the Task*
8 *Force shall make recommendations as it considers necessary*
9 *to—*

10 (1) *prioritize those facilities needing the most*
11 *immediate attention in order of the greatest risk to*
12 *employee health and safety;*

13 (2) *ensure that the Administration is using sci-*
14 *entifically approved remediation techniques in all fa-*
15 *cilities; and*

16 (3) *assist the Administration in making pro-*
17 *grammatic changes so that aging air traffic control*
18 *facilities do not deteriorate to unsafe levels.*

19 (h) *REPORT.*—*Not later than 6 months after the date*
20 *on which initial appointments of members to the Task*
21 *Force are completed, the Task Force shall submit to the Ad-*
22 *ministrator, the Committee on Transportation and Infra-*
23 *structure of the House of Representatives, and the Com-*
24 *mittee on Commerce, Science, and Transportation of the*
25 *Senate a report on the activities of the Task Force, includ-*

1 *ing the recommendations of the Task Force under subsection*
2 *(g).*

3 *(i) IMPLEMENTATION.—Within 30 days of the receipt*
4 *of the Task Force report under subsection (h), the Adminis-*
5 *trator shall submit to the Committee on Transportation and*
6 *Infrastructure of the House of Representatives and the Com-*
7 *mittee on Commerce, Science, and Transportation of the*
8 *Senate a report that includes a plan and timeline to imple-*
9 *ment the recommendations of the Task Force and to align*
10 *future budgets and priorities of the Administration accord-*
11 *ingly.*

12 *(j) TERMINATION.—The Task Force shall terminate on*
13 *the last day of the 30-day period beginning on the date on*
14 *which the report under subsection (h) was submitted.*

15 *(k) APPLICABILITY OF THE FEDERAL ADVISORY COM-*
16 *MITTEE ACT.—The Federal Advisory Committee Act (5*
17 *U.S.C. App.) shall not apply to the Task Force.*

18 *(l) AUTHORIZATION OF APPROPRIATIONS.—There are*
19 *authorized to be appropriated to the Secretary of Transpor-*
20 *tation \$250,000 to carry out this section.*

21 **TITLE VII—AVIATION**

22 **INSURANCE**

23 **SEC. 701. GENERAL AUTHORITY.**

24 *(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is*
25 *amended—*

1 (1) by striking “March 31, 2009” and inserting
2 “September 30, 2012”; and

3 (2) by striking “May 31, 2009” and inserting
4 “December 31, 2019”.

5 (b) *SUCCESSOR PROGRAM*.—Section 44302(f) is
6 amended by adding at the end the following:

7 “(3) *SUCCESSOR PROGRAM*.—

8 “(A) *IN GENERAL*.—After December 31,
9 2019, coverage for the risks specified in a policy
10 that has been extended under paragraph (1) shall
11 be provided in an airline industry sponsored
12 risk retention or other risk-sharing arrangement
13 approved by the Secretary.

14 “(B) *TRANSFER OF PREMIUMS*.—

15 “(i) *IN GENERAL*.—On December 31,
16 2019, and except as provided in clause (ii),
17 premiums that are collected by the Sec-
18 retary from the airline industry after Sep-
19 tember 22, 2001, for any policy under this
20 subsection, and interest earned thereon, as
21 determined by the Secretary, shall be trans-
22 ferred to an airline industry sponsored risk
23 retention or other risk-sharing arrangement
24 approved by the Secretary.

1 “(i) *DETERMINATION OF AMOUNT*
2 *TRANSFERRED.—The amount transferred*
3 *pursuant to clause (i) shall be less—*

4 “(I) *the amount of any claims*
5 *paid out on such policies from Sep-*
6 *tember 22, 2001, through December 31,*
7 *2019;*

8 “(II) *the amount of any claims*
9 *pending under such policies as of De-*
10 *cember 31, 2019; and*

11 “(III) *the cost, as determined by*
12 *the Secretary, of administering the*
13 *provision of insurance policies under*
14 *this chapter from September 22, 2001,*
15 *through December 31, 2019.”.*

16 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD**
17 **PARTY LIABILITY OF AIR CARRIERS ARISING**
18 **OUT OF ACTS OF TERRORISM.**

19 *Section 44303(b) is amended by striking “May 31,*
20 *2009” and inserting “December 31, 2012”.*

21 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

22 *Section 44304 is amended in the second sentence by*
23 *striking “the carrier” and inserting “any insurance car-*
24 *rier”.*

1 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

2 *Section 44308(c)(1) is amended in the second sentence*
3 *by striking “agent” and inserting “agent, or a claims ad-*
4 *juster who is independent of the underwriting agent,”.*

5 **SEC. 705. EXTENSION OF PROGRAM AUTHORITY.**

6 *Section 44310 is amended by striking “December 31,*
7 *2013” and inserting “December 31, 2019”.*

8 **TITLE VIII—MISCELLANEOUS**

9 **SEC. 801. AIR CARRIER CITIZENSHIP.**

10 *Section 40102(a)(15) is amended by adding at the end*
11 *the following:*

12 *“For purposes of subparagraph (C), an air carrier*
13 *shall not be deemed to be under the actual control of*
14 *citizens of the United States unless citizens of the*
15 *United States control all matters pertaining to the*
16 *business and structure of the air carrier, including*
17 *operational matters such as marketing, branding, fleet*
18 *composition, route selection, pricing, and labor rela-*
19 *tions.”.*

20 **SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
21 **INTEREST OF NATIONAL SECURITY.**

22 *Section 40119(b) is amended by adding at the end the*
23 *following:*

24 *“(3) LIMITATION ON APPLICABILITY OF FREEDOM*
25 *OF INFORMATION ACT.—Section 552a of title 5,*
26 *United States Code, shall not apply to disclosures*

1 *sions of the Department of Justice, the Department of*
2 *Homeland Security, and other law enforcement agen-*
3 *cies.*

4 “(2) *RELEASE OF INFORMATION.*—*In accessing a*
5 *system referred to in paragraph (1), the Adminis-*
6 *trator shall be subject to the same conditions and pro-*
7 *cedures established by the Department of Justice or*
8 *the State for other governmental agencies with access*
9 *to the system.*

10 “(3) *LIMITATION.*—*The Administrator may not*
11 *use the access authorized under paragraph (1) to con-*
12 *duct criminal investigations.*

13 “(b) *DESIGNATED EMPLOYEES.*—*The Administrator*
14 *shall designate, by order, employees of the Administration*
15 *who shall carry out the authority described in subsection*
16 *(a). The designated employees may—*

17 “(1) *have access to and receive criminal history,*
18 *driver, vehicle, and other law enforcement informa-*
19 *tion contained in the law enforcement databases of the*
20 *Department of Justice, or any jurisdiction of a State,*
21 *in the same manner as a police officer employed by*
22 *a State or local authority of that State who is cer-*
23 *tified or commissioned under the laws of that State;*

24 “(2) *use any radio, data link, or warning system*
25 *of the Federal Government, and of any jurisdiction in*

1 *a State, that provides information about wanted per-*
2 *sons, be-on-the-lookout notices, warrant status, or*
3 *other officer safety information to which a police offi-*
4 *cer employed by a State or local authority in that*
5 *State who is certified or commission under the laws*
6 *of that State has access and in the same manner as*
7 *such police officer; or*

8 *“(3) receive Federal, State, or local government*
9 *communications with a police officer employed by a*
10 *State or local authority in that State in the same*
11 *manner as a police officer employed by a State or*
12 *local authority in that State who is commissioned*
13 *under the laws of that State.*

14 *“(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE IN-*
15 *FORMATION DEFINED.—In this section, the term ‘system of*
16 *documented criminal justice information’ means any law*
17 *enforcement database, system, or communication con-*
18 *taining information concerning identification, criminal*
19 *history, arrests, convictions, arrest warrants, wanted or*
20 *missing persons, including the National Crime Information*
21 *Center and its incorporated criminal history databases and*
22 *the National Law Enforcement Telecommunications Sys-*
23 *tem.”.*

24 *(b) CLERICAL AMENDMENT.—The analysis for chapter*
25 *401 is amended by adding at the end the following:*

“40130. FAA access to criminal history records or databases systems.”.

1 **SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

2 (a) *IN GENERAL.*—Section 47129 is amended—

3 (1) *in the section heading by striking “air car-*
4 *rier” and inserting “carrier”;*

5 (2) *in subsection (a) by striking “(as defined in*
6 *section 40102 of this title)” and inserting “(as such*
7 *terms are defined in section 40102)”;*

8 (3) *in the heading for subsection (d) by striking*
9 *“AIR CARRIER” and inserting “AIR CARRIER AND*
10 *FOREIGN AIR CARRIER”;*

11 (4) *in the heading for paragraph (2) of sub-*
12 *section (d) by striking “AIR CARRIER” and inserting*
13 *“AIR CARRIER AND FOREIGN AIR CARRIER”;*

14 (5) *by striking “air carriers” each place it ap-*
15 *pears and inserting “air carriers or foreign air car-*
16 *riers”;*

17 (6) *by striking “air carrier” each place it ap-*
18 *pears and inserting “air carrier or foreign air car-*
19 *rier”;* and

20 (7) *by striking “air carrier’s” each place it ap-*
21 *pears and inserting “air carrier’s or foreign air car-*
22 *rier’s”.*

23 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
24 *471 is amended by striking the item relating to section*
25 *47129 and inserting the following:*

“47129. Resolution of airport-carrier disputes concerning airport fees.”.

1 **SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
2 **PORT SYSTEMS.**

3 (a) *IN GENERAL.*—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall initiate a study to evaluate the formulation of
6 the National Plan of Integrated Airport Systems (in this
7 section referred to as the “plan”) under section 47103 of
8 title 49, United States Code.

9 (b) *CONTENTS OF STUDY.*—The study shall include a
10 review of the following:

11 (1) *The criteria used for including airports in*
12 *the plan and the application of such criteria in the*
13 *most recently published version of the plan.*

14 (2) *The changes in airport capital needs between*
15 *fiscal years 2003 and 2008, as reported in the plan,*
16 *as compared with the amounts apportioned or other-*
17 *wise made available to individual airports over the*
18 *same period of time.*

19 (3) *A comparison of the amounts received by air-*
20 *ports under the airport improvement program in air-*
21 *port apportionments, State apportionments, and dis-*
22 *cretionary grants during such fiscal years with cap-*
23 *ital needs as reported in the plan.*

24 (4) *The effect of transfers of airport apportion-*
25 *ments under title 49, United States Code.*

1 (5) *Any other matters pertaining to the plan*
2 *that the Secretary determines appropriate.*

3 (c) *REPORT TO CONGRESS.—*

4 (1) *SUBMISSION.—Not later than 36 months*
5 *after the date of initiation of the study, the Secretary*
6 *shall submit to the Committee on Transportation and*
7 *Infrastructure of the House of Representatives and the*
8 *Committee on Commerce, Science, and Transpor-*
9 *tation of the Senate a report on the results of the*
10 *study.*

11 (2) *CONTENTS.—The report shall include—*

12 (A) *the findings of the Secretary on each of*
13 *the subjects listed in subsection (b);*

14 (B) *recommendations for any changes to*
15 *policies and procedures for formulating the plan;*
16 *and*

17 (C) *recommendations for any changes to the*
18 *methods of determining the amounts to be appor-*
19 *tioned or otherwise made available to individual*
20 *airports.*

21 **SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.**

22 (a) *IN GENERAL.—Section 201 of the Railway Labor*
23 *Act (45 U.S.C. 181) is amended—*

24 (1) *by striking “All” and inserting “(a) IN GEN-*
25 *ERAL.—All”;*

1 (2) *by inserting “and every express carrier”*
2 *after “common carrier by air”; and*

3 (3) *by adding at the end the following:*

4 “(b) *SPECIAL RULES FOR EXPRESS CARRIERS.—*

5 “(1) *IN GENERAL.—An employee of an express*
6 *carrier shall be covered by this Act only if that em-*
7 *ployee is in a position that is eligible for certification*
8 *under part 61, 63, or 65 of title 14, Code of Federal*
9 *Regulations, and only if that employee performs du-*
10 *ties for the express carrier that are eligible for such*
11 *certification. All other employees of an express carrier*
12 *shall be covered by the provisions of the National*
13 *Labor Relations Act (29 U.S.C. 151 et seq.).*

14 “(2) *AIR CARRIER STATUS.—Any person that is*
15 *an express carrier shall be governed by paragraph (1)*
16 *notwithstanding any finding that the person is also*
17 *a common carrier by air.*

18 “(3) *EXPRESS CARRIER DEFINED.—In this sec-*
19 *tion, the term ‘express carrier’ means any person (or*
20 *persons affiliated through common control or owner-*
21 *ship) whose primary business is the express shipment*
22 *of freight or packages through an integrated network*
23 *of air and surface transportation.”.*

24 (b) *CONFORMING AMENDMENT.—Section 1 of such Act*
25 *(45 U.S.C. 151) is amended in the first paragraph by strik-*

1 ing “, any express company that would have been subject
2 to subtitle IV of title 49, United States Code, as of December
3 31, 1995.”.

4 **SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FA-**
5 **CILITIES.**

6 (a) *ESTABLISHMENT OF WORKING GROUP.*—Not later
7 than 9 months after the date of enactment of this Act, the
8 Secretary of Transportation shall establish within the Fed-
9 eral Aviation Administration (in this section referred to as
10 the “FAA”) a working group to develop criteria and make
11 recommendations for the realignment of services and facili-
12 ties (including regional offices) of the FAA to assist in the
13 transition to next generation facilities and to help reduce
14 capital, operating, maintenance, and administrative costs
15 in instances in which cost reductions can be implemented
16 without adversely affecting safety.

17 (b) *MEMBERSHIP.*—The working group shall be com-
18 posed of—

19 (1) the Administrator of the FAA;

20 (2) 2 representatives of air carriers;

21 (3) 2 representatives of the general aviation com-
22 munity;

23 (4) 2 representatives of labor unions representing
24 employees who work at regional or field facilities of
25 the FAA; and

1 (5) 2 representatives of the airport community.

2 (c) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*
3 *TIONS OF THE WORKING GROUP.*—

4 (1) *SUBMISSION.*—*Not later than 6 months after*
5 *convening the working group, the Administrator shall*
6 *submit to the Committee on Transportation and In-*
7 *frastructure of the House of Representatives and the*
8 *Committee on Commerce, Science, and Transpor-*
9 *tation of the Senate a report containing the criteria*
10 *and recommendations developed by the working group*
11 *under this section.*

12 (2) *CONTENTS.*—*The report shall include a jus-*
13 *tification for each recommendation to consolidate or*
14 *realign a service or facility (including a regional of-*
15 *fice) and a description of the costs and savings associ-*
16 *ated with the consolidation or realignment.*

17 (d) *PUBLIC NOTICE AND COMMENT.*—*The Adminis-*
18 *trator shall publish the report submitted under subsection*
19 *(c) in the Federal Register and allow 45 days for the sub-*
20 *mission of public comments. In addition, the Administrator*
21 *upon request shall hold a public hearing in a community*
22 *that would be affected by a recommendation in the report.*

23 (e) *OBJECTIONS.*—*Any interested person may file with*
24 *the Administrator a written objection to a recommendation*
25 *of the working group.*

1 (f) *REPORT TO CONGRESS CONTAINING RECOMMENDA-*
 2 *TIONS OF THE ADMINISTRATOR.*—*Not later than 60 days*
 3 *after the last day of the period for public comment under*
 4 *subsection (d), the Administrator shall submit to the com-*
 5 *mittees referred to in subsection (c)(1) a report containing*
 6 *the recommendations of the Administrator on realignment*
 7 *of services and facilities (including regional offices) of the*
 8 *FAA and copies of any public comments and objections re-*
 9 *ceived by the Administrator under this section.*

10 (g) *LIMITATION ON IMPLEMENTATION OF REALIGN-*
 11 *MENTS AND CONSOLIDATIONS.*—*The Administrator may*
 12 *not realign or consolidate any services or facilities (includ-*
 13 *ing regional offices) of the FAA before the Administrator*
 14 *has submitted the report under subsection (f).*

15 (h) *FAA DEFINED.*—*In this section, the term “FAA”*
 16 *means the Federal Aviation Administration.*

17 **SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT IN-**
 18 **SURANCE FOR NATIONAL TRANSPORTATION**
 19 **SAFETY BOARD EMPLOYEES.**

20 *Section 1113 is amended by adding at the end the fol-*
 21 *lowing:*

22 “(i) *ACCIDENTAL DEATH AND DISMEMBERMENT IN-*
 23 *SURANCE.*—

24 “(1) *AUTHORITY TO PROVIDE INSURANCE.*—*The*
 25 *Board may procure accidental death and dismember-*

1 *ment insurance for an employee of the Board who*
2 *travels for an accident investigation or other activity*
3 *of the Board outside the United States or inside the*
4 *United States under hazardous circumstances, as de-*
5 *finied by the Board.*

6 “(2) *CREDITING OF INSURANCE BENEFITS TO*
7 *OFFSET UNITED STATES TORT LIABILITY.—Any*
8 *amounts paid to a person under insurance coverage*
9 *procured under this subsection shall be credited as off-*
10 *setting any liability of the United States to pay dam-*
11 *ages to that person under section 1346(b) of title 28,*
12 *chapter 171 of title 28, chapter 163 of title 10, or any*
13 *other provision of law authorizing recovery based*
14 *upon tort liability of the United States in connection*
15 *with the injury or death resulting in the insurance*
16 *payment.*

17 “(3) *TREATMENT OF INSURANCE BENEFITS.—*
18 *Any amounts paid under insurance coverage procured*
19 *under this subsection shall not—*

20 “(A) *be considered additional pay or allow-*
21 *ances for purposes of section 5536 of title 5; or*

22 “(B) *offset any benefits an employee may*
23 *have as a result of government service, including*
24 *compensation under chapter 81 of title 5.*

1 “(4) *ENTITLEMENT TO OTHER INSURANCE.*—
2 *Nothing in this subsection shall be construed as affect-*
3 *ing the entitlement of an employee to insurance under*
4 *section 8704(b) of title 5.”.*

5 **SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUS-**
6 **TRY IN INTERNATIONAL CHILD ABDUCTION**
7 **CASES.**

8 (a) *STUDY.*—*The Comptroller General shall conduct a*
9 *study to help determine how the Federal Aviation Adminis-*
10 *tration (in this section referred to as the “FAA”) could bet-*
11 *ter ensure the collaboration and cooperation of air carriers*
12 *and foreign air carriers providing air transportation and*
13 *relevant Federal agencies to develop and enforce child safety*
14 *control for adults traveling internationally with children.*

15 (b) *CONTENTS.*—*In conducting the study, the Comp-*
16 *troller General shall examine—*

17 (1) *the nature and scope of exit policies and pro-*
18 *cedures of the FAA, air carriers, and foreign air car-*
19 *riers and how the enforcement of such policies and*
20 *procedures is monitored, including ticketing and*
21 *boarding procedures;*

22 (2) *the extent to which air carriers and foreign*
23 *air carriers cooperate in the investigations of inter-*
24 *national child abduction cases, including cooperation*
25 *with the National Center for Missing and Exploited*

1 *Children and relevant Federal, State, and local agen-*
2 *cies;*

3 *(3) any effective practices, procedures, or lessons*
4 *learned from the assessment of current practices and*
5 *procedures of air carriers, foreign air carriers, and*
6 *operators of other transportation modes that could*
7 *improve the ability of the aviation community to en-*
8 *sure the safety of children traveling internationally*
9 *with adults and, as appropriate, enhance the capa-*
10 *bility of air carriers and foreign air carriers to co-*
11 *operate in the investigations of international child*
12 *abduction cases; and*

13 *(4) any liability issues associated with providing*
14 *assistance in such investigations.*

15 *(c) REPORT.—Not later than one year after the date*
16 *of the enactment of this Act, the Comptroller General shall*
17 *submit to Congress a report on the results of the study.*

18 **SEC. 810. LOST NATION AIRPORT, OHIO.**

19 *(a) APPROVAL OF SALE.—The Secretary of Transpor-*
20 *tation may approve the sale of Lost Nation Airport from*
21 *the city of Willoughby, Ohio, to Lake County, Ohio, if—*

22 *(1) Lake County meets all applicable require-*
23 *ments for sponsorship of the airport; and*

24 *(2) Lake County agrees to assume the obligations*
25 *and assurances of the grant agreements relating to the*

1 *airport executed by the city of Willoughby under*
2 *chapter 471 of title 49, United States Code, and to*
3 *operate and maintain the airport in accordance with*
4 *such obligations and assurances.*

5 **(b) GRANTS.—**

6 **(1) IN GENERAL.—***The Secretary may make a*
7 *grant, from funds made available under section 48103*
8 *of title 49, United States Code, to Lake County to as-*
9 *ist in Lake County's purchase of the Lost Nation*
10 *Airport under subsection (a).*

11 **(2) FEDERAL SHARE.—***The Federal share of the*
12 *grant under this subsection shall be for 90 percent of*
13 *the cost of Lake County's purchase of the Lost Nation*
14 *Airport, but in no event may the Federal share of the*
15 *grant exceed \$1,220,000.*

16 **(3) APPROVAL.—***The Secretary may make a*
17 *grant under this subsection only if the Secretary re-*
18 *ceives such written assurances as the Secretary may*
19 *require under section 47107 of title 49, United States*
20 *Code, with respect to the grant and Lost Nation Air-*
21 *port.*

22 **(c) TREATMENT OF PROCEEDS FROM SALE.—***The Sec-*
23 *retary may grant to the city of Willoughby an exemption*
24 *from the provisions of sections 47107 and 47133 of such*
25 *title, any grant obligations of the city of Willoughby, and*

1 *regulations and policies of the Federal Aviation Adminis-*
2 *tration to the extent necessary to allow the city of*
3 *Willoughby to use the proceeds from the sale approved under*
4 *subsection (a) for any purpose authorized by the city of*
5 *Willoughby.*

6 **SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.**

7 *(a) FINDINGS.—Congress finds that—*

8 *(1) Pollock Municipal Airport located in Pollock,*
9 *Louisiana (in this section referred to as the “air-*
10 *port”), has never been included in the National Plan*
11 *of Integrated Airport Systems pursuant to section*
12 *47103 of title 49, United States Code, and is therefore*
13 *not considered necessary to meet the current or future*
14 *needs of the national aviation system; and*

15 *(2) closing the airport will not adversely affect*
16 *aviation safety, aviation capacity, or air commerce.*

17 *(b) REQUEST FOR CLOSURE.—*

18 *(1) APPROVAL.—Notwithstanding any other pro-*
19 *vision of law, requirement, or agreement and subject*
20 *to the requirements of this section, the Administrator*
21 *of the Federal Aviation Administration shall—*

22 *(A) approve a request from the town of Pol-*
23 *lock, Louisiana, to close the airport as a public*
24 *airport; and*

1 (B) release the town from any term, condi-
2 tion, reservation, or restriction contained in a
3 surplus property conveyance or transfer docu-
4 ment, and from any order or finding by the De-
5 partment of Transportation on the use and re-
6 payment of airport revenue applicable to the air-
7 port, that would otherwise prevent the closure of
8 the airport and redevelopment of the facilities to
9 nonaeronautical uses.

10 (2) *CONTINUED AIRPORT OPERATION PRIOR TO*
11 *APPROVAL.*—The town of Pollock shall continue to op-
12 erate and maintain the airport until the Adminis-
13 trator grants the town’s request for closure of the air-
14 port.

15 (3) *USE OF PROCEEDS FROM SALE OF AIR-*
16 *PORT.*—Upon the approval of the request to close the
17 airport, the town of Pollock shall obtain fair market
18 value for the sale of the airport property and shall
19 immediately upon receipt transfer all such proceeds
20 from the sale of the airport property to the sponsor
21 of a public airport designated by the Administrator
22 to be used for the development or improvement of such
23 airport.

1 (4) *RELOCATION OF AIRCRAFT.*—*Before closure*
2 *of the airport, the town of Pollock shall provide ade-*
3 *quate time for any airport-based aircraft to relocate.*

4 **SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY**
5 **PROGRAM.**

6 (a) *IN GENERAL.*—*Not later than 6 months after the*
7 *date of enactment of this Act, the Administrator of the Fed-*
8 *eral Aviation Administration shall develop a human inter-*
9 *vention and motivation study program for flight crew-*
10 *members involved in air carrier operations in the United*
11 *States under part 121 of title 14, Code of Federal Regula-*
12 *tions.*

13 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
14 *authorized to be appropriated to carry out this section such*
15 *sums as may be necessary for each of fiscal years 2009*
16 *through 2012. Such sums shall remain available until ex-*
17 *pendent.*

18 **SEC. 813. WASHINGTON, DC, AIR DEFENSE IDENTIFICATION**
19 **ZONE.**

20 (a) *SUBMISSION OF PLAN TO CONGRESS.*—*Not later*
21 *than 90 days after the date of enactment of this Act, the*
22 *Administrator of the Federal Aviation Administration, in*
23 *consultation with Secretary of Homeland Security and Sec-*
24 *retary of Defense, shall submit to the Committee on Trans-*
25 *portation and Infrastructure and Committee on Homeland*

1 *Security of the House of Representatives and the Committee*
2 *on Commerce, Science, and Transportation of the Senate*
3 *a plan for the Washington, DC, Air Defense Identification*
4 *Zone.*

5 (b) *CONTENTS OF PLAN.*—*The plan shall outline spe-*
6 *cific changes to the Washington, DC, Air Defense Identifica-*
7 *tion Zone that will decrease operational impacts and im-*
8 *prove general aviation access to airports in the National*
9 *Capital Region that are currently impacted by the zone.*

10 **SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

11 (a) *IN GENERAL.*—*Notwithstanding any other provi-*
12 *sion of law, including the Federal Airport Act (as in effect*
13 *on August 8, 1958), the United States releases, without*
14 *monetary consideration, all restrictions, conditions, and*
15 *limitations on the use, encumbrance, or conveyance of cer-*
16 *tain land located in the municipality of Anchorage, Alaska,*
17 *more particularly described as Tracts 22 and 24 of the*
18 *Fourth Addition to the Town Site of Anchorage, Alaska,*
19 *as shown on the plat of U.S. Survey No. 1456, accepted*
20 *June 13, 1923, on file in the Bureau of Land Management,*
21 *Department of Interior.*

22 (b) *GRANTS.*—*Notwithstanding any other provision of*
23 *law, the municipality of Anchorage shall be released from*
24 *the repayment of any outstanding grant obligations owed*
25 *by the municipality to the Federal Aviation Administration*

1 *with respect to any land described in subsection (a) that*
2 *is subsequently conveyed to or used by the Department of*
3 *Transportation and Public Facilities of the State of Alaska*
4 *for the construction or reconstruction of a federally sub-*
5 *sidized highway project.*

6 **SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P.**
7 **HOBBY AIRPORT, HOUSTON, TEXAS.**

8 *It is the sense of Congress that the Nation—*

9 *(1) supports the goals and ideals of the 1940 Air*
10 *Terminal Museum located at William P. Hobby Air-*
11 *port in the city of Houston, Texas;*

12 *(2) congratulates the city of Houston and the*
13 *1940 Air Terminal Museum on the 80-year history of*
14 *William P. Hobby Airport and the vital role of the*
15 *airport in Houston's and the Nation's transportation*
16 *infrastructure; and*

17 *(3) recognizes the 1940 Air Terminal Museum*
18 *for its importance to the Nation in the preservation*
19 *and presentation of civil aviation heritage and recog-*
20 *nizes the importance of civil aviation to the Nation's*
21 *history and economy.*

22 **SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**
23 **APPLICABLE TO FLIGHT CREWMEMBERS.**

24 *Not later than 180 days after the date of enactment*
25 *of this Act, the Administrator of the Federal Aviation Ad-*

1 *ministration shall initiate a rulemaking proceeding for the*
2 *following purposes:*

3 (1) *To require a flight crewmember who is em-*
4 *ployed by an air carrier conducting operations under*
5 *part 121 of title 14, Code of Federal Regulations, and*
6 *who accepts an additional assignment for flying*
7 *under part 91 of such title from the air carrier or*
8 *from any other air carrier conducting operations*
9 *under part 121 or 135 of such title, to apply the pe-*
10 *riod of the additional assignment (regardless of*
11 *whether the assignment is performed by the flight*
12 *crewmember before or after an assignment to fly*
13 *under part 121 of such title) toward any limitation*
14 *applicable to the flight crewmember relating to duty*
15 *periods or flight times under part 121 of such title.*

16 (2) *To require a flight crewmember who is em-*
17 *ployed by an air carrier conducting operations under*
18 *part 135 of title 14, Code of Federal Regulations, and*
19 *who accepts an additional assignment for flying*
20 *under part 91 of such title from the air carrier or*
21 *any other air carrier conducting operations under*
22 *part 121 or 135 of such title, to apply the period of*
23 *the additional assignment (regardless of whether the*
24 *assignment is performed by the flight crewmember be-*
25 *fore or after an assignment to fly under part 135 of*

1 (2) *to encourage compatible land uses with the*
2 *airport and generate economic benefits to the airport*
3 *operator and an affected local jurisdiction.*

4 (c) *GRANT REQUIREMENTS.—The Administrator may*
5 *not make a grant under this section unless the grant is*
6 *made—*

7 (1) *to enable the airport operator and an affected*
8 *local jurisdiction to expedite their noise mitigation*
9 *redevelopment efforts with respect to real property de-*
10 *scribed in subsection (b)(1);*

11 (2) *subject to a requirement that the affected*
12 *local jurisdiction has adopted zoning regulations that*
13 *permit compatible redevelopment of real property de-*
14 *scribed in subsection (b)(1); and*

15 (3) *subject to a requirement that funds made*
16 *available under section 47117(e)(1)(A) with respect to*
17 *real property assembled and redeveloped under sub-*
18 *section (b)(1) plus the amount of any grants made for*
19 *acquisition of such property under section 47504 of*
20 *such title are repaid to the Administrator upon the*
21 *sale of such property.*

22 (d) *COOPERATION WITH LOCAL AFFECTED JURISDIC-*
23 *TION.—An airport operator may use funds granted under*
24 *this section for a purpose described in subsection (b) only*
25 *in cooperation with an affected local jurisdiction.*

1 (e) *UNITED STATES GOVERNMENT SHARE.*—

2 (1) *IN GENERAL.*—*The United States Govern-*
3 *ment share of the allowable costs of a project carried*
4 *out under the pilot program shall be 80 percent.*

5 (2) *DETERMINATION.*—*In determining the allow-*
6 *able project costs of a project carried out under the*
7 *pilot program for purposes of this subsection, the Ad-*
8 *ministrator shall deduct from the total costs of the*
9 *project that portion of the total costs of the project*
10 *that are incurred with respect to real property that*
11 *is not owned or to be acquired by the airport operator*
12 *pursuant to the noise compatibility program for the*
13 *airport or that is not owned by an affected local ju-*
14 *risdiction or other public entity.*

15 (3) *MAXIMUM AMOUNT.*—*Not more than*
16 *\$5,000,000 in funds made available under section*
17 *47117(e) of title 49, United States Code, may be ex-*
18 *pended under this pilot program at any single public-*
19 *use airport.*

20 (f) *SPECIAL RULES FOR REPAID FUNDS.*—*The*
21 *amounts repaid to the Administrator with respect to an air-*
22 *port under subsection (c)(3)—*

23 (1) *shall be available to the Administrator for*
24 *the following actions giving preference to such actions*
25 *in descending order:*

1 (A) reinvestment in an approved noise com-
2 patibility project at the airport;

3 (B) reinvestment in another project at the
4 airport that is available for funding under sec-
5 tion 47117(e) of title 49, United States Code;

6 (C) reinvestment in an approved airport
7 development project at the airport that is eligible
8 for funding under section 47114, 47115, or
9 47117 of such title;

10 (D) reinvestment in approved noise compat-
11 ibility project at any other public airport; and

12 (E) deposit in the Airport and Airway
13 Trust Fund established under section 9502 of the
14 Internal Revenue Code of 1986 (26 U.S.C. 9502);

15 (2) shall be in addition to amounts authorized
16 under section 48103 of title 49, United States Code;
17 and

18 (3) shall remain available until expended.

19 (g) *USE OF PASSENGER FACILITY REVENUE.*—An op-
20 erator of an airport participating in the pilot program may
21 use passenger facility revenue collected for the airport under
22 section 40117 of title 49, United States Code, to pay the
23 portion of the total cost of a project carried out by the oper-
24 ator under the pilot program that are not allowable under
25 subsection (e)(2).

1 (h) *SUNSET.*—*The Administrator may not make a*
2 *grant under the pilot program after September 30, 2012.*

3 (i) *REPORT TO CONGRESS.*—*Not later than the last*
4 *day of the 30th month following the date on which the first*
5 *grant is made under this section, the Administrator shall*
6 *report to Congress on the effectiveness of the pilot program*
7 *on returning real property purchased with noise mitigation*
8 *funds made available under section 47117(e)(1)(A) or*
9 *47505 or passenger facility revenues to productive use.*

10 (j) *NOISE COMPATIBILITY MEASURES.*—*Section*
11 *47504(a)(2) is amended—*

12 (1) *by striking “and” at the end of subpara-*
13 *graph (D);*

14 (2) *by striking the period at the end of subpara-*
15 *graph (E) and inserting “; and”; and*

16 (3) *by adding at the end the following:*

17 *“(F) joint comprehensive land use planning,*
18 *including master plans, traffic studies, environ-*
19 *mental evaluation and economic and feasibility*
20 *studies, with neighboring local jurisdictions un-*
21 *dertaking community redevelopment in the area*
22 *where any land or other property interest ac-*
23 *quired by the airport operator under this sub-*
24 *section is located, to encourage and enhance rede-*
25 *velopment opportunities that reflect zoning and*

1 *uses that will prevent the introduction of addi-*
2 *tional incompatible uses and enhance redevelop-*
3 *ment potential.”.*

4 **SEC. 818. HELICOPTER OPERATIONS OVER LONG ISLAND**
5 **AND STATEN ISLAND, NEW YORK.**

6 *(a) STUDY.—The Administrator of the Federal Avia-*
7 *tion Administration shall conduct a study on helicopter op-*
8 *erations over Long Island and Staten Island, New York.*

9 *(b) CONTENTS.—In conducting the study, the Admin-*
10 *istrator shall examine, at a minimum, the following:*

11 *(1) The effect of helicopter operations on residen-*
12 *tial areas, including—*

13 *(A) safety issues relating to helicopter oper-*
14 *ations;*

15 *(B) noise levels relating to helicopter oper-*
16 *ations and ways to abate the noise levels; and*

17 *(C) any other issue relating to helicopter*
18 *operations on residential areas.*

19 *(2) The feasibility of diverting helicopters from*
20 *residential areas.*

21 *(3) The feasibility of creating specific air lanes*
22 *for helicopter operations.*

23 *(4) The feasibility of establishing altitude limits*
24 *for helicopter operations.*

1 (c) *EXCEPTIONS.*—Any determination under this sec-
2 tion on the feasibility of establishing limitations or restric-
3 tions for helicopter operations over Long Island and Staten
4 Island, New York, shall not apply to helicopters performing
5 operations for news organizations, the military, law en-
6 forcement, or providers of emergency services.

7 (d) *LIMITATION ON STATUTORY CONSTRUCTION.*—
8 Nothing in this section shall be construed to interfere with
9 the Federal Aviation Administration’s authority to ensure
10 the safe and efficient use of the national airspace system.

11 (e) *REPORT.*—Not later than 6 months after the date
12 of the enactment of this Act, the Administrator shall submit
13 to Congress a report on the results of the study, including
14 information and recommendations concerning the issues ex-
15 amined under subsection (b).

16 **SEC. 819. CABIN TEMPERATURE STANDARDS STUDY.**

17 (a) *STUDY.*—Not later than 6 months after the date
18 of enactment of this Act, the Administrator of the Federal
19 Aviation Administration shall conduct a study to determine
20 whether onboard temperature standards are necessary to
21 protect cabin and cockpit crew members and passengers on
22 an aircraft of an air carrier used to provide air transpor-
23 tation from excessive heat onboard such aircraft during
24 standard operations or during an excessive flight delay.

1 (b) *TEMPERATURE REVIEW.*—*In conducting the study*
2 *under subsection (a), the Administrator shall—*

3 (1) *survey onboard cabin and cockpit tempera-*
4 *tures of a representative sampling of different aircraft*
5 *types and operations;*

6 (2) *address the appropriate placement of tem-*
7 *perature monitoring devices onboard the aircraft to*
8 *determine the most accurate measurement of onboard*
9 *temperature and develop a system for the reporting of*
10 *excessive temperature onboard passenger aircraft by*
11 *cockpit and cabin crew members; and*

12 (3) *review the impact of implementing such on-*
13 *board temperature standards on the environment, fuel*
14 *economy, and avionics and determine the costs associ-*
15 *ated with such implementation and the feasibility of*
16 *using ground equipment or other mitigation measures*
17 *to offset any such costs.*

18 (c) *REPORT TO CONGRESS.*—*Not later than 18 months*
19 *after the date of enactment of this Act, the Administrator*
20 *shall submit to Congress a report on the findings of the*
21 *study.*

22 **SEC. 820. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

23 *Section 46301 is amended—*

24 (1) *in subsection (a)(1)(A) by inserting “chapter*
25 *451,” before “section 47107(b)”;*

1 (2) *in subsection (a)(5)(A)(i)—*

2 (A) *by striking “or chapter 449” and in-*
3 *serting “chapter 449”; and*

4 (B) *by inserting after “44909)” the fol-*
5 *lowing: “, or chapter 451”; and*

6 (3) *in subsection (d)(2)—*

7 (A) *by inserting after “44723)” the fol-*
8 *lowing: “, chapter 451 (except section 45107)”;*
9 *and*

10 (B) *by inserting after “44909),” the fol-*
11 *lowing: “section 45107 or”.*

12 **SEC. 821. STUDY AND REPORT ON ALLEVIATING CONGES-**
13 **TION.**

14 *Not later than 18 months after the date of enactment*
15 *of this Act, the Comptroller General shall conduct a study*
16 *and submit a report to Congress regarding effective strate-*
17 *gies to alleviate congestion in the national airspace at air-*
18 *ports during peak travel times, by evaluating the effective-*
19 *ness of reducing flight schedules and staggering flights, de-*
20 *veloping incentives for airlines to reduce the number of*
21 *flights offered, and instituting slots and quotas at airports.*
22 *In addition, the Comptroller General shall compare the effi-*
23 *ciency of implementing the strategies in the preceding sen-*
24 *tence with redesigning airspace and evaluate any legal ob-*
25 *stacles to implementing such strategies.*

1 **SEC. 822. AIRLINE PERSONNEL TRAINING ENHANCEMENT.**

2 *Not later than one year after the date of enactment*
3 *of this Act, the Secretary of Transportation shall issue regu-*
4 *lations under chapter 447 of title 49, United States Code,*
5 *that require air carriers to provide initial and annual re-*
6 *curring training for flight attendants and gate attendants*
7 *regarding serving alcohol, dealing with disruptive pas-*
8 *sengers, and recognizing intoxicated persons. The training*
9 *shall include situational training on methods of handling*
10 *an intoxicated person who is belligerent.*

11 **SEC. 823. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**
12 **PUBLIC INTERNET WEB-BASED SEARCH EN-**
13 **GINE ON WIND TURBINE INSTALLATION OB-**
14 **STRUCTION.**

15 *(a) STUDY.—The Administrator of the Federal Avia-*
16 *tion Administration shall carry out a study on the feasi-*
17 *bility of developing a publicly searchable, Internet Web-*
18 *based resource that provides information regarding the ac-*
19 *ceptable height and distance that wind turbines may be in-*
20 *stalled in relation to aviation sites and the level of obstruc-*
21 *tion such turbines may present to such sites.*

22 *(b) CONSIDERATIONS.—In conducting the study, the*
23 *Administrator shall consult, if appropriate, with the Secre-*
24 *taries of the Army, Navy and Air Force, Homeland Secu-*
25 *rity, Agriculture, and Energy to coordinate the require-*
26 *ments of each agency for future air space needs, determine*

1 *what the acceptable risks are to existing infrastructure of*
2 *each agency, and define the different levels of risk for such*
3 *infrastructure.*

4 (c) *IMPACT OF WIND TURBINES ON RADAR SIGNALS.—*
5 *In conducting the study, the Administrator shall consider*
6 *the impact of the operation of wind turbines, individually*
7 *and in collections, on radar signals and evaluate the feasi-*
8 *bility of providing quantifiable measures of numbers of tur-*
9 *bines and distance from radars that are acceptable.*

10 (d) *REPORT.—Not later than one year after the date*
11 *of enactment of this Act, the Secretary shall submit a report*
12 *on the results of the study to the Committee on Transpor-*
13 *tation and Infrastructure, Committee on Homeland Secu-*
14 *rity, Committee on Armed Services, Committee on Agri-*
15 *culture, and Committee on Science and Technology of the*
16 *House of Representatives and the Committee on Commerce,*
17 *Science, and Transportation, Committee on Homeland Se-*
18 *curity and Governmental Affairs, Committee on Agri-*
19 *culture, Nutrition, and Forestry, and Committee on Armed*
20 *Services of the Senate.*

21 **SEC. 824. WIND TURBINE LIGHTING.**

22 (a) *STUDY.—The Administrator of the Federal Avia-*
23 *tion Administration shall conduct a study on wind turbine*
24 *lighting systems.*

1 (b) *CONTENTS.*—*In conducting the study, the Admin-*
2 *istrator shall examine the following:*

3 (1) *The effect of wind turbine lighting on resi-*
4 *dential areas.*

5 (2) *The safety issues associated with alternative*
6 *lighting strategies, technologies, and regulations.*

7 (3) *Potential energy savings associated with al-*
8 *ternative lighting strategies, technologies, and regula-*
9 *tions.*

10 (4) *The feasibility of implementing alternative*
11 *lighting strategies or technologies.*

12 (5) *Any other issue relating to wind turbine*
13 *lighting.*

14 (c) *REPORT.*—*Not later than 180 days after the date*
15 *of enactment of this Act, the Administrator shall submit*
16 *to Congress a report on the results of the study, including*
17 *information and recommendations concerning the issues ex-*
18 *amined under subsection (b).*

19 **SEC. 825. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
20 **CARGO AIRCRAFT.**

21 (a) *STUDY.*—*Not later than 180 days after the date*
22 *of enactment of this Act, the Administrator of the Federal*
23 *Aviation Administration, in consultation with appropriate*
24 *air carriers, aircraft manufacturers, and air carrier labor*
25 *representatives, shall conduct a study to identify a physical*

1 *means, or a combination of physical and procedural means,*
2 *of limiting access to the flight decks of all-cargo aircraft*
3 *to authorized flight crew members.*

4 (b) *REPORT.*—*Not later than one year after the date*
5 *of enactment of this Act, the Administrator shall submit*
6 *to Congress a report on the results of the study.*

7 ***TITLE IX—FEDERAL AVIATION***
8 ***RESEARCH AND DEVELOPMENT***

9 ***SEC. 901. SHORT TITLE.***

10 *This title may be cited as the “Federal Aviation Re-*
11 *search and Development Reauthorization Act of 2009”.*

12 ***SEC. 902. DEFINITIONS.***

13 *As used in this title, the following definition apply:*

14 (1) *ADMINISTRATOR.*—*The term “Adminis-*
15 *trator” means the Administrator of the Federal Avia-*
16 *tion Administration.*

17 (2) *FAA.*—*The term “FAA” means the Federal*
18 *Aviation Administration.*

19 (3) *NASA.*—*The term “NASA” means the Na-*
20 *tional Aeronautics and Space Administration.*

21 (4) *NATIONAL RESEARCH COUNCIL.*—*The term*
22 *“National Research Council” means the National Re-*
23 *search Council of the National Academies of Science*
24 *and Engineering.*

1 (5) NOAA.—*The term “NOAA” means the Na-*
2 *tional Oceanic and Atmospheric Administration.*

3 (6) NSF.—*The term “NSF” means the National*
4 *Science Foundation.*

5 (7) SECRETARY.—*The term “Secretary” means*
6 *the Secretary of Transportation.*

7 **SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IM-**
8 **PACT OF AVIATION ON THE CLIMATE.**

9 (a) *IN GENERAL.*—*The Administrator, in coordination*
10 *with NASA and the United States Climate Change Science*
11 *Program, shall carry out a research initiative to assess the*
12 *impact of aviation on the climate and, if warranted, to*
13 *evaluate approaches to mitigate that impact.*

14 (b) *RESEARCH PLAN.*—*Not later than one year after*
15 *the date of enactment of this Act, the participating Federal*
16 *entities shall jointly develop a plan for the research pro-*
17 *gram that contains the objectives, proposed tasks, mile-*
18 *stones, and 5-year budgetary profile.*

19 **SEC. 904. RESEARCH PROGRAM ON RUNWAYS.**

20 (a) *RESEARCH PROGRAM.*—*The Administrator shall*
21 *maintain a program of research grants to universities and*
22 *nonprofit research foundations for research and technology*
23 *demonstrations related to—*

24 (1) *improved runway surfaces; and*

1 (2) *engineered material restraining systems for*
2 *runways at both general aviation airports and air-*
3 *ports with commercial air carrier operations.*

4 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated such sums as may be nec-*
6 *essary for each of the fiscal years 2009 through 2012 to*
7 *carry out this section.*

8 **SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.**

9 (a) *ESTABLISHMENT OF PROGRAM.—Not later than 6*
10 *months after the date of enactment of this Act, the FAA,*
11 *in consultation with other agencies as appropriate, shall*
12 *establish a research program on methods to improve both*
13 *confidence in and the timeliness of certification of new tech-*
14 *nologies for their introduction into the national airspace*
15 *system.*

16 (b) *RESEARCH PLAN.—Not later than 1 year after the*
17 *date of enactment of this Act, as part of the activity de-*
18 *scribed in subsection (a), the FAA shall develop a plan for*
19 *the research program that contains the objectives, proposed*
20 *tasks, milestones, and five-year budgetary profile.*

21 (c) *REVIEW.—The Administrator shall have the Na-*
22 *tional Research Council conduct an independent review of*
23 *the research program plan and provide the results of that*
24 *review to the Committee on Science and Technology and*
25 *the Committee on Transportation and Infrastructure of the*

1 *House of Representatives and the Committee on Commerce,*
2 *Science, and Transportation of the Senate not later than*
3 *18 months after the date of enactment of this Act.*

4 **SEC. 906. CENTERS OF EXCELLENCE.**

5 (a) *GOVERNMENT'S SHARE OF COSTS.*—Section
6 *44513(f) is amended to read as follows:*

7 “(f) *GOVERNMENT'S SHARE OF COSTS.*—The United
8 *States Government's share of establishing and operating the*
9 *center and all related research activities that grant recipi-*
10 *ents carry out shall not exceed 75 percent of the costs. The*
11 *United States Government's share of an individual grant*
12 *under this section shall not exceed 90 percent of the costs.”.*

13 (b) *ANNUAL REPORT.*—The Administrator shall trans-
14 *mit annually to the Committee on Science and Technology*
15 *and the Committee on Transportation and Infrastructure*
16 *of the House of Representatives and the Committee on Com-*
17 *merce, Science, and Transportation of the Senate at the*
18 *time of the President's budget request a report that lists—*

19 (1) *the research projects that have been initiated*
20 *by each Center of Excellence in the preceding year;*

21 (2) *the amount of funding for each research*
22 *project and the funding source;*

23 (3) *the institutions participating in each project*
24 *and their shares of the overall funding for each re-*
25 *search project; and*

1 (4) *the level of cost-sharing for each research*
2 *project.*

3 **SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

4 *Section 44511(f) is amended—*

5 (1) *in paragraph (1) by striking “establish a 4-*
6 *year pilot” and inserting “maintain an”; and*

7 (2) *in paragraph (4)—*

8 (A) *by striking “expiration of the program”*
9 *and inserting “expiration of the pilot program”;*
10 *and*

11 (B) *by striking “program, including rec-*
12 *ommendations as to the need for establishing a*
13 *permanent airport cooperative research pro-*
14 *gram” and inserting “program”.*

15 **SEC. 908. UNMANNED AIRCRAFT SYSTEMS.**

16 (a) *RESEARCH INITIATIVE.—Section 44504(b) is*
17 *amended—*

18 (1) *in paragraph (6) by striking “and” after the*
19 *semicolon;*

20 (2) *in paragraph (7) by striking the period at*
21 *the end and inserting “; and”; and*

22 (3) *by adding at the end the following:*

23 “(8) *in conjunction with other Federal agencies,*
24 *as appropriate, to develop technologies and methods to*
25 *assess the risk of and prevent defects, failures, and*

1 *malfunctions of products, parts, and processes, for use*
2 *in all classes of unmanned aircraft systems that could*
3 *result in a catastrophic failure of the unmanned air-*
4 *craft that would endanger other aircraft in the na-*
5 *tional airspace system.”.*

6 *(b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-*
7 *VICES.—Section 44505(b) is amended—*

8 *(1) in paragraph (4) by striking “and” after the*
9 *semicolon;*

10 *(2) in paragraph (5)(C) by striking the period at*
11 *the end and inserting a semicolon; and*

12 *(3) by adding at the end the following:*

13 *“(6) to develop a better understanding of the re-*
14 *lationship between human factors and unmanned air-*
15 *craft systems safety; and*

16 *“(7) to develop dynamic simulation models for*
17 *integrating all classes of unmanned aircraft systems*
18 *into the national airspace system without any deg-*
19 *radation of existing levels of safety for all national*
20 *airspace system users.”.*

21 **SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UN-**
22 **DERGRADUATE STUDENTS.**

23 *(a) IN GENERAL.—The Administrator shall establish*
24 *a program to utilize colleges and universities, including*
25 *Historically Black Colleges and Universities, Hispanic*

1 *...serving institutions, tribally controlled colleges and univer-*
2 *...sities, and Alaska Native and Native Hawaiian serving in-*
3 *...stitutions in conducting research by undergraduate students*
4 *...on subjects of relevance to the FAA. Grants may be awarded*
5 *...under this section for—*

6 (1) *...research projects to be carried out primarily*
7 *...by undergraduate students;*

8 (2) *...research projects that combine undergraduate*
9 *...research with other research supported by the FAA;*

10 (3) *...research on future training requirements re-*
11 *...lated to projected changes in regulatory requirements*
12 *...for aircraft maintenance and power plant licensees;*
13 *...and*

14 (4) *...research on the impact of new technologies*
15 *...and procedures, particularly those related to aircraft*
16 *...flight deck and air traffic management functions, and*
17 *...on training requirements for pilots and air traffic*
18 *...controllers.*

19 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
20 *...authorized to be appropriated \$5,000,000 for each of the*
21 *...fiscal years 2009 through 2012, for research grants under*
22 *...this section.*

1 **SEC. 910. AVIATION GAS RESEARCH AND DEVELOPMENT**
2 **PROGRAM.**

3 (a) *CONTINUATION OF PROGRAM.*—*The Administrator,*
4 *in coordination with the NASA Administrator, shall con-*
5 *tinue research and development activities into technologies*
6 *for modification of existing general aviation piston engines*
7 *to enable their safe operation using unleaded aviation fuel.*

8 (b) *ROADMAP.*—*Not later than 120 days after the date*
9 *of enactment of this Act, the Administrator shall develop*
10 *a research and development roadmap for the program con-*
11 *tinued in subsection (a), containing the specific research*
12 *and development objectives and the anticipated timetable*
13 *for achieving the objectives.*

14 (c) *REPORT.*—*Not later than 130 days after the date*
15 *of enactment of this Act, the Administrator shall provide*
16 *the roadmap specified in subsection (b) to the Committee*
17 *on Science and Technology of the House of Representatives*
18 *and the Committee on Commerce, Science, and Transpor-*
19 *tation of the Senate.*

20 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
21 *authorized to be appropriated \$750,000 for each of the fiscal*
22 *years 2009 through 2012 to carry out this section.*

23 **SEC. 911. REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-**
24 **RELATED RESEARCH PROGRAMS.**

25 (a) *STUDY.*—*The Administrator shall enter into an ar-*
26 *rangement with the National Research Council for a review*

1 of the FAA's energy- and environment-related research pro-
2 grams. The review shall assess whether—

3 (1) the programs have well-defined, prioritized,
4 and appropriate research objectives;

5 (2) the programs are properly coordinated with
6 the energy- and environment-related research pro-
7 grams of NASA, NOAA, and other relevant agencies;

8 (3) the programs have allocated appropriate re-
9 sources to each of the research objectives; and

10 (4) there exist suitable mechanisms for
11 transitioning the research results into the FAA's oper-
12 ational technologies and procedures and certification
13 activities.

14 (b) *REPORT.*—A report containing the results of the
15 review shall be provided to the Committee on Science and
16 Technology of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate within 18 months of the enactment of this Act.

19 **SEC. 912. REVIEW OF FAA'S AVIATION SAFETY-RELATED RE-**
20 **SEARCH PROGRAMS.**

21 (a) *REVIEW.*—The Administrator shall enter into an
22 arrangement with the National Research Council for an
23 independent review of the FAA's aviation safety-related re-
24 search programs. The review shall assess whether—

1 (1) *the programs have well-defined, prioritized,*
2 *and appropriate research objectives;*

3 (2) *the programs are properly coordinated with*
4 *the safety research programs of NASA and other rel-*
5 *evant Federal agencies;*

6 (3) *the programs have allocated appropriate re-*
7 *sources to each of the research objectives; and*

8 (4) *there exist suitable mechanisms for*
9 *transitioning the research results from the programs*
10 *into the FAA's operational technologies and proce-*
11 *dures and certification activities in a timely manner.*

12 (b) *AVIATION SAFETY-RELATED RESEARCH PRO-*
13 *GRAMS TO BE ASSESSED.—The FAA aviation safety-re-*
14 *lated research programs to be assessed under the review*
15 *shall include, at a minimum, the following:*

16 (1) *Air traffic control/technical operations*
17 *human factors.*

18 (2) *Runway incursion reduction.*

19 (3) *Flightdeck/maintenance system integration*
20 *human factors.*

21 (4) *Airports technology research—safety.*

22 (5) *Airport cooperative research program—safe-*
23 *ty.*

24 (6) *Weather program.*

25 (7) *Atmospheric hazards/digital system safety.*

- 1 (8) *Fire research and safety.*
- 2 (9) *Propulsion and fuel systems.*
- 3 (10) *Advanced materials/structural safety.*
- 4 (11) *Aging aircraft.*
- 5 (12) *Aircraft catastrophic failure prevention re-*
6 *search.*
- 7 (13) *Aeromedical research.*
- 8 (14) *Aviation safety risk analysis.*
- 9 (15) *Unmanned aircraft systems research.*

10 (c) *REPORT.—Not later than 14 months after the date*
11 *of enactment of this Act, the Administrator shall submit*
12 *to Congress a report on the results of the review.*

13 (d) *AUTHORIZATION OF APPROPRIATIONS.—In addi-*
14 *tion to amounts authorized to be appropriated by the*
15 *amendments made by this Act, there is authorized to be ap-*
16 *propriated \$700,000 for fiscal year 2009 to carry out this*
17 *section.*

18 **SEC. 913. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL**
19 **TECHNOLOGY FOR CIVIL AIRCRAFT.**

20 (a) *ESTABLISHMENT OF RESEARCH PROGRAM.—*
21 *Using amounts made available under section 48102(a) of*
22 *title 49, United States Code, the Secretary of Transpor-*
23 *tation shall conduct a research program related to devel-*
24 *oping jet fuel from alternative sources (such as coal, natural*
25 *gas, biomass, ethanol, butanol, and hydrogen) through*

1 *grants or other measures authorized under section 106(l)(6)*
2 *of such title, including reimbursable agreements with other*
3 *Federal agencies.*

4 (b) *PARTICIPATION BY EDUCATIONAL AND RESEARCH*
5 *INSTITUTIONS.—In conducting the program, the Secretary*
6 *shall provide for participation by educational and research*
7 *institutions that have existing facilities and experience in*
8 *the development and deployment of technology for alter-*
9 *native jet fuels.*

10 (c) *DESIGNATION OF INSTITUTE AS A CENTER OF EX-*
11 *CELLENCE.—Not later than 6 months after the date of en-*
12 *actment of this Act, the Administrator of the Federal Avia-*
13 *tion Administration shall designate an institution de-*
14 *scribed in subsection (a) as a Center of Excellence for Alter-*
15 *native Jet Fuel Research.*

16 **SEC. 914. CENTER FOR EXCELLENCE IN AVIATION EMPLOY-**
17 **MENT.**

18 (a) *ESTABLISHMENT.—The Administrator shall estab-*
19 *lish a Center for Excellence in Aviation Employment (in*
20 *this section referred to as the “Center”).*

21 (b) *APPLIED RESEARCH AND TRAINING.—The Center*
22 *shall conduct applied research and training on—*

23 (1) *human performance in the air transportation*
24 *environment;*

1 (2) *air transportation personnel, including air*
2 *traffic controllers, pilots, and technicians; and*

3 (3) *any other aviation human resource issues*
4 *pertinent to developing and maintaining a safe and*
5 *efficient air transportation system.*

6 (c) *DUTIES.—The Center shall—*

7 (1) *in conjunction with the Collegiate Training*
8 *Initiative and other air traffic controller training*
9 *programs, develop, implement, and evaluate a com-*
10 *prehensive, best-practices based training program for*
11 *air traffic controllers;*

12 (2) *work with the Office of Human Resource*
13 *Management of the FAA as that office develops and*
14 *implements a strategic recruitment and marketing*
15 *program to help the FAA compete for the best quali-*
16 *fied employees and incorporate an employee value*
17 *proposition process that results in attracting a broad-*
18 *based and diverse aviation workforce in mission crit-*
19 *ical positions, including air traffic controller, avia-*
20 *tion safety inspector, airway transportation safety*
21 *specialist, and engineer;*

22 (3) *through industry surveys and other research*
23 *methodologies and in partnership with the “Taskforce*
24 *on the Future of the Aerospace Workforce” and the*
25 *Secretary of Labor, establish a baseline of general*

1 *aviation employment statistics for purposes of pro-*
2 *jecting and anticipating future workforce needs and*
3 *demonstrating the economic impact of general avia-*
4 *tion employment;*

5 *(4) conduct a comprehensive analysis of the air-*
6 *frame and powerplant technician certification process*
7 *and employment trends for maintenance repair orga-*
8 *nization facilities, certificated repair stations, and*
9 *general aviation maintenance organizations;*

10 *(5) establish a best practices model in aviation*
11 *maintenance technician school environments; and*

12 *(6) establish a workforce retraining program to*
13 *allow for transition of recently unemployed and high-*
14 *ly skilled mechanics into aviation employment.*

15 *(d) AUTHORIZATION OF APPROPRIATIONS.—There are*
16 *authorized to be appropriated to the Administrator such*
17 *sums as may be necessary to carry out this section. Such*
18 *sums shall remain available until expended.*

Union Calendar No. 62

111TH CONGRESS
1ST Session

H. R. 915

[Report No. 111-119, Part I]

A BILL

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2009 through 2012, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

MAY 19, 2009

Reported from the Committee on Transportation and
Infrastructure with an amendment

MAY 19, 2009

Committee on Science and Technology discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed