AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Calendar No. 168

111TH CONGRESS
1ST SESSION

S. 1451

[Report No. 111–82]

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 14, 2009

Mr. ROCKEFELLER (for himself, Mrs. HUTCHISON, Mr. DORGAN, and Mr. DEMINT) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

SEPTEMBER 29, 2009

Reported by Mr. ROCKEFELLER, with an amendment

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

A BILL

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, 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,*

~~SECTION 1. SHORT TITLE; TABLE OF CONTENTS.~~

~~(a) SHORT TITLE.—This Act may be cited as the "FAA Air Transportation Modernization and Safety Improvement Act".~~

~~(b) TABLE OF CONTENTS.—The table of contents for 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~~

~~Sec. 101. Operations.~~
~~Sec. 102. Air navigation facilities and equipment.~~
~~Sec. 103. Research and development.~~
~~Sec. 104. Airport planning and development and noise compatibility planning and programs.~~
~~Sec. 105. Other aviation programs.~~
~~Sec. 106. Delineation of Next Generation Air Transportation System projects.~~
~~Sec. 107. Funding for administrative expenses for airport programs.~~

~~TITLE II—AIRPORT IMPROVEMENTS~~

~~Sec. 201. Reform of passenger facility charge authority.~~
~~Sec. 202. Passenger facility charge pilot program.~~
~~Sec. 203. Amendments to grant assurances.~~
~~Sec. 204. Government share of project costs.~~
~~Sec. 205. Amendments to allowable costs.~~
~~Sec. 206. Sale of private airport to public sponsor.~~
~~Sec. 207. Government share of certain air project costs.~~
~~Sec. 208. Miscellaneous amendments.~~
~~Sec. 209. State block grant program.~~
~~Sec. 210. Airport funding of special studies or reviews.~~
~~Sec. 211. Grant eligibility for assessment of flight procedures.~~
~~Sec. 212. Safety-critical airports.~~
~~Sec. 213. Environmental mitigation demonstration pilot program.~~
~~Sec. 214. Allowable project costs for airport development program.~~
~~Sec. 215. Glycol recovery vehicles.~~
~~Sec. 216. Research improvement for aircraft.~~
~~Sec. 217. United States Territory minimum guarantee.~~
~~Sec. 218. Merrill Field Airport, Anchorage, Alaska.~~

~~TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM~~

~~Sec. 301. Air Traffic Control Modernization Oversight Board.~~
~~Sec. 302. NextGen management.~~
~~Sec. 303. Facilitation of next generation air traffic services.~~
~~Sec. 304. Clarification of authority to enter into reimbursable agreements.~~
~~Sec. 305. Clarification to acquisition reform authority.~~

~~Sec. 306. Assistance to other aviation authorities.~~
~~Sec. 307. Presidential rank award program.~~
~~Sec. 308. Next generation facilities needs assessment.~~
~~Sec. 309. Next generation air transportation system implementation office.~~
~~Sec. 310. Definition of air navigation facility.~~
~~Sec. 311. Improved management of property inventory.~~
~~Sec. 312. Educational requirements.~~
~~Sec. 313. FAA personnel management system.~~
~~Sec. 314. Acceleration of NextGen technologies.~~
~~Sec. 315. ADS–B development and implementation.~~
~~Sec. 316. Equipage incentives.~~
~~Sec. 317. Performance metrics.~~
~~Sec. 318. Certification standards and resources.~~
~~Sec. 319. Unmanned aerial systems.~~
~~Sec. 320. Surface Systems Program Office.~~
~~Sec. 321. Stakeholder coordination.~~
~~Sec. 322. FAA task force on air traffic control facility conditions.~~
~~Sec. 323. State ADS–B equipage bank pilot program.~~
~~Sec. 324. Definitions.~~

~~TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS~~

~~SUBTITLE A—CONSUMER PROTECTION~~

~~Sec. 401. Airline customer service commitment.~~
~~Sec. 402. Publication of customer service data and flight delay history.~~
~~Sec. 403. Expansion of DOT airline consumer complaint investigations.~~
~~Sec. 404. Establishment of advisory committee for aviation consumer protection.~~
~~Sec. 405. Disclosure of passenger fees.~~

~~SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES~~

~~Sec. 411. EAS connectivity program.~~
~~Sec. 412. Extension of final order establishing mileage adjustment eligibility.~~
~~Sec. 413. EAS contract guidelines.~~
~~Sec. 414. Conversion of former EAS airports.~~
~~Sec. 415. EAS reform.~~
~~Sec. 416. Small community air service.~~
~~Sec. 417. EAS marketing.~~
~~Sec. 418. Rural aviation improvement.~~

~~SUBTITLE C—MISCELLANEOUS~~

~~Sec. 431. Clarification of air carrier fee disputes.~~
~~Sec. 432. Contract tower program.~~
~~Sec. 433. Airfares for members of the Armed Forces.~~

~~TITLE V—SAFETY~~

~~SUBTITLE A—AVIATION SAFETY~~

~~Sec. 501. Runway safety equipment plan.~~
~~Sec. 502. Judicial review of denial of airman certificates.~~
~~Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.~~

~~Sec. 504. Design organization certificates.~~
~~Sec. 505. FAA access to criminal history records or database systems.~~
~~Sec. 506. Flight crew fatigue.~~
~~Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.~~
~~Sec. 508. Cabin crew communication.~~
~~Sec. 509. Clarification of memorandum of understanding with OSHA.~~
~~Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.~~
~~Sec. 511. Improved safety information.~~
~~Sec. 512. Voluntary disclosure reporting process improvements.~~
~~Sec. 513. Procedural improvements for inspections.~~
~~Sec. 514. Independent review of safety issues.~~
~~Sec. 515. National review team.~~
~~Sec. 516. FAA Academy improvements.~~
~~Sec. 517. Reduction of runway incursions and operational errors.~~
~~Sec. 518. Aviation safety whistleblower investigation office.~~
~~Sec. 519. Modification of customer service initiative.~~
~~Sec. 520. Headquarters review of air transportation oversight system database.~~
~~Sec. 521. Inspection of foreign repair stations.~~
~~Sec. 522. Non-certificated maintenance providers.~~

~~SUBTITLE B—FLIGHT SAFETY~~

~~Sec. 551. Pilot applicant employment records.~~
~~Sec. 552. Air carrier safety management systems.~~
~~Sec. 553. Implementation of NTSB recommendations.~~
~~Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.~~
~~Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.~~
~~Sec. 556. Safety inspections of regional air carriers.~~
~~Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.~~
~~Sec. 558. Oversight of pilot training schools.~~
~~Sec. 559. Definitions.~~

~~TITLE VI—AVIATION RESEARCH~~

~~Sec. 601. Airport cooperative research program.~~
~~Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.~~
~~Sec. 603. Production of clean coal fuel technology for civilian aircraft.~~
~~Sec. 604. Advisory committee on future of aeronautics.~~
~~Sec. 605. Research program to improve airfield pavements.~~
~~Sec. 606. Wake turbulence, volcanic ash, and weather research.~~
~~Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.~~
~~Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.~~
~~Sec. 609. Pilot program for zero emission airport vehicles.~~
~~Sec. 610. Reduction of emissions from airport power sources.~~
~~Sec. 611. Siting of windfarms near FAA navigational aides and other assets.~~

~~TITLE VII—MISCELLANEOUS~~

~~Sec. 701. General authority.~~
~~Sec. 702. Human intervention management study.~~
~~Sec. 703. Airport program modifications.~~
~~Sec. 704. Miscellaneous program extensions.~~
~~Sec. 705. Extension of competitive access reports.~~
~~Sec. 706. Update on overflights.~~
~~Sec. 707. Technical corrections.~~
~~Sec. 708. FAA technical training and staffing.~~
~~Sec. 709. Commercial air tour operators in national parks.~~
~~Sec. 710. Phaseout of Stage 1 and 2 aircraft.~~
~~Sec. 711. Weight restrictions at Teterboro Airport.~~
~~Sec. 712. Pilot program for redevelopment of airport properties.~~
~~Sec. 713. Transporting musical instruments.~~
~~Sec. 714. Recycling plans for airports.~~
~~Sec. 715. Disadvantaged Business Enterprise Program adjustments.~~
~~Sec. 716. Front line manager staffing.~~

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

~~Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.~~

~~SEC. 3. EFFECTIVE DATE.~~

~~Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.~~

~~TITLE I—AUTHORIZATIONS~~

~~SEC. 101. OPERATIONS.~~

~~(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:~~

~~"(A) $9,336,000,000 for fiscal year 2010; and~~

~~"(B) $9,620,000,000 for fiscal year 2011.".~~

~~SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.~~

~~Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:~~

~~"(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and~~

~~"(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.".~~

~~SEC. 103. RESEARCH AND DEVELOPMENT.~~

~~Section 48102 is amended—~~

~~(1) by striking subsection (a) and inserting the following:~~

~~"(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:~~

~~"(1) $200,000,000 for fiscal year 2010.~~

~~"(2) $206,000,000 for fiscal year 2011.";~~

~~(2) by striking subsections (c) through (h); and~~

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

~~"(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—~~

~~"(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;~~

~~"(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;~~

~~"(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or~~

~~"(4) research on the impact of new technologies and procedures, particularly those related to aircraft~~

~~flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.~~

~~SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.~~

~~Section 48103 is amended by striking paragraphs (1) through (4) and inserting the following:~~

~~''(1) $4,000,000,000 for fiscal year 2010; and~~

~~''(2) $4,100,000,000 for fiscal year 2011.''.~~

~~SEC. 105. OTHER AVIATION PROGRAMS.~~

~~Section 48114 is amended—~~

~~(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';~~

~~(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and~~

~~(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.~~

~~SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.~~

~~Section 44501(b) is amended—~~

~~(1) by striking ''and'' after the semicolon in paragraph (3);~~

~~(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and~~

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

"(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.".

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

"§ 48105. Airport programs administrative expenses

"Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

"(1) for fiscal year 2010, $94,000,000; and

"(2) for fiscal year 2011, $98,000,000.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

"48105. Airport programs administrative expenses.".

~~TITLE II—AIRPORT IMPROVEMENTS~~

~~SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.~~

~~(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:~~

~~"(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—~~

~~"(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—~~

~~"(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;~~

~~"(B) the total amount of program revenue collected by the agency during the period covered by the report;~~

~~"(C) the amount of expenditures with program revenue made by the agency on each eligi-~~

~~ble airport-related project during the period covered by the report;~~

~~"(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;~~

~~"(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;~~

~~"(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and~~

~~"(G) any other information on the program that the Secretary may require.~~

~~"(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).~~

1 ~~"(3) CONSULTATION WITH CARRIERS FOR NEW~~
2 ~~PROJECTS.—~~
3 ~~"(A) An eligible agency proposing to col-~~
4 ~~lect or use passenger facility charge revenue for~~
5 ~~a project not previously approved by the Sec-~~
6 ~~retary or not included in a report required by~~
7 ~~paragraph (1) that was submitted in a prior~~
8 ~~year shall provide to air carriers and foreign air~~
9 ~~carriers operating at the airport reasonable no-~~
10 ~~tice, and an opportunity to comment on the~~
11 ~~planned collection and use of program revenue~~
12 ~~before providing the report required under~~
13 ~~paragraph (1). The Secretary shall prescribe by~~
14 ~~regulation what constitutes reasonable notice~~
15 ~~under this paragraph, which shall at a min-~~
16 ~~imum include—~~
17 ~~"(i) that the eligible agency provide to~~
18 ~~air carriers and foreign air carriers oper-~~
19 ~~ating at the airport written notice of the~~
20 ~~planned collection and use of passenger fa-~~
21 ~~cility charge revenue;~~
22 ~~"(ii) that the notice include a full de-~~
23 ~~scription and justification for a proposed~~
24 ~~project;~~

1 ~~"(iii) that the notice include a detailed~~
2 ~~financial plan for the proposed project; and~~
3 ~~"(iv) that the notice include the pro-~~
4 ~~posed level for the passenger facility~~
5 ~~charge.~~
6 ~~"(B) An eligible agency providing notice~~
7 ~~and an opportunity for comment shall be~~
8 ~~deemed to have satisfied the requirements of~~
9 ~~this paragraph if the eligible agency provides~~
10 ~~such notice to air carriers and foreign air car-~~
11 ~~riers that have a significant business interest at~~
12 ~~the airport. For purposes of this subparagraph,~~
13 ~~the term 'significant business interest' means~~
14 ~~an air carrier or foreign air carrier that—~~
15 ~~"(i) had not less than 1.0 percent of~~
16 ~~passenger boardings at the airport in the~~
17 ~~prior calendar year;~~
18 ~~"(ii) had at least 25,000 passenger~~
19 ~~boardings at the airport in the prior cal-~~
20 ~~endar year; or~~
21 ~~"(iii) provides scheduled service at the~~
22 ~~airport.~~
23 ~~"(C) Not later than 45 days after written~~
24 ~~notice is provided under subparagraph (A),~~
25 ~~each air carrier and foreign air carrier may pro-~~

~~vide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.~~

~~"(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.~~

~~"(4) PUBLIC NOTICE AND COMMENT.—~~

~~"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).~~

~~"(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under~~

~~this paragraph, which shall at a minimum require—~~

~~"(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;~~

~~"(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and~~

~~"(iii) submission of public comments no later than 45 days after the date of the publication of the notice.~~

~~"(5) OBJECTIONS.—~~

~~"(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).~~

~~"(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.~~

~~"(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—~~

~~"(i) the project is not an eligible airport related project;~~

~~"(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;~~

~~"(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or~~

~~"(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.~~

~~"(D) Upon issuance of a decision terminating authority, the public agency shall pre-~~

~~pare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.~~

~~"(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).~~

~~"(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—~~

~~"(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.~~

~~"(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the~~

~~Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).~~

~~"(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).~~

~~"(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.".~~

~~(b) CONFORMING AMENDMENTS.—~~

~~(1) REFERENCES.—~~

~~(A) Section 40117(a) is amended—~~

~~(i) by striking "FEE" in the heading for paragraph (5) and inserting "CHARGE"; and~~

~~(ii) by striking "fee" each place it appears in paragraphs (5) and (6) and inserting "charge".~~

~~(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—~~

~~(i) by striking "fee" or "fees" each place either appears and inserting "charge" or "charges", respectively; and~~

~~(ii) by striking "FEE" in the subsection caption for subsection (l), and "FEES" in the subsection captions for subsections (e) and (m), and inserting "CHARGE" and "CHARGES", respectively.~~

~~(C) The caption for section 40117 is amended to read as follows:~~

~~"§ 40117. Passenger facility charges".~~

~~(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:~~

~~"40117. Passenger facility charges.".~~

~~(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—~~

~~(A) by striking "subsection (c) of this section to finance a specific" and inserting "subsection (c)(6) of this section to finance an intermodal ground access";~~

~~(B) by striking "specific" in paragraph (1);~~

~~(C) by striking paragraph (2) and inserting the following:~~

~~"(2) the project is an eligible airport-related project; and";~~

~~(D) by striking "each of the specific projects; and" in paragraph (3) and inserting "the project."; and~~

~~(E) by striking paragraph (4).~~

~~(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: "(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.".~~

~~(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking "long-term".~~

~~(5) COMPLIANCE.—Section 40117(h) is amended—~~

~~(A) by redesignating paragraph (3) as paragraph (4); and~~

~~(B) by inserting after paragraph (2) the following:~~

~~"(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.".~~

~~(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—~~

~~(A) by striking "(c)(2)" in paragraph (2) and inserting "(c)(3)"; and~~

~~(B) by striking "date that is 3 years after the date of issuance of regulations to carry out this subsection." in paragraph (7) and inserting~~

~~"date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.".~~

~~(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking "sponsor" the second place it appears in the first sentence and all that follows and inserting "sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(e) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.".~~

~~SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.~~

~~(a) IN GENERAL.—Section 40117 is amended by adding at the end thereof the following:~~

~~"(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—~~

~~"(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set~~

forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

"(2) COLLECTION REQUIREMENTS.—

"(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

"(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

"(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

"(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.".

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being in-

~~cluded in the ticket price. In the study, the Comptroller General shall consider, at a minimum—~~

~~(A) collection options for arriving, connecting, and departing passengers at airports;~~

~~(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and~~

~~(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.~~

~~(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.~~

~~SEC. 203. AMENDMENTS TO GRANT ASSURANCES.~~

~~Section 47107 is amended—~~

~~(1) by striking "made;" in subsection (a)(16)(D)(ii) and inserting "made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or re-~~

placement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

~~"(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;~~

~~"(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and~~

~~"(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).".~~

~~SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.~~

~~(a) FEDERAL SHARE.—Section 47109 is amended—~~

~~(1) by striking "subsection (b) or subsection (c)" in subsection (a) and inserting "subsection (b), (c), or (e)"; and~~

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

~~"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.".~~

~~(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking "year 2004." and inserting "years 2010 and 2011.".~~

~~SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.~~

~~Section 47110 is amended—~~

~~(1) by striking subsection (d) and inserting the following:~~

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

~~"(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);~~

~~"(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and~~

~~"(3) the Secretary determines that the change is beyond the control of the airport sponsor."; and~~

~~(2) by striking "facilities, including fuel farms and hangars," in subsection (h) and inserting "facilities, as defined by section 47102,".~~

~~SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.~~

~~Section 47133(b) is amended—~~

~~(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;~~

~~(2) by inserting "(1)" before "Subsection"; and~~

~~(3) by adding at the end thereof the following:~~

~~"(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—~~

~~"(A) the sale is approved by the Secretary;~~

~~"(B) funding is provided under this title for the public sponsor's acquisition; and~~

~~"(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.~~

~~"(3) This subsection shall apply to grants issued on or after October 1, 1996.".~~

~~SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.~~

~~Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.~~

~~SEC. 208. MISCELLANEOUS AMENDMENTS.~~

~~(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—~~

~~(1) by striking "each airport to—" in subsection (a) and inserting "the airport system to—";~~

~~(2) by striking "system in the particular area," in subsection (a)(1) and inserting "system, including connection to the surface transportation network, and";~~

~~(3) by striking "aeronautics; and" in subsection (a)(2) and inserting "aeronautics.";~~

~~(4) by striking subsection (a)(3);~~

~~(5) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);~~

~~(6) by striking "operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations," in subsection (b)(2), as redesignated, and inserting "operations"; and~~

~~(7) by striking "status of the" in subsection (d).~~

~~(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—~~

~~(1) by striking "separated from" in paragraph (1)(B) and inserting "discharged or released from active duty in";~~

~~(2) by adding at the end of paragraph (1) the following:~~

~~"(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom."; and~~

~~(3) by striking "veterans and" in paragraph (2) and inserting "veterans, Afghanistan-Iraq war veterans, and".~~

~~(c) ANNUAL REPORT.—Section 47131(a) is amended—~~

~~(1) by striking "April 1" and inserting "June 1"; and~~

~~(2) by striking paragraphs (1) through (4) and inserting the following:~~

~~"(1) a summary of airport development and planning completed;~~

~~"(2) a summary of individual grants issued;~~

~~"(3) an accounting of discretionary and apportioned funds allocated; and~~

~~"(4) the allocation of appropriations; and".~~

~~(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.~~

~~(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—~~

~~(1) by striking "47102(3)(F),"~~ ~~in subsection (a);~~

~~(2) by striking "47102(3)(F),"~~ ~~in subsection (b);~~

~~(3) by striking "47102(3)(L), or 47140"~~ ~~in subsection (b) and inserting "or 47102(3)(L),";~~

~~(4) by striking "47103(3)(F),~~ ~~in subsection (b); and~~

~~(5) by striking "47102(3)(L), or 47140,"~~ ~~in subsection (b) and inserting "or 47102(3)(L),".~~

~~(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking "(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),".~~

~~(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—~~

~~(1) by striking "Airport Capacity Benchmark Report 2001." in paragraph (2) and inserting "2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report"; and~~

~~(2) by adding at the end thereof the following:~~

~~"(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.".~~

~~(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—~~

~~(1) by striking "35 percent" in the first sentence and inserting "$300,000,000";~~

~~(2) by striking "and" after "47141,";~~

~~(3) by striking "et seq.)." and inserting "et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title."; and~~

~~(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are".~~

~~(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—~~

~~(1) by striking "and" after the semicolon in subparagraph (E)(ii);~~

~~(2) by striking "airport." in subparagraph (E)(iii) and inserting "airport; and";~~

~~(3 by adding at the end of subparagraph (E) the following:~~

~~"(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.";~~ ~~and~~

~~(4) by adding at the end thereof the following:~~

~~"(II) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008 or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.".~~

~~(j) Section 47102(3) is amended by adding at the end the following:~~

~~"(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.".~~

~~(k) Section 47115(g)(1) is amended by striking "of—" and all that follows and inserting "of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.".~~

~~SEC. 209. STATE BLOCK GRANT PROGRAM.~~

~~Section 47128 is amended—~~

~~(1) by striking "regulations" each place it appears in subsection (a) and inserting "guidance";~~

~~(2) by striking "grant," in subsection (b)(4) and inserting "grant, including Federal environmental requirements or an agreed upon equivalent,";~~

~~(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:~~

~~"(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.";~~

~~and~~

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

~~"(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).".~~

~~SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.~~

~~Section 47173(a) is amended by striking "project." and inserting "project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.".~~

~~SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.~~

~~Section 47504 is amended by adding at the end the following:~~

~~"(c) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—~~

~~"(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).~~

~~"(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or ob-~~

~~tain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.~~

~~SEC. 212. SAFETY-CRITICAL AIRPORTS.~~

~~Section 47118(c) is amended—~~

~~(1) by striking ''or'' after the semicolon in paragraph (1);~~

~~(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and~~

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

~~''(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.''.~~

~~SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.~~

~~(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:~~

“§ 47143. Environmental mitigation demonstration pilot program

“(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

“(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

“(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

“(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

“(2) will be implemented by an eligible consortium.

1 ~~"(d) FEDERAL SHARE.—Notwithstanding any other~~
2 ~~provision of this subchapter, the United States Govern-~~
3 ~~ment's share of the costs of a project carried out under~~
4 ~~this section shall be 50 percent.~~
5 ~~"(e) MAXIMUM AMOUNT.—Not more than~~
6 ~~$2,500,000 may be made available by the Secretary in~~
7 ~~grants under this section for any single project.~~
8 ~~"(f) IDENTIFYING BEST PRACTICES.—The Adminis-~~
9 ~~trator may develop and publish information identifying~~
10 ~~best practices for reducing or mitigating aviation impacts~~
11 ~~on noise, air quality, or water quality in the vicinity of~~
12 ~~airports, based on the projects carried out under the pilot~~
13 ~~program.~~
14 ~~"(g) DEFINITIONS.—In this section:~~
15 ~~"(1) ELIGIBLE CONSORTIUM.—The term 'eligi-~~
16 ~~ble consortium' means a consortium that comprises~~
17 ~~2 or more of the following entities:~~
18 ~~"(A) Businesses operating in the United~~
19 ~~States.~~
20 ~~"(B) Public or private educational or re-~~
21 ~~search organizations located in the United~~
22 ~~States.~~
23 ~~"(C) Entities of State or local governments~~
24 ~~in the United States.~~
25 ~~"(D) Federal laboratories.~~

1 ~~"(2) ENVIRONMENTAL MITIGATION DEM-~~
2 ~~ONSTRATION PROJECT.—The term 'environmental~~
3 ~~mitigation demonstration project' means a project~~
4 ~~that—~~
5 ~~"(A) introduces new conceptual environ-~~
6 ~~mental mitigation techniques or technology with~~
7 ~~associated benefits, which have already been~~
8 ~~proven in laboratory demonstrations;~~
9 ~~"(B) proposes methods for efficient adap-~~
10 ~~tation or integration of new concepts to airport~~
11 ~~operations; and~~
12 ~~"(C) will demonstrate whether new tech-~~
13 ~~niques or technology for environmental mitiga-~~
14 ~~tion identified in research are—~~
15 ~~"(i) practical to implement at or near~~
16 ~~multiple public use airports; and~~
17 ~~"(ii) capable of reducing noise, airport~~
18 ~~emissions, or water quality impacts in~~
19 ~~measurably significant amounts.".~~
20 ~~(b) CONFORMING AMENDMENT.—The table of con-~~
21 ~~tents for chapter 471 is amended by inserting after the~~
22 ~~item relating to section 47142 the following:~~

~~"47143. Environmental mitigation demonstration pilot program.".~~

23 **~~SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DE-~~**
24 **~~VELOPMENT PROGRAM.~~**
25 ~~Section 47110(c) is amended—~~

~~(1) by striking "; or" in paragraph (1) and inserting a semicolon;~~

~~(2) by striking "project." in paragraph (2) and inserting "project; or"; and~~

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

~~"(3) necessarily incurred in anticipation of severe weather.".~~

~~SEC. 215. GLYCOL RECOVERY VEHICLES.~~

~~Section 47102(3)(G) is amended by inserting "including acquiring glycol recovery vehicles," after "aircraft,".~~

~~SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.~~

~~Section 44504(b) is amended—~~

~~(1) by striking "and" after the semicolon in paragraph (6);~~

~~(2) by striking "aircraft." in paragraph (7) and inserting "aircraft; and"; and~~

~~(3) by adding at the end thereof the following:~~

~~"(8) to conduct research to support programs designed to reduce gases and particulates emitted.".~~

~~SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.~~

~~Section 47114(c) is amended—~~

~~(1) by inserting "AND ANY UNITED STATES TERRITORY" after "ALASKA" in the subsection heading; and~~

~~(2) by adding at the end thereof the following:~~

~~"(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.".~~

~~SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.~~

~~(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska,~~

more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

"(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

"(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act,

~~the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.~~

~~"(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 7 other members, who shall consist of—~~

~~"(A) the Administrator and a representative from the Department of Defense;~~

~~"(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and~~

~~"(C) 4 members representing aviation interests, as follows:~~

~~"(i) 1 representative that is the chief executive officer of an airport.~~

~~"(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.~~

~~"(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are~~

~~involved with the operation, maintenance or procurement of the air traffic control system.~~

~~"(iv) 1 representative with extensive operational experience in the general aviation community.~~

~~"(3) APPOINTMENT AND QUALIFICATIONS.—~~

~~"(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.~~

~~"(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—~~

~~"(i) management of large service organizations;~~

~~"(ii) customer service;~~

~~"(iii) management of large procurements;~~

1 ~~"(iv) information and communications~~
2 ~~technology;~~
3 ~~"(v) organizational development; and~~
4 ~~"(vi) labor relations.~~
5 ~~"(C) Of the members first appointed under~~
6 ~~paragraphs (2)(B) and (2)(C)—~~
7 ~~"(i) 2 shall be appointed for terms of~~
8 ~~1 year;~~
9 ~~"(ii) 1 shall be appointed for a term~~
10 ~~of 2 years;~~
11 ~~"(iii) 1 shall be appointed for a term~~
12 ~~of 3 years; and~~
13 ~~"(iv) 1 shall be appointed for a term~~
14 ~~of 4 years.~~
15 ~~"(4) FUNCTIONS.—~~
16 ~~"(A) IN GENERAL.—The Board shall—~~
17 ~~"(i) review and provide advice on the~~
18 ~~Administration's modernization programs,~~
19 ~~budget, and cost accounting system;~~
20 ~~"(ii) review the Administration's stra-~~
21 ~~tegic plan and make recommendations on~~
22 ~~the non-safety program portions of the~~
23 ~~plan, and provide advice on the safety pro-~~
24 ~~grams of the plan;~~

~~"(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;~~

~~"(iv) approve procurements of air traffic control equipment in excess of $100,000,000;~~

~~"(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;~~

~~"(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;~~

~~"(vii) annually review and make recommendations on the NextGen Implementation Plan;~~

~~"(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a)~~

of the FAA Air Transportation Modernization and Safety Improvement Act; and

"(ix) approve the selection of the head of the Joint Planning and Development Office.

"(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such

~~rulemaking committees as the Administrator shall designate.~~

~~"(6) ADMINISTRATIVE MATTERS.—~~

~~"(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.~~

~~"(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.~~

~~"(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.~~

~~"(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.~~

~~"(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.~~

1 ~~"(F) CLAIMS AGAINST MEMBERS OF THE~~
2 ~~BOARD.—~~
3 ~~"(i) IN GENERAL.—A member ap-~~
4 ~~pointed to the Board shall have no per-~~
5 ~~sonal liability under State or Federal law~~
6 ~~with respect to any claim arising out of or~~
7 ~~resulting from an act or omission by such~~
8 ~~member within the scope of service as a~~
9 ~~member of the Board.~~
10 ~~"(ii) EFFECT ON OTHER LAW.—This~~
11 ~~subparagraph shall not be construed—~~
12 ~~"(I) to affect any other immunity~~
13 ~~or protection that may be available to~~
14 ~~a member of the Board under applica-~~
15 ~~ble law with respect to such trans-~~
16 ~~actions;~~
17 ~~"(II) to affect any other right or~~
18 ~~remedy against the United States~~
19 ~~under applicable law; or~~
20 ~~"(III) to limit or alter in any way~~
21 ~~the immunities that are available~~
22 ~~under applicable law for Federal offi-~~
23 ~~cers and employees.~~

1 ~~"(G) ETHICAL CONSIDERATIONS.—Each~~
2 ~~member of the Board appointed under para-~~
3 ~~graph (2)(B) must certify that the member—~~
4 ~~"(i) does not have a pecuniary interest~~
5 ~~in, or own stock in or bonds of, an aviation~~
6 ~~or aeronautical enterprise, except an inter-~~
7 ~~est in a diversified mutual fund or an in-~~
8 ~~terest that is exempt from the application~~
9 ~~of section 208 of title 18;~~
10 ~~"(ii) does not engage in another busi-~~
11 ~~ness related to aviation or aeronautics; and~~
12 ~~"(iii) is not a member of any organi-~~
13 ~~zation that engages, as a substantial part~~
14 ~~of its activities, in activities to influence~~
15 ~~aviation-related legislation.~~
16 ~~"(H) CHAIRMAN; VICE CHAIRMAN.—The~~
17 ~~Board shall elect a chair and a vice chair from~~
18 ~~among its members, each of whom shall serve~~
19 ~~for a term of 2 years. The vice chair shall per-~~
20 ~~form the duties of the chairman in the absence~~
21 ~~of the chairman.~~
22 ~~"(I) COMPENSATON.—No member shall re-~~
23 ~~ceive any compensation or other benefits from~~
24 ~~the Federal Government for serving on the~~
25 ~~Board, except for compensation benefits for in-~~

juries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

"(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

"(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

"(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic con-

~~trol system' has the meaning given that term in section 40102(a).''.~~

~~SEC. 302. NEXTGEN MANAGEMENT.~~

~~(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.~~

~~(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—~~

~~(1) oversee the implementation of all Administration NextGen programs;~~

~~(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;~~

~~(3) develop an annual NextGen implementation plan; and~~

~~(4) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.~~

~~SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.~~

~~Section 106(l) is amended by adding at the end the following:~~

~~"(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—~~

~~"(A) promote the safety of life and property;~~

~~"(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;~~

~~"(C) encourage competition and provide services to the largest feasible number of users; and~~

~~"(D) take into account the unique role served by general aviation.".~~

~~SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.~~

~~Section 106(m) is amended by striking "without" in the last sentence and inserting "with or without".~~

~~SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.~~

~~Section 40110(c) is amended—~~

~~(1) by inserting "and" after the semicolon in paragraph (3);~~

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

~~(3) by redesignating paragraph (5) as paragraph (4).~~

~~SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.~~

~~Section 40113(e) is amended—~~

~~(1) by inserting "(whether public or private)" in paragraph (1) after "authorities";~~

~~(2) by striking "safety." in paragraph (1) and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears."; and~~

~~(3) by striking "appropriation from which expenses were incurred in providing such services." in paragraph (3) and inserting "appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.".~~

~~SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.~~

~~Section 40122(g)(2) is amended—~~

~~(1) by striking "and" after the semicolon in subparagraph (G);~~

~~(2) by striking "Board." in subparagraph (H) and inserting "Board; and"; and~~

~~(3) by inserting at the end the following new subparagraph:~~

~~"(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—~~

~~"(i) for purposes of applying such provisions to the personnel management system—~~

~~"(I) the term 'agency' means the Department of Transportation;~~

~~"(II) the term 'senior executive' means a Federal Aviation Administration executive;~~

~~"(III) the term 'career appointee' means a Federal Aviation Administration career executive; and~~

~~"(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;~~

~~"(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and~~

~~"(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the~~

~~basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.~~

~~SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.~~

~~(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.~~

~~(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.~~

~~(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.~~

~~(d) REVIEW AND RECOMMENDATIONS.—~~

~~(1) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.~~

~~(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).~~

~~(3) The Administrator may not consolidate any additional approach control facilities into the South-~~

~~ern California TRACON, or the Memphis TRACON until the Board's recommendations are completed.~~

~~(c) REALIGNMENT DEFINED.—In this section, the term "realignment"—~~

~~(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but~~

~~(2) does not include a reduction in personnel resulting from workload adjustments.~~

~~SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.~~

~~(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—~~

~~(1) by inserting "strategic and cross-agency" after "manage" in subsection (a)(1);~~

~~(2) by adding at the end of subsection (a)(1) "The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air~~

~~Transportation Modernization and Safety Improvement Act.'';~~

~~(3) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);~~

~~(4) by inserting after subsection (a)(3) the following:~~

~~''(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—~~

~~''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;~~

~~''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and~~

~~''(iii) managing all Next Generation Air Transportation System programs for~~

~~the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).~~

~~"(C) The head of any such Department or agency shall ensure that—~~

~~"(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and~~

~~"(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.~~

~~"(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and~~

~~agencies participating in the Next Generation Air Transportation System project that—~~

~~"(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and~~

~~"(II) the budgetary and staff resources committed to the project.~~

~~"(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.";~~

~~(5) by striking "beyond those currently included in the Federal Aviation Administration's Operational Evolution Plan" in subsection (b);~~

~~(6) by striking "research and development roadmap" in subsection (b)(3) and inserting "implementation plan";~~

~~(7) by striking "and" after the semicolon in subsection (b)(3)(B);~~

~~(8) by inserting after subsection (b)(3)(C) the following:~~

~~"(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation~~

~~System within a timeframe consistent with the integrated plan; and'';~~

~~(9) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);~~

~~(10) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';~~

~~(11) by adding at the end of subsection (b) the following:~~

~~''Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.'';~~ ~~and~~

~~(12) by striking ''2010.'' in subsection (c) and inserting ''2011.''.~~

~~(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.~~

~~SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.~~

~~Section 40102(a)(4) is amended—~~

~~(1) by striking subparagraph (B) and inserting the following:~~

~~''(B) runway lighting and airport surface visual and other navigation aids;'';~~

~~(2) by striking "weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and" in subparagraph (C) and inserting "aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;";~~

~~(3) by striking "another structure" in subparagraph (D) and inserting "any structure or equipment";~~

~~(4) by striking "aircraft." in subparagraph (D) and inserting "aircraft; and"; and~~

~~(5) by adding at the end the following:~~

~~"(E) buildings, equipment and systems dedicated to the National Airspace System.".~~

~~SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.~~

~~Section 40110(a)(2) is amended by striking "compensation; and" and inserting "compensation, and the amount received may be credited to the appropriation current when the amount is received; and".~~

~~SEC. 312. EDUCATIONAL REQUIREMENTS.~~

~~The Administrator shall make payments to the Department of Defense for the education of dependent chil-~~

~~dren of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.~~

~~SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.~~

~~Section 40122(a)(2) is amended to read as follows:~~

~~"(2) DISPUTE RESOLUTION.—~~

~~"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.~~

~~"(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues~~

~~in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an oppor-~~

~~tunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.~~

~~"(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).~~

1 ~~"(D) ENFORCEMENT.—Enforcement of the~~
2 ~~provisions of this paragraph shall be in the~~
3 ~~United States District Court for the District of~~
4 ~~Columbia.".~~

5 **~~SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.~~**

6 ~~(a) OEP AIRPORT PROCEDURES.—~~

7 ~~(1) IN GENERAL.—Within 6 months after the~~
8 ~~date of enactment of this Act, the Administrator~~
9 ~~shall publish a report, after consultation with rep-~~
10 ~~resentatives of appropriate Administration employee~~
11 ~~groups, airport operators, air carriers, and aircraft~~
12 ~~manufacturers that includes the following:~~

13 ~~(A) RNP/RNAV OPERATIONS.—The re-~~
14 ~~quired navigation performance and area navigation~~
15 ~~operations, including the procedures to be~~
16 ~~developed, certified, and published and the air~~
17 ~~traffic control operational changes, to maximize~~
18 ~~the efficiency and capacity of NextGen commer-~~
19 ~~cial operations at the 35 Operational Evolution~~
20 ~~Partnership airports identified by the Adminis-~~
21 ~~tration.~~

22 ~~(B) COORDINATION AND IMPLEMENTATION~~
23 ~~ACTIVITIES.—A description of the activities and~~
24 ~~operational changes and approvals required to~~

~~coordinate and utilize those procedures at those airports.~~

~~(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—~~

~~(i) clearly defined budget, schedule, project organization, and leadership requirements;~~

~~(ii) specific implementation and transition steps; and~~

~~(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.~~

~~(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.~~

~~(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.~~

~~(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—~~

~~(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;~~

~~(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and~~

~~(C) 100 percent of the procedures before January 1, 2014.~~

~~(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—~~

~~(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.~~

~~(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—~~

~~(A) 25 percent of the required procedures at such other airports before January 1, 2015;~~

~~(B) 50 percent of the procedures at such other airports before January 1, 2016;~~

~~(C) 75 percent of the procedures at such other airports before January 1, 2017; and~~

~~(D) 100 percent of the procedures before January 1, 2018.~~

~~(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.~~

~~(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclusion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.~~

~~(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications~~

~~system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—~~

~~(1) clearly defined budget, schedule, project organization, and leadership requirements;~~

~~(2) specific implementation and transition steps; and~~

~~(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.~~

~~(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—~~

~~(1) evaluates whether utilization of ADS–B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;~~

~~(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and~~

~~(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.~~

~~SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.~~

~~(a) IN GENERAL.—~~

~~(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—~~

~~(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;~~

~~(B) a transition plan for ADS–B that includes date-specific milestones for the imple-~~

~~mentation of new capabilities into the National Airspace System;~~

~~(C) identification of any potential operational or workforce changes resulting from deployment of ADS–B;~~

~~(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and~~

~~(E) baseline and performance metrics in order to measure the agency's progress.~~

~~(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users from deployment of ADS–B and provide and explanation of the metrics used to quantify those benefits.~~

~~(b) RULEMAKINGS.—~~

~~(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—~~

~~(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—~~

~~(i) identify the ADS–B Out technology that will be required under NextGen;~~

~~(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and~~

~~(iii) identify—~~

~~(I) the type of such avionics required of aircraft for all classes of airspace;~~

~~(II) the expected costs associated with the avionics; and~~

~~(III) the expected uses and benefits of the avionics; and~~

~~(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.~~

~~(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—~~

~~(A) identify the ADS–B In technology that will be required under NextGen;~~

~~(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and~~

~~(C) identify—~~

~~(i) the type of such avionics required of aircraft for all classes of airspace;~~

~~(ii) the expected costs associated with the avionics; and~~

~~(iii) the expected uses and benefits of the avionics.~~

~~(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—~~

~~(A) the necessary ground infrastructure is installed and functioning properly;~~

~~(B) certification standards have been approved; and~~

~~(C) appropriate operational platforms interface safely and efficiently.~~

~~(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the~~

~~use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—~~

~~(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;~~

~~(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;~~

~~(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and~~

~~(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.~~

~~SEC. 316. EQUIPAGE INCENTIVES.~~

~~(a) IN GENERAL.—The Administrator shall issue a report that—~~

~~(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;~~

~~(2) identifies the costs and benefits of each option; and~~

~~(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.~~

~~(b) DEADLINE.—The Administrator shall issue the report before the earlier of—~~

~~(1) the date that is 6 months after the date of enactment of this Act; or~~

~~(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.~~

~~SEC. 317. PERFORMANCE METRICS.~~

~~(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—~~

~~(1) the allowable operations per hour on runways;~~

~~(2) average gate-to-gate times;~~

~~(3) fuel burned between key city pairs;~~

~~(4) operations using the advanced procedures implemented under section 314 of this Act;~~

~~(5) average distance flown between key city pairs;~~

~~(6) time between pushing back from the gate and taking off;~~

~~(7) uninterrupted climb or descent;~~

~~(8) average gate arrival delay for all arrivals;~~

~~(9) flown versus filed flight times for key city pairs; and~~

~~(10) metrics to demonstrate reduced fuel burn and reduced emissions.~~

~~(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.~~

~~(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.~~

~~(d) REPORTS.—~~

~~(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—~~

~~(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and~~

~~(B) information about how any additional metrics were developed.~~

~~(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.~~

~~SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.~~

~~(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—~~

~~(1) updated project plans and timelines to meet the deadlines established by this title;~~

~~(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage, airline operational procedures, pilot training~~

~~standards, air traffic control procedures, and air traffic controller training;~~

~~(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;~~

~~(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and~~

~~(5) performance metrics to measure the Administration's progress.~~

~~(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.~~

~~SEC. 319. UNMANNED AERIAL SYSTEMS.~~

~~(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—~~

~~(1) creates a pilot project to integrate such vehicles into the National Airspace System at 2 test sites in the National Airspace System by 2012;~~

~~(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;~~

~~(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;~~

~~(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;~~

~~(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;~~

~~(6) addresses both military and civilian unmanned aerial system operations;~~

~~(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and~~

~~(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.~~

~~SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.~~

~~(a) IN GENERAL.—The Air Traffic Organization shall—~~

~~(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;~~

~~(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;~~

~~(3) accelerate implementation of the program; and~~

~~(4) carry out such additional duties as the Administrator may require.~~

~~(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—~~

~~(1) consider options for expediting the certification of Ground Based Augmentation System technology; and~~

~~(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.~~

~~SEC. 321. STAKEHOLDER COORDINATION.~~

~~(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by~~

~~each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.~~

~~(b) PARTICIPATION.—~~

~~(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.~~

~~(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—~~

~~(A) serve in a collaborative and advisory capacity; and~~

~~(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.~~

~~(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.~~

~~SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.~~

~~(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions".~~

~~(b) MEMBERSHIP.—~~

~~(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—~~

~~(A) 7 members shall be appointed by the Administrator; and~~

~~(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.~~

~~(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—~~

~~(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can~~

~~lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and~~

~~(B) 2 members shall be specialists on the rehabilitation of aging buildings.~~

~~(3) TERMS.—Members shall be appointed for the life of the Task Force.~~

~~(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.~~

~~(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.~~

~~(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.~~

~~(d) TASK FORCE PERSONNEL MATTERS.—~~

~~(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.~~

~~(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.~~

~~(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.~~

~~(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.~~

~~(f) DUTIES.—~~

~~(1) STUDY.—The Task Force shall undertake a study of—~~

~~(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;~~

~~(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;~~

~~(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;~~

~~(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;~~

~~(E) whether employees of the Administration who report facility-related illnesses are treated fairly;~~

~~(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and~~

~~(G) resources allocated to facility maintenance and renovation by the Administration.~~

~~(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).~~

~~(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—~~

~~(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;~~

~~(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and~~

~~(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.~~

~~(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infra-~~

~~structure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).~~

~~(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.~~

~~(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.~~

~~(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.~~

~~SEC. 323. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.~~

~~(a) IN GENERAL.—~~

~~(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS–B equipage banks for making~~

~~loans and providing other assistance to public entities for projects eligible for assistance under this section.~~

~~(b) FUNDING.—~~

~~(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.~~

~~(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.~~

~~(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.~~

~~(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.~~

~~(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—~~

~~(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;~~

~~(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;~~

~~(3) ensure that investment income generated by funds contributed to an account of the bank will be—~~

~~(A) credited to the account;~~

~~(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and~~

~~(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;~~

~~(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;~~

~~(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and~~

~~(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.~~

~~SEC. 324. DEFINITIONS.~~

~~In this title:~~

~~(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.~~

~~(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.~~

(3) NEXTGEN.—The term ''NextGen'' means the Next Generation Air Transportation System.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Transportation.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

''(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

''(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements

~~under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.~~

~~"(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.~~

~~"(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:~~

~~"(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—~~

~~"(A) adequate food and potable water;~~

~~"(B) adequate restroom facilities;~~

~~"(C) cabin ventilation and comfortable cabin temperatures; and~~

~~"(D) access to necessary medical treatment.~~

~~"(2) RIGHT TO DEPLANE.—~~

1 ~~"(A) IN GENERAL.—Each air carrier shall~~
2 ~~submit a proposed contingency plan to the Sec-~~
3 ~~retary of Transportation that identifies a clear~~
4 ~~time frame under which passengers would be~~
5 ~~permitted to deplane a delayed aircraft. After~~
6 ~~the Secretary has reviewed and approved the~~
7 ~~proposed plan, the air carrier shall make the~~
8 ~~plan available to the public.~~
9 ~~"(B) DELAYS.—~~
10 ~~"(i) IN GENERAL.—As part of the~~
11 ~~plan, except as provided under clause (iii),~~
12 ~~an air carrier shall provide passengers with~~
13 ~~the option of deplaning and returning to~~
14 ~~the terminal at which such deplaning could~~
15 ~~be safely completed, or deplaning at the~~
16 ~~terminal if—~~
17 ~~"(I) 3 hours have elapsed after~~
18 ~~passengers have boarded the aircraft,~~
19 ~~the aircraft doors are closed, and the~~
20 ~~aircraft has not departed; or~~
21 ~~"(II) 3 hours have elapsed after~~
22 ~~the aircraft has landed and the pas-~~
23 ~~sengers on the aircraft have been un-~~
24 ~~able to deplane.~~

1 ~~"(ii) FREQUENCY.—The option de-~~
2 ~~scribed in clause (i) shall be offered to pas-~~
3 ~~sengers at a minimum not less often than~~
4 ~~once during each successive 3-hour period~~
5 ~~that the plane remains on the ground.~~
6 ~~"(iii) EXCEPTIONS.—This subpara-~~
7 ~~graph shall not apply if—~~
8 ~~"(I) the pilot of such aircraft~~
9 ~~reasonably determines that the air-~~
10 ~~craft will depart or be unloaded at the~~
11 ~~terminal not later than 30 minutes~~
12 ~~after the 3 hour delay; or~~
13 ~~"(II) the pilot of such aircraft~~
14 ~~reasonably determines that permitting~~
15 ~~a passenger to deplane would jeop-~~
16 ~~ardize passenger safety or security.~~
17 ~~"(C) APPLICATION TO DIVERTED~~
18 ~~FLIGHTS.—This section applies to aircraft with-~~
19 ~~out regard to whether they have been diverted~~
20 ~~to an airport other than the original destina-~~
21 ~~tion.~~
22 ~~"(D) REPORTS.—Not later than 30 days~~
23 ~~after any flight experiences a tarmac delay last-~~
24 ~~ing at least 3 hours, the air carrier responsible~~
25 ~~for such flight shall submit a written descrip-~~

~~tion of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.~~

~~"(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—~~

~~"(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and~~

~~"(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.~~

~~"(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.~~

~~"(g) APPROVAL.—~~

~~"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—~~

~~"(A) review the initial contingency plans submitted under subsection (b); and~~

~~"(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.~~

1 ~~"(2) UPDATES.—Not later than 60 days after~~
2 ~~the submission of an update under subsection (f) or~~
3 ~~an initial contingency plan by a new air carrier or~~
4 ~~airport, the Secretary shall—~~
5 ~~"(A) review the plan; and~~
6 ~~"(B) approve the plan if it closely adheres~~
7 ~~to the standards described in subsections (d) or~~
8 ~~(e), whichever is applicable.~~
9 ~~"(h) CIVIL PENALTIES.—The Secretary may assess~~
10 ~~a civil penalty under section 46301 against any air carrier~~
11 ~~or airport operator that does not submit, obtain approval~~
12 ~~of, or adhere to a contingency plan submitted under this~~
13 ~~section.~~
14 ~~"(i) PUBLIC ACCESS.—Each air carrier and airport~~
15 ~~operator required to submit a contingency plan under this~~
16 ~~section shall ensure public access to an approved plan~~
17 ~~under this section by—~~
18 ~~"(1) including the plan on the Internet Web~~
19 ~~site of the carrier or airport; or~~
20 ~~"(2) disseminating the plan by other means, as~~
21 ~~determined by the Secretary.~~
22 **~~"§ 41782. Air passenger complaints hotline and infor-~~**
23 **~~mation~~**
24 ~~"(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-~~
25 ~~PHONE NUMBER.—The Secretary of Transportation shall~~

establish a consumer complaints hotline telephone number for the use of air passengers.

"(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

"41781. Air carrier and airport contingency plans for long on-board tarmac delays.
"41782. Air passenger complaints hotline and information.".

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

"(f) CHRONICALLY DELAYED FLIGHTS.—

"(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

~~"(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and~~

~~"(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.~~

~~"(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be, shall prominently disclose to such individual, before such individual makes such booking, the following:~~

~~"(A) The on-time performance for the flight if the flight is a chronically delayed flight.~~

~~"(B) The cancellation rate for the flight if the flight is a chronically canceled flight.~~

~~"(3) DEFINITIONS.—In this subsection:~~

1 ~~"(A) CHRONICALLY DELAYED FLIGHT.—~~
2 ~~The term 'chronically delayed flight' means a~~
3 ~~regularly scheduled flight that has failed to ar-~~
4 ~~rive on time (as such term is defined in section~~
5 ~~234.2 of title 14, Code of Federal Regulations)~~
6 ~~at least 40 percent of the time during the most~~
7 ~~recent 3-month period for which data is avail-~~
8 ~~able.~~
9 ~~"(B) CHRONICALLY CANCELED FLIGHT.—~~
10 ~~The term 'chronically canceled flight' means a~~
11 ~~regularly scheduled flight at least 30 percent of~~
12 ~~the departures of which have been canceled dur-~~
13 ~~ing the most recent 3-month period for which~~
14 ~~data is available.".~~
15 ~~(b) EFFECTIVE DATE.—The amendment made by~~
16 ~~subsection (a) shall take effect 180 days after the date~~
17 ~~of enactment of this Act.~~
18 **~~SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-~~**
19 **~~PLAINT INVESTIGATIONS.~~**
20 ~~(a) IN GENERAL.—Subject to the availability of ap-~~
21 ~~propriations, the Secretary of Transportation shall inves-~~
22 ~~tigate consumer complaints regarding—~~
23 ~~(1) flight cancellations;~~
24 ~~(2) compliance with Federal regulations con-~~
25 ~~cerning overbooking seats flights;~~

~~(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;~~

~~(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;~~

~~(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;~~

~~(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and~~

~~(7) deceptive or misleading advertising.~~

~~(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.~~

~~SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.~~

~~(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those re-~~

~~quired by subchapter IV of chapter 417 of title 49, United States Code.~~

~~(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—~~

~~(1) air carriers;~~

~~(2) airport operators;~~

~~(3) State or local governments who has expertise in consumer protection matters; and~~

~~(4) a nonprofit public interest group who has expertise in consumer protection matters.~~

~~(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.~~

~~(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.~~

~~(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.~~

~~(f) DUTIES.—The duties of the advisory committee shall include—~~

~~(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and~~

~~(2) providing recommendations to establish additional aviation consumer protection programs, if needed.~~

~~(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—~~

~~(1) the recommendations made by the advisory committee during the preceding calendar year; and~~

~~(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.~~

~~SEC. 405. DISCLOSURE OF PASSENGER FEES.~~

~~(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—~~

~~(1) checked baggage or oversized or heavy baggage;~~

~~(2) meals, beverages, or other refreshments;~~

~~(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;~~

~~(4) purchasing tickets from an airline ticket agent or a travel agency; or~~

~~(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.~~

~~(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—~~

~~(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to travel agencies, and to notify passengers of the availability of such information when advertising airfares; and~~

~~(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.~~

~~SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES~~

~~SEC. 411. EAS CONNECTIVITY PROGRAM.~~

~~Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "may" and inserting "shall".~~

~~SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.~~

~~Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "September 30, 2007." and inserting "September 30, 2011.".~~

~~SEC. 413. EAS CONTRACT GUIDELINES.~~

~~Section 41737(a)(1) is amended—~~

~~(1) by striking "and" after the semicolon in subparagraph (B);~~

~~(2) by striking "provided." in subparagraph (C) and inserting "provided;"; and~~

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

~~"(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and~~

1 ~~"(E) include provisions under which the Sec-~~
2 ~~retary may execute long-term essential air service~~
3 ~~contracts to encourage carriers to provide air service~~
4 ~~to small and rural communities where it would be in~~
5 ~~the public interest to do so.".~~
6 ~~**SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.**~~
7 ~~(a) IN GENERAL.—Section 41745 is amended—~~
8 ~~(1) by redesignating subsections (c) through (g)~~
9 ~~as subsections (d) through (h), respectively; and~~
10 ~~(2) by inserting after subsection (b) the fol-~~
11 ~~lowing:~~
12 ~~"(c) CONVERSION OF LOST ELIGIBILITY AIR-~~
13 ~~PORTS.—~~
14 ~~"(1) IN GENERAL.—The Secretary shall estab-~~
15 ~~lish a program to provide general aviation conversion~~
16 ~~funding for airports serving eligible places that the~~
17 ~~Secretary has determined no longer qualify for a~~
18 ~~subsidy.~~
19 ~~"(2) GRANTS.—A grant under this sub-~~
20 ~~section—~~
21 ~~"(A) may not exceed twice the compensa-~~
22 ~~tion paid to provide essential air service to the~~
23 ~~airport in the fiscal year preceding the fiscal~~
24 ~~year in which the Secretary determines that the~~

~~place served by the airport is no longer an eligible place; and~~

~~"(B) may be used—~~

~~"(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;~~

~~"(ii) to defray operating expenses, if such use is approved by the Secretary; or~~

~~"(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.~~

~~"(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.~~

~~"(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.".~~

~~(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—~~

~~(1) by striking "An eligible place" and inserting "Neither an eligible place, nor a place to which subsection (c) applies,"; and~~

~~(2) by striking "not".~~

~~SEC. 415. EAS REFORM.~~

~~Section 41742(a) is amended—~~

~~(1) by adding at the end of paragraph (1) "Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended."; and~~

~~(2) by striking "$77,000,000" in paragraph (2) and inserting "$125,000,000".~~

~~SEC. 416. SMALL COMMUNITY AIR SERVICE.~~

~~(a) PRIORITIES.—Section 41743(c)(5) is amended—~~

~~(1) by striking "and" after the semicolon in subparagraph (D);~~

~~(2) by striking "fashion." in subparagraph (E) and inserting "fashion; and"; and~~

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

1 ~~"(F) multiple communities cooperate to~~
2 ~~submit a region or multistate application to im-~~
3 ~~prove air service.".~~
4 ~~(b) EXTENSION OF AUTHORIZATION.—Section~~
5 ~~41743(c)(2) is amended by striking "2008" and inserting~~
6 ~~"2011".~~
7 **~~SEC. 417. EAS MARKETING.~~**
8 ~~The Secretary of Transportation shall require all ap-~~
9 ~~plications to provide service under subchapter II of chap-~~
10 ~~ter 417 of title 49, United States Code, include a mar-~~
11 ~~keting plan.~~
12 **~~SEC. 418. RURAL AVIATION IMPROVEMENT.~~**
13 ~~(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY~~
14 ~~CAP.—~~
15 ~~(1) IN GENERAL.—Subchapter II of chapter~~
16 ~~417 is amended by adding at the end the following:~~
17 **~~"§ 41749. Essential air service for eligible places~~**
18 **~~above per passenger subsidy cap~~**
19 ~~"(a) PROPOSALS.—A State or local government may~~
20 ~~submit a proposal to the Secretary of Transportation for~~
21 ~~compensation for an air carrier to provide air transpor-~~
22 ~~tation to a place described in subsection (b).~~
23 ~~"(b) PLACE DESCRIBED.—A place described in this~~
24 ~~subsection is a place—~~
25 ~~"(1) that is otherwise an eligible place; and~~

1 ~~"(2) for which the per passenger subsidy ex-~~
2 ~~ceeds the dollar amount allowable under this sub-~~
3 ~~chapter.~~
4 ~~"(c) DECISIONS.—Not later than 90 days after re-~~
5 ~~ceiving a proposal under subsection (a) for compensation~~
6 ~~for an air carrier to provide air transportation to a place~~
7 ~~described in subsection (b), the Secretary shall—~~
8 ~~"(1) decide whether to provide compensation~~
9 ~~for the air carrier to provide air transportation to~~
10 ~~the place; and~~
11 ~~"(2) approve the proposal if the State or local~~
12 ~~government or a person is willing and able to pay~~
13 ~~the difference between—~~
14 ~~"(A) the per passenger subsidy; and~~
15 ~~"(B) the dollar amount allowable for such~~
16 ~~subsidy under this subchapter.~~
17 ~~"(d) COMPENSATION PAYMENTS.—~~
18 ~~"(1) IN GENERAL.—The Secretary shall pay~~
19 ~~compensation under this section at such time and in~~
20 ~~such manner as the Secretary determines is appro-~~
21 ~~priate.~~
22 ~~"(2) DURATION OF PAYMENTS.—The Secretary~~
23 ~~shall continue to pay compensation under this sec-~~
24 ~~tion only as long as—~~

1 ~~"(A) the State or local government or per-~~
2 ~~son agreeing to pay compensation under sub-~~
3 ~~section (c)(2) continues to pay such compensa-~~
4 ~~tion; and~~
5 ~~"(B) the Secretary decides the compensa-~~
6 ~~tion is necessary to maintain air transportation~~
7 ~~to the place.~~
8 ~~"(e) REVIEW.—~~
9 ~~"(1) IN GENERAL.—The Secretary shall peri-~~
10 ~~odically review the type and level of air service pro-~~
11 ~~vided under this section.~~
12 ~~"(2) CONSULTATION.—The Secretary may~~
13 ~~make appropriate adjustments in the type and level~~
14 ~~of air service to a place under this section based on~~
15 ~~the review under paragraph (1) and consultation~~
16 ~~with the affected community and the State or local~~
17 ~~government or person agreeing to pay compensation~~
18 ~~under subsection (c)(2).~~
19 ~~"(f) ENDING, SUSPENDING, AND REDUCING AIR~~
20 ~~TRANSPORTATION.—An air carrier providing air transpor-~~
21 ~~tation to a place under this section may end, suspend, or~~
22 ~~reduce such air transportation if, not later than 30 days~~
23 ~~before ending, suspending, or reducing such air transpor-~~
24 ~~tation, the air carrier provides notice of the intent of the~~

~~air carrier to end, suspend, or reduce such air transportation to—~~

~~"(1) the Secretary;~~

~~"(2) the affected community; and~~

~~"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".~~

~~(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:~~

~~"41749. Essential air service for eligible places above per passenger subsidy cap.".~~

~~(b) PREFERRED ESSENTIAL AIR SERVICE.—~~

~~(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:~~

~~"~~§ ~~41750. Preferred essential air service~~

~~"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.~~

1 ~~"(b) PREFERRED AIR CARRIER DESCRIBED.—A pre-~~
2 ~~ferred air carrier described in this subsection is an air car-~~
3 ~~rier that—~~
4 ~~"(1) submits an application under section~~
5 ~~41733(c) to provide air transportation to an eligible~~
6 ~~place;~~
7 ~~"(2) is not the air carrier that submits the low-~~
8 ~~est cost bid to provide air transportation to the eligi-~~
9 ~~ble place; and~~
10 ~~"(3) is an air carrier that the affected commu-~~
11 ~~nity prefers to provide air transportation to the eligi-~~
12 ~~ble place instead of the air carrier that submits the~~
13 ~~lowest cost bid.~~
14 ~~"(c) DECISIONS.—Not later than 90 days after re-~~
15 ~~ceiving a proposal under subsection (a) for compensation~~
16 ~~for a preferred air carrier described in subsection (b) to~~
17 ~~provide air transportation to an eligible place, the Sec-~~
18 ~~retary shall—~~
19 ~~"(1) decide whether to provide compensation~~
20 ~~for the preferred air carrier to provide air transpor-~~
21 ~~tation to the eligible place; and~~
22 ~~"(2) approve the proposal if the State or local~~
23 ~~government or a person is willing and able to pay~~
24 ~~the difference between—~~

~~"(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and~~

~~"(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.~~

~~"(d) COMPENSATION PAYMENTS.—~~

~~"(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.~~

~~"(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—~~

~~"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and~~

~~"(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.~~

~~"(e) REVIEW.—~~

1 ~~"(1) IN GENERAL.—The Secretary shall peri-~~
2 ~~odically review the type and level of air service pro-~~
3 ~~vided under this section.~~
4 ~~"(2) CONSULTATION.—The Secretary may~~
5 ~~make appropriate adjustments in the type and level~~
6 ~~of air service to an eligible place under this section~~
7 ~~based on the review under paragraph (1) and con-~~
8 ~~sultation with the affected community and the State~~
9 ~~or local government or person agreeing to pay com-~~
10 ~~pensation under subsection (c)(2).~~
11 ~~"(f) ENDING, SUSPENDING, AND REDUCING AIR~~
12 ~~TRANSPORTATION.—A preferred air carrier providing air~~
13 ~~transportation to an eligible place under this section may~~
14 ~~end, suspend, or reduce such air transportation if, not~~
15 ~~later than 30 days before ending, suspending, or reducing~~
16 ~~such air transportation, the preferred air carrier provides~~
17 ~~notice of the intent of the preferred air carrier to end,~~
18 ~~suspend, or reduce such air transportation to—~~
19 ~~"(1) the Secretary;~~
20 ~~"(2) the affected community; and~~
21 ~~"(3) the State or local government or person~~
22 ~~agreeing to pay compensation under subsection~~
23 ~~(c)(2).".~~
24 ~~(2) CLERICAL AMENDMENT.—The table of con-~~
25 ~~tents for chapter 417, as amended by subsection (a),~~

~~is further amended by adding after the item relating to section 41749 the following new item:~~

~~"41750. Preferred essential air service.".~~

~~(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following new subsection:~~

~~"(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—~~

~~"(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.~~

~~"(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).".~~

~~(d) OFFICE OF RURAL AVIATION.—~~

~~(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.~~

~~(e) FUNCTIONS.—The functions of the Office are—~~

~~(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;~~

~~(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—~~

~~(A) estimates from air carriers on—~~

~~(i) the cost of providing essential air service; and~~

~~(ii) the revenues air carriers expect to receive when providing essential air service; and~~

~~(B) estimated schedules for air transportation; and~~

~~(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).~~

~~(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PRO-~~

GRAM.—Section 41743(c)(2) is amended by striking "2008" and inserting "2011".

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

"(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.".

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees" ;

(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d);

(3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d)(2);

~~(4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier";~~

~~(5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";~~

~~(6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and~~

~~(7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as those terms are defined in section 40102 of this title)".~~

~~(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:~~

~~"47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.".~~

~~SEC. 432. CONTRACT TOWER PROGRAM.~~

~~(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—~~

~~(1) by inserting "(A)" after "(1)"; and~~

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

~~"(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the~~

~~benefit for a period of 18 months after such determination is made.~~

~~"(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.".~~

~~(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—~~

~~(1) by striking "and" after "2006,"; and~~

~~(2) by inserting "$9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007,"; and~~

~~(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.".~~

~~(c) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking "$1,500,000." and inserting "$2,000,000.".~~

~~(d) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:~~

~~"(e) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.".~~

~~SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.~~

~~(a) FINDINGS.—The Congress finds that—~~

~~(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;~~

~~(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;~~

~~(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;~~

~~(4) the unique demands of military service often preclude members of the Armed Forces from pur-~~

~~chasing discounted advance airline tickets in order to visit their loved ones at home; and~~

~~(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.~~

~~(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—~~

~~(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and~~

~~(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.~~

~~TITLE V— SAFETY~~

~~SUBTITLE A—AVIATION SAFETY~~

~~SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.~~

~~Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan~~

~~shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.~~

~~SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.~~

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

~~"(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.".~~

~~(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or".~~

~~SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.~~

~~Section 44704(a) is amended by adding at the end the following:~~

~~"(5) RELEASE OF DATA.—~~

~~"(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—~~

~~"(i) the certificate containing the requested data has been inactive for 3 years;~~

~~"(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and~~

~~"(iii) the designation of such data as public data will enhance aviation safety.~~

~~"(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.".~~

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(c) is amended—

(1) by striking "Beginning 7 years after the date of enactment of this subsection," in paragraph (1) and inserting "Effective January 1, 2013,";

(2) by striking "testing" in paragraph (2) and inserting "production"; and

(3) by striking paragraph (3) and inserting the following:

"(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.".

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

"§ 40130. FAA access to criminal history records or databases systems

"(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

"(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information

~~maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.~~

~~"(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.~~

~~"(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—~~

~~"(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State~~

~~who is certified or commissioned under the laws of that State;~~

~~"(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or~~

~~"(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.~~

~~"(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history~~

~~databases and the National Law Enforcement Telecommunications System.''.~~

~~(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:~~

~~''40130. FAA access to criminal history records or databases systems.''.~~

~~SEC. 506. FLIGHT CREW FATIGUE.~~

~~(a) IN GENERAL.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.~~

~~(b) STUDY.—The study shall include consideration of—~~

~~(1) research on fatigue, sleep, and circadian rhythms;~~

~~(2) sleep and rest requirements recommended by the National Transportation Safety Board; and~~

~~(3) international standards.~~

~~(c) REPORT.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.~~

~~(d) RULEMAKING.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National Academy in its rulemaking proceeding on flight time limitations and rest requirements.~~

~~(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute study on flight attendant fatigue.~~

~~SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.~~

~~(a) COMPLIANCE REGULATIONS.—~~

~~(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.~~

~~(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—~~

~~(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and~~

~~(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.~~

~~(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—~~

~~(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—~~

~~(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and~~

~~(B) to require helicopter and fixed wing aircraft emergency medical service operators to~~

~~use the checklist created under subparagraph (A) to determine whether a mission should be accepted.~~

~~(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.~~

~~(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—~~

~~(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—~~

~~(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and~~

~~(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).~~

~~(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.~~

~~(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical~~

~~service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.~~

~~(c) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—~~

~~(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—~~

~~(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;~~

~~(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period; and~~

~~(C) the number of flights and the purpose of each flight for each aircraft or helicopter~~

~~used by the certificate holder to provide such services during the reporting period.~~

~~(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.~~

~~(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—~~

~~(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.~~

~~(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and~~

~~flight data information on board aircraft described in paragraph (1).~~

~~SEC. 508. CABIN CREW COMMUNICATION.~~

~~(a) IN GENERAL.—Section 44728 is amended—~~

~~(1) by redesignating subsection (f) as subsection (g); and~~

~~(2) by inserting after subsection (e) the following:~~

~~"(f) MINIMUM LANGUAGE SKILLS.—~~

~~"(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—~~

~~"(A) read material written in English and comprehend the information;~~

~~"(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;~~

~~"(C) write incident reports and statements and log entries and statements; and~~

1 ~~"(D) carry out written and oral instruc-~~
2 ~~tions regarding the proper performance of their~~
3 ~~duties.~~
4 ~~"(2) FOREIGN FLIGHTS.—The requirements of~~
5 ~~paragraph (1) do not apply to service as a flight at-~~
6 ~~tendant serving solely between points outside the~~
7 ~~United States.".~~
8 ~~(b) ADMINISTRATION.—The Administrator of the~~
9 ~~Federal Aviation Administration shall work with certifi-~~
10 ~~cate holders to which section 44728(f) of title 49, United~~
11 ~~States Code, applies to facilitate compliance with the re-~~
12 ~~quirements of section 44728(f)(1) of that title.~~
13 **~~SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDER-~~**
14 **~~STANDING WITH OSHA.~~**
15 ~~(a) IN GENERAL.—Within 6 months after the date~~
16 ~~of enactment of this Act, the Administrator of the Federal~~
17 ~~Aviation Administration shall—~~
18 ~~(1) establish milestones, in consultation with~~
19 ~~the Occupational Safety and Health Administration,~~
20 ~~through a report to Congress for the completion of~~
21 ~~work begun under the August 2000 memorandum of~~
22 ~~understanding between the 2 Administrations and to~~
23 ~~address issues needing further action in the Admin-~~
24 ~~istrations' joint report in December 2000; and~~

~~(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.~~

~~(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:~~

~~(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—~~

~~(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;~~

~~(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and~~

~~(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.~~

~~(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—~~

~~(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;~~

~~(B) the measures required of an employer under the standard; and~~

~~(C) the compliance obligations of an employer under the standard.~~

~~SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.~~

~~(a) IN GENERAL.—~~

~~(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.~~

~~(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.~~

~~(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—~~

~~(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures, including public use procedures, for the National Airspace System.~~

~~(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—~~

~~(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and~~

~~(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.~~

~~(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.~~

~~SEC. 511. IMPROVED SAFETY INFORMATION.~~

~~Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—~~

~~(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;~~

~~(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and~~

~~(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.~~

~~SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.~~

~~(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—~~

~~(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—~~

~~(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;~~

~~(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and~~

~~(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and~~

~~(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—~~

~~(A) has not been previously identified by a Federal Aviation Administration inspector; and~~

~~(B) has not been previously disclosed by the carrier in the preceding 5 years.~~

~~(b) GAO STUDY.—~~

~~(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.~~

~~(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—~~

~~(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;~~

~~(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;~~

~~(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration investigators to look for similar violations at other entities; and~~

~~(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.~~

~~(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transpor-~~

~~tation and Infrastructure on the results of the study conducted under this subsection.~~

~~SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.~~

~~(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:~~

~~"(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—~~

~~"(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Aviation Administration if the individual, in the preceding 3-year period—~~

~~"(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and~~

~~"(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.~~

~~"(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representa-~~

~~tive of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.''.~~

~~(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.~~

~~SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.~~

~~Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.~~

~~SEC. 515. NATIONAL REVIEW TEAM.~~

~~(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.~~

~~(b) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.~~

~~(c) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.~~

~~SEC. 516. FAA ACADEMY IMPROVEMENTS.~~

~~(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Avia-~~

~~tion Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.~~

~~(b) FACILITY TRAINING PROGRAM.—The Administrator shall—~~

~~(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;~~

~~(2) communicate information concerning that responsibility to facility managers; and~~

~~(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—~~

~~(A) the number of available on-the-job-training instructors;~~

~~(B) available classroom space;~~

~~(C) the number of available simulators;~~

~~(D) training requirements; and~~

~~(E) the number of recently placed new personnel already in training.~~

~~SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.~~

~~(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United~~

~~States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.~~

~~(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—~~

~~(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;~~

~~(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;~~

~~(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and~~

~~(4) periodic random audits of the oversight process.~~

~~SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.~~

~~Section 106 is amended by adding at the end the following:~~

1 ~~"(s) AVIATION SAFETY WHISTLEBLOWER INVES-~~
2 ~~TIGATION OFFICE.—~~
3 ~~"(1) ESTABLISHMENT.—There is established in~~
4 ~~the Administration an Aviation Safety Whistleblower~~
5 ~~Investigation Office.~~
6 ~~"(2) DIRECTOR.—~~
7 ~~"(A) APPOINTMENT.—The head of the Of-~~
8 ~~fice shall be the Director, who shall be ap-~~
9 ~~pointed by the Secretary of Transportation.~~
10 ~~"(B) QUALIFICATIONS.—The Director~~
11 ~~shall have a demonstrated ability in investiga-~~
12 ~~tions and knowledge of or experience in avia-~~
13 ~~tion.~~
14 ~~"(C) TERM.—The Director shall be ap-~~
15 ~~pointed for a term of 5 years.~~
16 ~~"(D) VACANCY.—Any individual appointed~~
17 ~~to fill a vacancy in the position of the Director~~
18 ~~occurring before the expiration of the term for~~
19 ~~which the individual's predecessor was ap-~~
20 ~~pointed shall be appointed for the remainder of~~
21 ~~that term.~~
22 ~~"(3) COMPLAINTS AND INVESTIGATIONS.—~~
23 ~~"(A) AUTHORITY OF DIRECTOR.—The Di-~~
24 ~~rector shall—~~

1 ~~"(i) receive complaints and informa-~~
2 ~~tion submitted by employees of persons~~
3 ~~holding certificates issued under title 14,~~
4 ~~Code of Federal Regulations, and employ-~~
5 ~~ees of the Administration concerning the~~
6 ~~possible existence of an activity relating to~~
7 ~~a violation of an order, regulation, or~~
8 ~~standard of the Administration or any~~
9 ~~other provision of Federal law relating to~~
10 ~~aviation safety;~~
11 ~~"(ii) assess complaints and informa-~~
12 ~~tion submitted under clause (i) and deter-~~
13 ~~mine whether a substantial likelihood ex-~~
14 ~~ists that a violation of an order, regulation,~~
15 ~~or standard of the Administration or any~~
16 ~~other provision of Federal law relating to~~
17 ~~aviation safety may have occurred; and~~
18 ~~"(iii) based on findings of the assess-~~
19 ~~ment conducted under clause (ii), make~~
20 ~~recommendations to the Administrator in~~
21 ~~writing for further investigation or correc-~~
22 ~~tive actions.~~
23 ~~"(B) DISCLOSURE OF IDENTITIES.—The~~
24 ~~Director shall not disclose the identity of an in-~~

~~dividual who submits a complaint or information under subparagraph (A)(i) unless—~~

~~"(i) the individual consents to the disclosure in writing; or~~

~~"(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.~~

~~"(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, carrying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.~~

~~"(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other~~

~~provision of Federal law relating to aviation safety may have occurred.~~

~~"(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.~~

~~"(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.~~

~~"(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.~~

1 ~~"(7) ANNUAL REPORTS TO CONGRESS.—Not~~
2 ~~later than October 1 of each year, the Director shall~~
3 ~~submit to Congress a report containing—~~
4 ~~"(A) information on the number of submis-~~
5 ~~sions of complaints and information received by~~
6 ~~the Director under paragraph (3)(A)(i) in the~~
7 ~~preceding 12-month period;~~
8 ~~"(B) summaries of those submissions;~~
9 ~~"(C) summaries of further investigations~~
10 ~~and corrective actions recommended in response~~
11 ~~to the submissions; and~~
12 ~~"(D) summaries of the responses of the~~
13 ~~Administrator to such recommendations.".~~
14 **~~SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIA-~~**
15 **~~TIVE.~~**
16 ~~(a) MODIFICATION OF INITIATIVE.—Not later than~~
17 ~~90 days after the date of enactment of this Act, the Ad-~~
18 ~~ministrator of the Federal Aviation Administration shall~~
19 ~~modify the customer service initiative, mission and vision~~
20 ~~statements, and other statements of policy of the Adminis-~~
21 ~~tration—~~
22 ~~(1) to remove any reference to air carriers or~~
23 ~~other entities regulated by the Administration as~~
24 ~~"customers";~~

~~(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and~~

~~(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.~~

~~(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.~~

~~SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.~~

~~(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—~~

~~(1) any trends in regulatory compliance are identified; and~~

~~(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.~~

~~(b) MONTHLY TEAM REPORTS.—~~

~~(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.~~

~~(2) CONTENTS.—A report submitted under paragraph (1) shall identify—~~

~~(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and~~

~~(B) any corrective actions taken or proposed to be taken in response to the trends.~~

~~(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).~~

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

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

"§ 44730. Inspection of foreign repair stations

"(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

"(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

"(2) consider inspection results and findings submitted by foreign civil aviation authorities operating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

"(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145

~~repair stations when safety concerns warrant such inspections.~~

~~"(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.~~

~~"(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—~~

~~"(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify and track where part 121 air carrier repair work is performed;~~

~~"(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;~~

~~"(3) describe the training provided to inspectors; and~~

1 ~~"(4) include an assessment of the quality of~~
2 ~~monitoring and surveillance by the Federal Aviation~~
3 ~~Administration of work provided by its inspectors~~
4 ~~and the inspectors of foreign authorities operating~~
5 ~~under a maintenance safety or implementation~~
6 ~~agreement.~~
7 ~~"(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-~~
8 ~~ING PROGRAM REQUIREMENTS.—~~
9 ~~"(1) IN GENERAL.—The Secretaries of State~~
10 ~~and Transportation jointly shall request the govern-~~
11 ~~ments of foreign countries that are members of the~~
12 ~~International Civil Aviation Organization to establish~~
13 ~~international standards for alcohol and controlled~~
14 ~~substances testing of persons that perform safety~~
15 ~~sensitive maintenance functions upon commercial air~~
16 ~~carrier aircraft.~~
17 ~~"(2) APPLICATION TO PART 121 AIRCRAFT~~
18 ~~WORK.—Within 1 year after the date of enactment~~
19 ~~of the FAA Air Transportation Modernization and~~
20 ~~Safety Improvement Act the Administrator shall~~
21 ~~promulgate a proposed rule requiring that all part~~
22 ~~145 repair station employees responsible for safety-~~
23 ~~sensitive functions on part 121 air carrier aircraft~~
24 ~~are subject to an alcohol and controlled substance~~
25 ~~testing program determined acceptable by the Ad-~~

~~ministrator and consistent with the applicable laws of the country in which the repair station is located.~~

~~"(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.~~

~~"(f) DEFINITIONS.—In this section:~~

~~"(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.~~

~~"(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.".~~

~~(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:~~

~~"44730. Inspection of foreign repair stations.".~~

~~SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.~~

~~(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used~~

~~to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).~~

~~(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—~~

~~(1) a part 121 air carrier;~~

~~(2) a part 145 repair station;~~

~~(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—~~

~~(A) meets the requirements of the part 121 air carrier or the part 145 repair station; or~~

~~(B)(i) performs the work under the direct supervision and control of the part 121 air carrier or the part 145 repair station directly in charge of the maintenance services; and~~

~~(ii) carries out the work in accordance with the part 121 air carrier's maintenance manual; or~~

~~(4) by the holder of a type certificate, production certificate, or other production approval issued~~

~~under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—~~

~~(A) originally produced, and continues to produce, the article upon which the work is to be performed; and~~

~~(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.~~

~~(d) DEFINITIONS.—In this section:~~

~~(1) COVERED MAINTENANCE WORK.—The term "covered maintenance work" means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.~~

~~(2) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term in section 44730(f)(1) of title 49, United States Code.~~

~~(3) PART 145 REPAIR STATION.—The term "part 145 repair station" has the meaning given that term in section 44730(f)(2) of title 49, United States Code.~~

~~SUBTITLE B—FLIGHT SAFETY~~

~~SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.~~

~~(a) IN GENERAL.—Section 44703(h) is amended to read as follows:~~

1 ~~"(h) RECORDS OF EMPLOYMENT, TRAINING, AND~~
2 ~~TESTING.—~~
3 ~~"(1) IN GENERAL.—The Administrator of the~~
4 ~~Federal Aviation Administration shall establish and~~
5 ~~maintain a pilot employment, training, and testing~~
6 ~~database and shall publish notice in the Federal~~
7 ~~Register when the database is operational. The data-~~
8 ~~base shall include the following information:~~
9 ~~"(A) FAA RECORDS.—From the Federal~~
10 ~~Aviation Administration, records pertaining to~~
11 ~~the individual that are maintained by the Ad-~~
12 ~~ministration concerning—~~
13 ~~"(i) current airman certificates (in-~~
14 ~~cluding airman medical certificates) and~~
15 ~~associated type ratings, including any limi-~~
16 ~~tations to those certificates and ratings;~~
17 ~~"(ii) any failed attempt of the indi-~~
18 ~~vidual to pass a practical test required to~~
19 ~~obtain a certificate or type rating under~~
20 ~~part 61 of title 14, Code of Federal Regu-~~
21 ~~lations; and~~
22 ~~"(iii) summaries of legal enforcement~~
23 ~~actions resulting in a finding by the Ad-~~
24 ~~ministrator of a violation of this title or a~~
25 ~~regulation prescribed or order issued under~~

~~this title that was not subsequently overturned.~~

~~"(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces) that has employed the individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—~~

~~"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—~~

~~"(I) section 121.683 of title 14, Code of Federal Regulations;~~

~~"(II) paragraph (A) of section VI, appendix I, part 121 of such title;~~

~~"(III) paragraph (A) of section IV, appendix J, part 121 of such title;~~

~~"(IV) section 125.401 of such title; and~~

~~"(V) section 135.63(a)(4) of such title; and~~

~~"(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—~~

~~"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;~~

~~"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and~~

~~"(III) any release from employment or resignation, termination, or disqualification with respect to employment.~~

~~"(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section 30305(b)(8), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.~~

1 ~~"(2) RECORDS OF CURRENT EMPLOYEES.—~~
2 ~~Each air carrier shall submit to the Administrator,~~
3 ~~for inclusion in the database established under para-~~
4 ~~graph (1)—~~
5 ~~"(A) not later than 180 days after the date~~
6 ~~on which notice of the establishment of the~~
7 ~~database is published, the records described in~~
8 ~~paragraph (1)(B) concerning any pilot em-~~
9 ~~ployed by the air carrier; and~~
10 ~~"(B) after such date, not later than 30~~
11 ~~days after the generation of any new records~~
12 ~~described in paragraph (1)(B), such new~~
13 ~~records.~~
14 ~~"(3) RIGHT OF PILOT TO REVIEW.—Notwith-~~
15 ~~standing any other provision of law or agreement,~~
16 ~~the Administrator, upon written request from a~~
17 ~~pilot, shall make available to the pilot for review and~~
18 ~~correction, within a reasonable time, but not later~~
19 ~~than 30 days after the date of the request, a copy~~
20 ~~of all records referred to in paragraph (1) pertaining~~
21 ~~to the pilot.~~
22 ~~"(4) RIGHT TO RECEIVE NOTICE AND COPY OF~~
23 ~~ANY RECORD FURNISHED.—A person who receives a~~
24 ~~request for records described in paragraph (1) shall~~

~~provide to the individual who is the subject of the records—~~

~~"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and~~

~~"(B) in accordance with paragraph (3), a copy of such records, if requested by the individual.~~

~~"(5) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual. After the database established under paragraph (1) is operational, the air carrier shall submit any corrections made or accepted by the air carrier to the Administration for inclusion in the database within 30 days after the corrections are made or accepted by the air carrier.~~

~~"(6) PRIVACY PROTECTIONS.—An air carrier that maintains, or requests and receives, the records described in paragraph (1) of an individual may use~~

~~such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.~~

~~"(7) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall submit to Congress a statement that contains, taking into account recent developments in the aviation industry—~~

~~"(A) recommendations by the Administrator concerning proposed changes to Administration records, air carrier records, and other records required to be furnished under paragraph (1); or~~

~~"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in paragraph (1).~~

~~"(8) RULEMAKING.—The Administrator shall prescribe such regulations as may be necessary—~~

1 ~~"(A) to protect—~~

2 ~~"(i) the personal privacy of any indi-~~

3 ~~vidual whose records are included in the~~

4 ~~database established under paragraph (1);~~

5 ~~and~~

6 ~~"(ii) the confidentiality of those~~

7 ~~records;~~

8 ~~"(B) to preclude the further dissemination~~

9 ~~of records received under paragraph (1) by the~~

10 ~~person who requested those records; and~~

11 ~~"(C) to ensure prompt compliance with~~

12 ~~any request made under this subsection.~~

13 ~~"(9) SPECIAL RULES WITH RESPECT TO CER-~~

14 ~~TAIN PILOTS.—~~

15 ~~"(A) PILOTS OF CERTAIN SMALL AIR-~~

16 ~~CRAFT.—Notwithstanding paragraph (1), an air~~

17 ~~carrier, before receiving information requested~~

18 ~~about an individual under this subsection, may~~

19 ~~allow the individual to begin service for a period~~

20 ~~not to exceed 90 days as a pilot of an aircraft~~

21 ~~with a maximum payload capacity (as defined~~

22 ~~in section 119.3 of title 14, Code of Federal~~

23 ~~Regulations) of 7,500 pounds or less, or a heli-~~

24 ~~copter, on a flight that is not a scheduled oper-~~

25 ~~ation (as defined in such section). Before the~~

~~end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.~~

~~"(B) GOOD FAITH EXCEPTION.—Until the database required by paragraph (1) is established, an air carrier, without obtaining information about an individual under paragraph (1) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.~~

~~"(10) REVIEW OF PROSPECTIVE PILOTS' RECORDS.—Except as provided in paragraph (9), before allowing an individual to begin service as a pilot an air carrier shall request a copy of the records described in paragraph (1) pertaining to the pilot for the preceding 10 years and review the records.~~

1 ~~"(11) ELECTRONIC ACCESS TO FAA~~
2 ~~RECORDS.—For the purpose of increasing timely and~~
3 ~~efficient access to Federal Aviation Administration~~
4 ~~records described in paragraph (1), the Adminis-~~
5 ~~trator may allow, under terms established by the Ad-~~
6 ~~ministrator, an individual designated by the air car-~~
7 ~~rier to have electronic access to a specified database~~
8 ~~containing information about such records. The~~
9 ~~terms shall limit such access to instances in which~~
10 ~~information in the database is required by the des-~~
11 ~~ignated individual in making a hiring decision con-~~
12 ~~cerning a pilot applicant and shall require that the~~
13 ~~designated individual provide assurances satisfactory~~
14 ~~to the Administrator that information obtained~~
15 ~~using such access will not be used for any purpose~~
16 ~~other than making the hiring decision.".~~
17 ~~(b) LIMITATION ON LIABILITY.—Section 44703(i)(1)~~
18 ~~is amended—~~
19 ~~(1) in the matter preceding subparagraph (A),~~
20 ~~by striking "and who has signed a release from li-~~
21 ~~ability"; and~~
22 ~~(2) in subparagraph (B), by striking "complied~~
23 ~~with such request" and inserting "furnished records~~
24 ~~to the Administrator in accordance with subsection~~
25 ~~(h)(1)".~~

~~(c) TRANSITION RULE.—Until the date on which the Administrator publishes notice in the Federal Register that the database required by section 44703(h)(1) of title 49, United States Code (as amended by subsection (a)) is operational, the provisions of section 44703(h) of such title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect, except that such provisions shall be applied—~~

~~(1) by substituting "10-year period" for "5-year period" in paragraph (1)(B); and~~

~~(2) without regard to paragraph (3).~~

~~SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.~~

~~(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—~~

~~(1) to implement, as part of their safety management systems—~~

~~(A) an Aviation Safety Action Program;~~

~~(B) a Flight Operations Quality Assurance Program;~~

~~(C) a Line Operational Safety Audit Program; and~~

~~(D) a Flight Crew Fatigue Risk Management Program;~~

~~(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and~~

~~(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—~~

~~(A) periodic safety audits of flight operations;~~

~~(B) training, maintenance, and inspection programs; and~~

~~(C) provisions for the exchange of safety information.~~

~~(b) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall consider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.~~

~~(c) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—~~

~~(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and~~

~~(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.~~

~~SEC. 553. IMPLEMENTATION OF NTSB RECOMMENDATIONS.~~

~~(a) IN GENERAL.—~~

~~(1) NOTIFICATION.—Within 30 days after the end of each calendar year, the Administrator shall submit a notification to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure indicating whether the Administrator has determined to implement the safety recommendations made to the FAA by the National Transportation Safety Board during the preceding year.~~

~~(2) IMPLEMENTATION PLANS.—If the Administrator has determined to implement such a recommendation, the notification shall describe the action the Administrator plans to take to implement the recommendation.~~

~~(3) EXPLANATION OF NON-IMPLEMENTATION.—If the Administrator has determined not to implement such a recommendation, the notification shall describe the reason for the determination.~~

~~(b) PENDING RECOMMENDATIONS.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a notification to those Committees with respect to each safety recommendation made to the FAA by the National Transportation Safety Board that was~~

~~made before the date of enactment of this Act that was not implemented before that date containing the implementation plans, or an explanation of non-implementation, for each such recommendation.~~

~~SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.~~

~~(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—~~

~~(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—~~

~~(A) an Aviation Safety Action Program report;~~

~~(B) Flight Operational Quality Assurance Program data; or~~

~~(C) a Line Operations Safety Audit Program report.~~

~~(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).~~

~~(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph~~

~~(1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—~~

~~(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;~~

~~(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or~~

~~(C) information provided to carry out a criminal investigation or prosecution.~~

~~(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.~~

~~(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—~~

~~(1) to limit the use of the information contained in the report or data to the judicial proceeding;~~

~~(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and~~

~~(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.~~

~~(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.~~

~~(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Oper-~~

1 ~~ational Quality Assurance Program data, or a Line Oper-~~
2 ~~ations Safety Audit Program report in making safety rec-~~
3 ~~ommendations.~~

4 ~~(f) WAIVER.—Any waiver of the privilege for self-~~
5 ~~analysis information by a protected party, unless occa-~~
6 ~~sioned by the party's own use of the information in pre-~~
7 ~~senting a claim or defense, must be in writing.~~

8 ~~**SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**~~
9 ~~**TESTING, AND CERTIFICATION REQUIRE-**~~
10 ~~**MENTS.**~~

11 ~~(a) TRAINING AND TESTING.—The Administrator~~
12 ~~shall develop and implement a plan for reevaluation of~~
13 ~~flight crew training regulations in effect on the date of~~
14 ~~enactment of this Act, including regulations for—~~

15 ~~(1) classroom instruction requirements gov-~~
16 ~~erning curriculum content and hours of instruction;~~
17 ~~(2) crew leadership training; and~~
18 ~~(3) initial and recurrent testing requirements~~
19 ~~for pilots, including the rigor and consistency of~~
20 ~~testing programs such as check rides.~~

21 ~~(b) BEST PRACTICES.—The plan shall incorporate~~
22 ~~best practices in the aviation industry with respect to~~
23 ~~training protocols, methods, and procedures.~~

1 ~~(c) CERTIFICATION.—The Administrator shall ini-~~
2 ~~tiate a rulemaking to re-evaluate FAA regulations gov-~~
3 ~~erning the minimum requirements—~~
4 ~~(1) to become a commercial pilot;~~
5 ~~(2) to receive an Air Transport Pilot Certificate~~
6 ~~to become a captain; and~~
7 ~~(3) to transition to a new type of aircraft.~~
8 **~~SEC. 556. SAFETY INSPECTIONS OF REGIONAL AIR CAR-~~**
9 **~~RIERS.~~**
10 ~~The Administrator shall, not less frequently than~~
11 ~~once each year, perform random, unannounced, on-site in-~~
12 ~~spections of air carriers that provide air transportation~~
13 ~~pursuant to a contract with a part 121 air carrier to en-~~
14 ~~sure that such air carriers are complying with all applica-~~
15 ~~ble safety standards of the Administration.~~
16 **~~SEC. 557. ESTABLISHMENT OF SAFETY STANDARDS WITH~~**
17 **~~RESPECT TO THE TRAINING, HIRING, AND OP-~~**
18 **~~ERATION OF AIRCRAFT BY PILOTS.~~**
19 ~~Not later than 180 days after the date of enactment~~
20 ~~of this Act, the Administrator shall issue a final rule with~~
21 ~~respect to the Notice of Proposed Rulemaking published~~
22 ~~in the Federal Register on January 12, 2009 (74 Fed.~~
23 ~~Reg. 1280), relating to training programs for flight crew~~
24 ~~members and aircraft dispatchers.~~

~~SEC. 558. OVERSIGHT OF PILOT TRAINING SCHOOLS.~~

~~Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—~~

~~(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and~~

~~(2) conducting on-site inspections of each such school not less frequently than once every 2 years.~~

~~SEC. 559. DEFINITIONS.~~

~~In this subtitle:~~

~~(1) AVIATION SAFETY ACTION PROGRAM.—The term "Aviation Safety Action Program" means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.~~

~~(2) ADMINISTRATOR.—The term "Administrator" means the Administrator.~~

~~(3) AIR CARRIER.—The term "air carrier" has the meaning given that term by section 40102(2) of title 49, United States Code.~~

~~(4) FAA.—The term "FAA" means the Federal Aviation Administration.~~

~~(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term "Flight Operational Quality Assurance Program" means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.~~

~~(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term "Line Operations Safety Audit Program" has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.~~

~~(7) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term by section 41719(d)(1) of title 49, United States Code.~~

~~TITLE VI—AVIATION RESEARCH~~

~~SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.~~

~~(a) IN GENERAL.—Section 44511(f) is amended—~~

~~(1) by striking "establish a 4-year pilot" in paragraph (1) and inserting "maintain an"; and~~

~~(2) by inserting "pilot" in paragraph (4) before "program" the first time it appears; and~~

~~(3) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program." in paragraph (4) and inserting "program.".~~

~~(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.~~

~~SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.~~

~~(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft source noise and emissions through grants or other measures authorized under section 106(l)(6) of such title, including reim-~~

~~bursable agreements with other Federal agencies. The program shall include participation of educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels.~~

~~(b) ESTABLISHING A CONSORTIUM.—Within 6 months after the date of enactment of this Act, the Administrator shall designate, using a competitive process, an institution, entity, or consortium described in subsection (a) as a Consortium for Aviation Noise, Emissions, and Energy Technology Research to perform research in accordance with this section. The Consortium shall conduct the research program in coordination with the National Aeronautics and Space Administration and other relevant agencies.~~

~~(c) PERFORMANCE OBJECTIVES.—By September 30, 2016, the research program shall accomplish the following objectives:~~

~~(1) Certifiable aircraft technology that reduces fuel burn by 33 percent compared to current technology, reducing energy consumption and greenhouse gas (CO_2) emissions.~~

~~(2) Certifiable engine technology that reduces landing and takeoff cycle (LTO) nitrogen oxide~~

~~emissions by 60 percent, at a pressure ratio of 30, over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection (CAEP), with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.~~

~~(3) Certifiable aircraft technology that reduces noise levels by 32 EPNdB cumulative, relative to Stage 4 standards.~~

~~(4) Determination of the feasibility of use of alternative fuels in aircraft systems, including successful demonstration and quantification of benefits.~~

~~(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.~~

~~SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.~~

~~(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title,~~

~~including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.~~

~~(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.~~

~~SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.~~

~~(a) ESTABLISHMENT.—There is established an advisory committee to be know as the "Advisory Committee on the Future of Aeronautics".~~

~~(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.~~

~~(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.~~

~~(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational struc-~~

~~tures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.~~

~~(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.~~

~~(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.~~

~~SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.~~

~~(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.~~

~~(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.~~

~~SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.~~

~~Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—~~

~~(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;~~

~~(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and~~

~~(3) establish research projects on—~~

~~(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;~~

~~(B) oceanic weather, including convective weather;~~

~~(C) en route turbulence prediction and detection; and~~

~~(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.~~

~~SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.~~

~~(a) RESEARCH.—~~

~~(1) EQUIPMENT.—Section 44504 is amended—~~

~~(A) by inserting "unmanned and manned" in subsection (a) after "improve";~~

~~(B) by striking "and" after the semicolon in subsection (b)(6);~~

~~(C) by striking "aircraft." in subsection (b)(7) and inserting "aircraft, and"; and~~

~~(D) by adding at the end of subsection (b) the following:~~

~~"(8) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aerial systems that could result in a catastrophic failure.".~~

~~(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—~~

~~(A) by striking "and" after the semicolon in paragraph (4);~~

~~(B) by striking "programs." in paragraph (5)(C) and inserting "programs; and"; and~~

~~(C) by adding at the end thereof the following:~~

~~"(6) to develop a better understanding of the relationship between human factors and unmanned aerial systems air safety; and~~

~~"(7) to develop dynamic simulation models of integrating all classes of unmanned aerial systems into the National Air Space.".~~

~~(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—~~

~~(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aerial systems that shall include consideration of—~~

~~(A) human factors regarding unmanned aerial systems operation;~~

~~(B) "detect, sense and avoid technologies" with respect to both cooperative and non-cooperative aircraft;~~

~~(C) spectrum issues and bandwidth requirements;~~

~~(D) operation in suboptimal winds and adverse weather conditions;~~

~~(E) mechanisms for letter others know where the unmanned aerial system is flying;~~

~~(F) airworthiness and system redundancy;~~

~~(G) flight termination systems for safety and security;~~

~~(H) privacy issues;~~

~~(I) technologies for unmanned aerial systems flight control;~~

~~(J) technologies for unmanned aerial systems propulsion;~~

~~(K) unmanned aerial systems operator qualifications, medical standards, and training requirements;~~

~~(L) unmanned aerial systems maintenance requirements and training requirements; and~~

~~(M) any other unmanned aerial systems-related issue the Administrator believes should be addressed.~~

~~(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.~~

~~(c) PILOT PROJECTS.—~~

~~(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aerial systems into the National Airspace System as follows:~~

~~(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems.~~

~~(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems.~~

~~(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems.~~

~~(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of consortia from the public and private sectors, educational institutions, and non-profit organization.~~

~~(3) REPORT.—Within 60 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.~~

~~(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2008 and 2009 such~~

~~sums as may be necessary to conduct the pilot projects.~~

~~(d) FAA TASK LIST.—~~

~~(1) STREAMLINE UNMANNED AERIAL SYSTEMS CERTIFICATION PROCESS.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and transmit an unmanned aerial systems "roadmap" to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.~~

~~(2) UPDATE POLICY STATEMENT.—Within 45 days after the date of enactment of this Act, the Administrator shall issue an updated policy statement on unmanned aerial systems under Docket No. FAA–2006–25714; Notice No. 07–01.~~

~~(3) ISSUE NPRM FOR CERTIFICATES.—Within 90 days after the date of enactment of this Act, the Administrator shall publish a notice of proposed rulemaking on issuing airworthiness certificates and experimental certificates to unmanned aerial systems operators for compensation or hire. The Administrator shall promulgate a final rule 90 days after the date on which the notice is published.~~

~~(4) NOTICE TO CONGRESS ON BASING UNMANNED AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REGULATIONS.—Within 90 days after the date of enactment of this Act, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential of using part 103 of title 14, Code of Federal Regulations (relating to Ultralight Aircraft), as the regulatory basis for regulations on lightweight unmanned aerial systems.~~

~~(e) CONSOLIDATED RULEMAKING DEADLINE.—No later than April 30, 2010, the Federal Aviation Administration and other affected Federal agencies shall have initiated all of the rule makings regarding vehicle design requirements, operational requirements, airworthiness requirements, and flight crew certifications requirements necessary for integrating all categories of unmanned aerial systems into the national air space, taking into consideration the recommendations the Administrator receives from the National Academy of Sciences report under subsection (b), the unmanned aerial systems "roadmap" developed by the Administrator under subsection (d)(1), the recommendations of the Radio Technical Committee Aero-~~

nautics Special Committee 203 (RTCA–SC 203), and the data generated from the 3 pilot projects conducted under subsection (c).

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "$500,000 for fiscal year 2004" and inserting "$1,000,000 for each of fiscal years 2008 through 2012".

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

"§ 47136A. Zero emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as de-

~~fined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.~~

~~"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—~~

~~"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).~~

~~"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.~~

~~"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured~~

~~by the amount of emissions reduced per dollar of funds expended under the program.~~

~~"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.~~

~~"(e) TECHNICAL ASSISTANCE.—~~

~~"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.~~

~~"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).~~

~~"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.".~~

~~(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—~~

~~(1) an evaluation of the effectiveness of the pilot program;~~

~~(2) an identification of all public-use airports that expressed an interest in participating in the program; and~~

~~(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.~~

~~(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:~~

~~"47136A. Zero emission airport vehicles and infrastructure.".~~

~~SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.~~

~~(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:~~

~~"§ 47140A. Reduction of emissions from airport power sources~~

~~"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.~~

~~"(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.".~~

~~(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:~~

~~"47140A. Reduction of emissions from airport power sources.".~~

~~SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.~~

~~(a) SURVEY AND ASSESSMENT.—~~

~~(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Administrator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—~~

~~(A) an inventory of the leases that describes, for each such lease—~~

~~(i) the periodic cost, location, site, terms, number of years remaining, and lessor;~~

~~(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and~~

~~(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and~~

~~(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as deter-~~

~~mined by the Administrator in consultation with the Secretary of Energy.~~

~~(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.~~

~~(b) GAO ASSESSMENT.—~~

~~(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall—~~

~~(A) complete an assessment of the current and potential impact of wind farms on the national airspace system;~~

~~(B) complete an assessment of the extent to which Federal policies and laws that encourage or facilitate the development of wind farms have an impact on implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system;~~

~~(C) determine what resources the Federal Aviation Administration would need to mitigate any obstruction to navigation attributable to wind farms under the existing air traffic control system or the Next Generation air traffic control system;~~

~~(D) recommend a new procedure, or improvements to the current procedure, to the Administration for mitigation of potential conflicts between navigational aides and wind farms, with an emphasis on early involvement of the Administration in the planning stages for wind farms; and~~

~~(E) develop a matrix that will indicate how close to navigational aides wind farms can be located and how many turbines can reasonably be placed in the vicinity of such aides.~~

~~(2) REPORT.—Upon completion of the assessments, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Administrator containing the Comptroller General's findings, conclusions, and recommendations.~~

~~(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—~~

~~(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—~~

~~(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;~~

~~(B) the establishment of turbine height and density limitations on such wind farms;~~

~~(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and~~

~~(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.~~

~~(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security,~~

~~operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.~~

~~(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—~~

~~(1) to coordinate the requirements of each department for future air space needs;~~

~~(2) to determine what the acceptable risks are to the existing infrastructure of each department; and~~

~~(3) to define the different levels of risk for such infrastructure.~~

~~(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House~~

of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term ''Administration'' means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term ''critical FAA facilities'' means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term ''wind farm'' means an installation of 1 or more wind turbines used for the generation of electricity.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2009,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''December 31, 2009.'' and inserting ''October 1, 2017.''.

~~(c) WAR RISK.—~~

~~(1) Section 44302(f)(1) is amended—~~

~~(A) by striking "September 30, 2009," and inserting "September 30, 2011,"; and~~

~~(B) by striking "December 31, 2009," and inserting "December 31, 2011,".~~

~~(2) Section 44303(b) is amended by striking "December 31, 2009," and inserting "December 31, 2011,".~~

~~SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.~~

~~Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.~~

~~SEC. 703. AIRPORT PROGRAM MODIFICATIONS.~~

~~The Administrator of the Federal Aviation Administration—~~

~~(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and~~

~~(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.~~

~~SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.~~

~~(a) EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking "2009," and inserting "2011,".~~

~~(b) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking "2009," and inserting "2011,".~~

~~(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (17 Stat. 2518) is amended by striking "2009," and inserting "2011,".~~

~~SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.~~

~~Section 47107(s) is amended by striking paragraph (3).~~

~~SEC. 706. UPDATE ON OVERFLIGHTS.~~

~~(a) IN GENERAL.—Section 45301(b) is amended to read as follows:~~

~~"(b) LIMITATIONS.—~~

~~"(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services~~

which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

"(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs

~~to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.~~

~~"(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.~~

~~"(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.~~

~~"(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.".~~

~~(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:~~

~~"(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and".~~

~~SEC. 707. TECHNICAL CORRECTIONS.~~

~~Section 40122(g), as amended by section 307 of this Act, is further amended—~~

~~(1) by striking "section 2302(b), relating to whistleblower protection," in paragraph (2)(A) and inserting "sections 2301 and 2302,";~~

~~(2) by striking "and" after the semicolon in paragraph (2)(H);~~

~~(3) by striking "Plan." in paragraph (2)(I)(iii) and inserting "Plan,";~~

~~(4) by adding at the end of paragraph (2) the following:~~

~~"(J) section 5596, relating to back pay; and~~

~~"(K) sections 6381 through 6387, relating to Family and Medical Leave."; and~~

~~(5) by adding at the end of paragraph (3) "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".~~

~~SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.~~

~~(a) STUDY.—~~

~~(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—~~

~~(A) an analysis of the type of training provided to such specialists;~~

~~(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;~~

~~(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;~~

~~(D) the amount and cost of training provided by vendors for such specialists;~~

~~(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;~~

~~(F) the amount and cost of travel required of such specialists in receiving training; and~~

~~(G) a recommendation regarding the most cost-effective approach to providing such training.~~

~~(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.~~

~~(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—~~

~~(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under~~

~~section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.~~

~~(2) CONTENTS.—The study shall include—~~

~~(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and~~

~~(B) the approximate length of time for developing such standards.~~

~~(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.~~

~~(c) SAFETY STAFFING MODEL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors.~~

1 ~~**SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**~~
2 ~~**TIONAL PARKS.**~~
3 ~~(a) SECRETARY OF THE INTERIOR AND OVER-~~
4 ~~FLIGHTS OF NATIONAL PARKS.—~~
5 ~~(1) Section 40128 is amended—~~
6 ~~(A) by striking paragraph (8) of subsection~~
7 ~~(f);~~
8 ~~(B) by striking "Director" each place it~~
9 ~~appears and inserting "Secretary of the Inte-~~
10 ~~rior";~~
11 ~~(C) by striking "National Park Service" in~~
12 ~~subsection (a)(2)(B)(vi) and inserting "Depart-~~
13 ~~ment of the Interior"; and~~
14 ~~(D) by striking "National Park Service" in~~
15 ~~subsection (b)(4)(C) and inserting "Department~~
16 ~~of the Interior".~~
17 ~~(2) The National Parks Air Tour Management~~
18 ~~Act of 2000 (49 U.S.C. 40128 note) is amended—~~
19 ~~(A) by striking "Director" in section~~
20 ~~804(b) and inserting "Secretary of the Inte-~~
21 ~~rior";~~
22 ~~(B) in section 805—~~
23 ~~(i) by striking "Director of the Na-~~
24 ~~tional Park Service" in subsection (a) and~~
25 ~~inserting "Secretary of the Interior";~~

~~(ii) by striking "Director" each place it appears and inserting "Secretary of the Interior";~~

~~(iii) by striking "National Park Service" each place it appears in subsection (b) and inserting "Department of the Interior";~~

~~(iv) by striking "National Park Service" in subsection (d)(2) and inserting "Department of the Interior"; and~~

~~(C) in section 807—~~

~~(i) by striking "National Park Service" in subsection (a)(1) and inserting "Department of the Interior"; and~~

~~(ii) by striking "Director of the National Park Service" in subsection (b) and inserting "Secretary of the Interior".~~

~~(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—~~

~~(1) by striking "and" in subparagraph (B);~~

~~(2) by striking "lands." in subparagraph (C) and inserting "lands; and"; and~~

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

1 ~~"(D) in accordance with a voluntary agree-~~
2 ~~ment between the commercial air tour operator~~
3 ~~and appropriate representatives of the national~~
4 ~~park or tribal lands, as the case may be.".~~
5 ~~(C) AVIATION SAFETY INSPECTORS.—~~
6 ~~(1) SAFETY STAFFING MODEL.—Within 12~~
7 ~~months after the date of enactment of this Act, the~~
8 ~~Administrator of the Federal Aviation Administra-~~
9 ~~tion shall develop a staffing model for aviation safety~~
10 ~~inspectors. In developing the model, the Adminis-~~
11 ~~trator shall consult with representatives of the avia-~~
12 ~~tion safety inspectors and other interested parties.~~
13 ~~(2) SAFETY INSPECTOR STAFFING.—The Fed-~~
14 ~~eral Aviation Administration aviation safety inspec-~~
15 ~~tor staffing requirement shall be no less than the~~
16 ~~staffing levels indicated as necessary in the staffing~~
17 ~~model described under subsection (a).~~
18 ~~(d) MODIFICATION OF INTERIM OPERATING AU-~~
19 ~~THORITY.—Section 40128(c)(2)(I) is amended to read as~~
20 ~~follows:~~
21 ~~"(I) may allow for modifications of the in-~~
22 ~~terim operating authority without further envi-~~
23 ~~ronmental process, if—~~
24 ~~"(i) adequate information on the ex-~~
25 ~~isting and proposed operations of the com-~~

~~mercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;~~

~~"(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and~~

~~"(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.".~~

~~(c) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—~~

~~(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—~~

~~(A) the number of commercial air tour operations conducted by such operator over the national park each day;~~

~~(B) any relevant characteristics of commercial air tour operations, including the~~

~~routes, altitudes, duration, and time of day of flights; and~~

~~(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).~~

~~(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.~~

~~(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).~~

~~(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).~~

~~(f) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—~~

~~(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.~~

~~(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.~~

~~(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.~~

~~(g) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—~~

~~(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.~~

~~(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.~~

~~(h) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—~~

~~(1) increased safety certifications;~~

~~(2) exemptions from regulations requiring safety certifications; and~~

~~(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.~~

~~(i) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—~~

~~(1) TRANSFER OF OPERATING AUTHORITY.—~~

~~(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour op-~~

~~erations may transfer such authority to another commercial air tour operator at any time.~~

~~(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.~~

~~(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).~~

~~(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—~~

~~(A) the operator submits an application; or~~

~~(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.~~

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil

~~subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.~~

~~"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.~~

~~"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.~~

~~"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—~~

~~"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;~~

~~"(2) to scrap the aircraft;~~

~~"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;~~

~~"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a~~

~~maintenance facility located in the contiguous 48 states;~~

~~"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;~~

~~"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or~~

~~"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).~~

~~"(c) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".~~

~~(b) CONFORMING AMENDMENTS.—~~

~~(1) Section 47531 is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".~~

~~(2) Section 47532 is amended by striking "47528–47531" and inserting "47528 through 47531 or 47534".~~

~~(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:~~

~~"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels.".~~

~~(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.~~

~~SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.~~

~~On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.~~

~~SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.~~

~~(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at~~

~~up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.~~

~~(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—~~

~~(1) by striking "and" after the semicolon in subparagraph (D);~~

~~(2) by striking "operations." in subparagraph (E) and inserting "operations; and"; and~~

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

~~"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking commu-~~

~~nity redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.~~

~~(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—~~

~~(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;~~

~~(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and~~

~~(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.~~

~~(d) DEMONSTRATION GRANTS.—~~

~~(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—~~

~~(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and~~

~~(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.~~

~~(2) FEDERAL SHARE.—~~

~~(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.~~

~~(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not~~

~~owned by the affected neighboring local jurisdictions or other public entities.~~

~~(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.~~

~~(4) EXCEPTION.—Amounts paid to the Administrator under subsection (e)(3)—~~

~~(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;~~

~~(B) shall not be subject to any limitation on grant obligations for any fiscal year; and~~

~~(C) shall remain available until expended.~~

~~(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.~~

~~(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.~~

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

"(a) IN GENERAL.—

"(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

"(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

"(B) there is space for such stowage at the time the passenger boards the aircraft.

"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

1 ~~"(A) the instrument is contained in a case~~
2 ~~or covered so as to avoid injury to other pas-~~
3 ~~sengers;~~
4 ~~"(B) the weight of the instrument, includ-~~
5 ~~ing the case or covering, does not exceed 165~~
6 ~~pounds;~~
7 ~~"(C) the instrument can be secured by a~~
8 ~~seat belt to avoid shifting during flight;~~
9 ~~"(D) the instrument does not restrict ac-~~
10 ~~cess to, or use of, any required emergency exit,~~
11 ~~regular exit, or aisle;~~
12 ~~"(E) the instrument does not obscure any~~
13 ~~passenger's view of any illuminated exit, warn-~~
14 ~~ing, or other informational sign;~~
15 ~~"(F) neither the instrument nor the case~~
16 ~~contains any object not otherwise permitted to~~
17 ~~be carried in an aircraft cabin because of a law~~
18 ~~or regulation of the United States; and~~
19 ~~"(G) the passenger wishing to carry the in-~~
20 ~~strument in the aircraft cabin has purchased an~~
21 ~~additional seat to accommodate the instrument.~~
22 ~~"(3) LARGE INSTRUMENTS AS CHECKED BAG-~~
23 ~~GAGE.—An air carrier shall transport as baggage,~~
24 ~~without charge, a musical instrument that is the~~
25 ~~property of a passenger traveling in air transpor-~~

~~tation that may not be carried in the aircraft cabin if—~~

~~"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and~~

~~"(B) the weight of the instrument does not exceed 165 pounds.~~

~~"(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).".~~

~~(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:~~

~~"41724. Musical instruments.".~~

~~(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.~~

~~SEC. 714. RECYCLING PLANS FOR AIRPORTS.~~

~~(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking "planning." and inserting "planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.".~~

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

~~(1) by striking "and" at the end of paragraph (4);~~

~~(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and~~

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

~~"(6) if the project is for an airport that has an airport master plan, the master plan addresses—~~

~~"(A) the feasibility of solid waste recycling at the airport;~~

~~"(B) minimizing the generation of solid waste at the airport;~~

~~"(C) operation and maintenance requirements;~~

~~"(D) the review of waste management contracts;~~

~~"(E) the potential for cost savings or the generation of revenue; and~~

~~"(F) training and education requirements.".~~

~~SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.~~

~~(a) IN GENERAL.—Section 47107(e) is amended—~~

~~(1) by redesignating paragraph (8) as paragraph (9); and~~

~~(2) by inserting after paragraph (7) the following:~~

~~"(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—~~

~~"(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).~~

~~"(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.~~

~~"(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport~~

owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.".

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training program conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(c) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

1 ~~"(e) PERSONAL NET WORTH CAP.—Not later than~~
2 ~~180 days after the date of enactment of the FAA Air~~
3 ~~Transportation Modernization and Safety Improvement~~
4 ~~Act, the Secretary shall issue final regulations to adjust~~
5 ~~the personal net worth cap used in determining whether~~
6 ~~an individual is economically disadvantaged for purposes~~
7 ~~of qualifying under the definition contained in subsection~~
8 ~~(a)(2) and under section 47107(c). The regulations shall~~
9 ~~correct for the impact of inflation since the Small Business~~
10 ~~Administration established the personal net worth cap at~~
11 ~~$750,000 in 1989.~~
12 ~~"(f) EXCLUSION OF RETIREMENT BENEFITS.—~~
13 ~~"(1) IN GENERAL.—In calculating a business~~
14 ~~owner's personal net worth, any funds held in a~~
15 ~~qualified retirement account owned by the business~~
16 ~~owner shall be excluded, subject to regulations to be~~
17 ~~issued by the Secretary.~~
18 ~~"(2) REGULATIONS.—Not later than one year~~
19 ~~after the date of enactment of the FAA Air Trans-~~
20 ~~portation Modernization and Safety Improvement~~
21 ~~Act, the Secretary shall issue final regulations to im-~~
22 ~~plement paragraph (1), including consideration of~~
23 ~~appropriate safeguards, such as a limit on the~~
24 ~~amount of such accounts, to prevent circumvention~~
25 ~~of personal net worth requirements.~~

1 ~~"(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-~~
2 ~~TORY BONDING REQUIREMENTS.—~~
3 ~~"(1) IN GENERAL.—The Secretary shall estab-~~
4 ~~lish a program to eliminate barriers to small busi-~~
5 ~~ness participation in airport-related contracts and~~
6 ~~concessions by prohibiting excessive, unreasonable,~~
7 ~~or discriminatory bonding requirements for any~~
8 ~~project funded under this chapter or using passenger~~
9 ~~facility revenues under section 40117.~~
10 ~~"(2) REGULATIONS.—Not later than one year~~
11 ~~after the date of enactment of the FAA Air Trans-~~
12 ~~portation Modernization and Safety Improvement~~
13 ~~Act, the Secretary shall issue a final rule to establish~~
14 ~~the program under paragraph (1).".~~
15 **~~SEC. 716. FRONT LINE MANAGER STAFFING.~~**
16 ~~(a) STUDY.—Not later than 45 days after the date~~
17 ~~of enactment of this Act, the Administrator of the Federal~~
18 ~~Aviation Administration shall initiate a study on front line~~
19 ~~manager staffing requirements in air traffic control facili-~~
20 ~~ties.~~
21 ~~(b) CONSIDERATIONS.—In conducting the study, the~~
22 ~~Administrator may take into consideration—~~
23 ~~(1) the number of supervisory positions of oper-~~
24 ~~ation requiring watch coverage in each air traffic~~
25 ~~control facility;~~

~~(2) coverage requirements in relation to traffic demand;~~

~~(3) facility type;~~

~~(4) complexity of traffic and managerial responsibilities;~~

~~(5) proficiency and training requirements; and~~

~~(6) such other factors as the Administrator considers appropriate.~~

~~(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.~~

~~(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).~~

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "FAA Air Transportation Modernization and Safety Improvement Act".

1 *(b) TABLE OF CONTENTS.—The table of contents for*
2 *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

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of Next Generation Air Transportation System projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Government share of certain air project costs.
Sec. 208. Miscellaneous amendments.
Sec. 209. State block grant program.
Sec. 210. Airport funding of special studies or reviews.
Sec. 211. Grant eligibility for assessment of flight procedures.
Sec. 212. Safety-critical airports.
Sec. 213. Environmental mitigation demonstration pilot program.
Sec. 214. Allowable project costs for airport development program.
Sec. 215. Glycol recovery vehicles.
Sec. 216. Research improvement for aircraft.
Sec. 217. United States Territory minimum guarantee.
Sec. 218. Merrill Field Airport, Anchorage, Alaska.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. NextGen management.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system implementation office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.

Sec. 314. Acceleration of NextGen technologies.
Sec. 315. ADS–B development and implementation.
Sec. 316. Equipage incentives.
Sec. 317. Performance metrics.
Sec. 318. Certification standards and resources.
Sec. 319. Unmanned aerial systems.
Sec. 320. Surface Systems Program Office.
Sec. 321. Stakeholder coordination.
Sec. 322. FAA task force on air traffic control facility conditions.
Sec. 323. State ADS–B equipage bank pilot program.
Sec. 324. Implementation of Inspector General ATC recommendations.
Sec. 325. Definitions.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

Sec. 401. Airline customer service commitment.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. Expansion of DOT airline consumer complaint investigations.
Sec. 404. Establishment of advisory committee for aviation consumer protection.
Sec. 405. Disclosure of passenger fees.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

Sec. 411. EAS connectivity program.
Sec. 412. Extension of final order establishing mileage adjustment eligibility.
Sec. 413. EAS contract guidelines.
Sec. 414. Conversion of former EAS airports.
Sec. 415. EAS reform.
Sec. 416. Small community air service.
Sec. 417. EAS marketing.
Sec. 418. Rural aviation improvement.

SUBTITLE C—MISCELLANEOUS

Sec. 431. Clarification of air carrier fee disputes.
Sec. 432. Contract tower program.
Sec. 433. Airfares for members of the Armed Forces.

TITLE V—SAFETY

SUBTITLE A—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Judicial review of denial of airman certificates.
Sec. 503. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 504. Design organization certificates.
Sec. 505. FAA access to criminal history records or database systems.
Sec. 506. Flight crew fatigue.
Sec. 507. Increasing safety for helicopter and fixed wing emergency medical service operators and patients.
Sec. 508. Cabin crew communication.
Sec. 509. Clarification of memorandum of understanding with OSHA.

Sec. 510. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 511. Improved safety information.
Sec. 512. Voluntary disclosure reporting process improvements.
Sec. 513. Procedural improvements for inspections.
Sec. 514. Independent review of safety issues.
Sec. 515. National review team.
Sec. 516. FAA Academy improvements.
Sec. 517. Reduction of runway incursions and operational errors.
Sec. 518. Aviation safety whistleblower investigation office.
Sec. 519. Modification of customer service initiative.
Sec. 520. Headquarters review of air transportation oversight system database.
Sec. 521. Inspection of foreign repair stations.
Sec. 522. Non-certificated maintenance providers.

SUBTITLE B—FLIGHT SAFETY

Sec. 551. Pilot applicant employment records.
Sec. 552. Air carrier safety management systems.
Sec. 553. Implementation of NTSB recommendations.
Sec. 554. Improved Flight Operational Quality Assurance, Aviation Safety Action, and Line Operational Safety Audit programs.
Sec. 555. Re-evaluation of flight crew training, testing, and certification requirements.
Sec. 556. Safety inspections of regional air carriers.
Sec. 557. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
Sec. 558. Oversight of pilot training schools.
Sec. 559. Enhanced training for flight attendants and gate agents.
Sec. 560. Definitions.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of alternative fuel technology for civilian aircraft.
Sec. 604. Production of clean coal fuel technology for civilian aircraft.
Sec. 605. Advisory committee on future of aeronautics.
Sec. 606. Research program to improve airfield pavements.
Sec. 607. Wake turbulence, volcanic ash, and weather research.
Sec. 608. Incorporation of unmanned aircraft systems into FAA plans and policies.
Sec. 609. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 610. Pilot program for zero emission airport vehicles.
Sec. 611. Reduction of emissions from airport power sources.
Sec. 612. Siting of windfarms near FAA navigational aides and other assets.
Sec. 613. Research and development for equipment to clean and monitor the engine and APU bleed air supplied on pressurized aircraft.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.

Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of Stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at Teterboro Airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Transporting musical instruments.
Sec. 714. Recycling plans for airports.
Sec. 715. Disadvantaged Business Enterprise Program adjustments.
Sec. 716. Front line manager staffing.
Sec. 717. Study of helicopter and fixed wing air ambulance services.
Sec. 718. Repeal of certain limitations on Metropolitan Washington Airports Authority.
Sec. 719. Study of aeronautical mobile telemetry.

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

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

TITLE I—AUTHORIZATIONS

SEC. 101. OPERATIONS.

Section 106(k)(1) is amended by striking subparagraphs (A) through (E) and inserting the following:

"(A) $9,336,000,000 for fiscal year 2010; and

"(B) $9,620,000,000 for fiscal year 2011.".

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (5) and inserting the following:

"(1) $3,500,000,000 for fiscal year 2010, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

"(2) $3,600,000,000 for fiscal year 2011, of which $500,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.".

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

"(1) $200,000,000 for fiscal year 2010.

"(2) $206,000,000 for fiscal year 2011.";

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

"(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

"(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

"(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

"(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

"(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.".

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $4,000,000,000 for fiscal year 2010; and

"(2) $4,100,000,000 for fiscal year 2011.".

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking "2007" in subsection (a)(1)(A) and inserting "2011";

(2) by striking "2007," in subsection (a)(2) and inserting "2011,"; and

(3) by striking "2007" in subsection (c)(2) and inserting "2011".

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "defense." in paragraph (4) and inserting "defense; and"; and

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

"(5) a list of projects that are part of the Next Generation Air Transportation System and do not

have as a primary purpose to operate or maintain the current air traffic control system.".

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

"§ 48105. Airport programs administrative expenses

"Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

"(1) for fiscal year 2010, $94,000,000; and

"(2) for fiscal year 2011, $98,000,000.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

"48105. Airport programs administrative expenses.".

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

"(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

"(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

"(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

"(B) the total amount of program revenue collected by the agency during the period covered by the report;

"(C) the amount of expenditures with program revenue made by the agency on each eligi-

ble airport-related project during the period covered by the report;

"(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

"(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

"(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

"(G) any other information on the program that the Secretary may require.

"(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

"(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

"(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

"(ii) that the notice include a full description and justification for a proposed project;

"(iii) that the notice include a detailed financial plan for the proposed project; and

"(iv) that the notice include the proposed level for the passenger facility charge.

"(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

"(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

"(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

"(iii) provides scheduled service at the airport.

"(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the

project or, if applicable, the proposed level for a passenger facility charge.

"(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

"(4) PUBLIC NOTICE AND COMMENT.—

"(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

"(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

"(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

"(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

"(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

"(5) OBJECTIONS.—

"(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

"(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

"(C) Not later than 90 days after receiving the eligible agency's response to a filed objection,

the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

"(i) the project is not an eligible airport related project;

"(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

"(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

"(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

"(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

"(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

"(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

"(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

"(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

"(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

"(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.".

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking "FEE" in the heading for paragraph (5) and inserting "CHARGE"; and

(ii) by striking "fee" each place it appears in paragraphs (5) and (6) and inserting "charge".

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking "fee" or "fees" each place either appears and inserting "charge" or "charges", respectively; and

(ii) by striking "FEE" in the subsection caption for subsection (l), and "FEES" in the subsection captions for subsections (e) and (m), and inserting "CHARGE" and "CHARGES", respectively.

(C) The caption for section 40117 is amended to read as follows:

"§ 40117. Passenger facility charges".

(D) The table of contents for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

"40117. Passenger facility charges.".

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking "subsection (c) of this section to finance a specific" and inserting "subsection (c)(6) of this section to finance an intermodal ground access";

(B) by striking "specific" in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

"(2) the project is an eligible airport-related project; and";

(D) by striking "each of the specific projects; and" in paragraph (3) and inserting "the project."; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: "(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.".

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking "long-term".

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by inserting after paragraph (2) the following:

"(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facil-

ity revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.".

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking "(c)(2)" in paragraph (2) and inserting "(c)(3)"; and

(B) by striking "October 1, 2009." in paragraph (7) and inserting "the date of issuance of regulations to carry out subsection (c) of this section, as amended by the FAA Air Transportation Modernization and Safety Improvement Act.".

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking "sponsor" the second place it appears in the first sentence and all that follows and inserting "sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of

section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.".

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

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

"(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

"(2) COLLECTION REQUIREMENTS.—

"(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

"(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

"(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

"(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.".

(b) GAO STUDY OF ALTERNATIVE MEANS OF COLLECTING PFCS.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of alternative means of collection passenger facility charges imposed under section 40117 of title 49, United States Code, that would permit such charges to be collected without being included in the ticket price. In the study, the Comptroller General shall consider, at a minimum—

(A) collection options for arriving, connecting, and departing passengers at airports;

(B) cost sharing or fee allocation methods based on passenger travel to address connecting traffic; and

(C) examples of airport fees collected by domestic and international airports that are not included in ticket prices.

(2) REPORT.—No later than 1 year after the date of enactment of this Act, the Comptroller General

shall submit a report on the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings, conclusions, and recommendations.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking "made;" in subsection (a)(16)(D)(ii) and inserting "made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;";

(2) by striking "purpose;" in subsection (c)(2)(A)(i) and inserting "purpose, which includes serving as noise buffer land;";

(3) by striking "paid to the Secretary for deposit in the Fund if another eligible project does not exist." in subsection (c)(2)(B)(iii) and inserting "reinvested in another project at the airport or transferred to another airport as the Secretary prescribes."; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

"(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

"(i) reinvestment in an approved noise compatibility project;

"(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

"(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

"(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

"(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).".

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking "subsection (b) or subsection (c)" in subsection (a) and inserting "subsection (b), (c), or (e)"; and

(2) by adding at the end the following:

"(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.".

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking "year 2004." and inserting "years 2010 and 2011.".

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

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

"(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

"(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

"(3) the Secretary determines that the change is beyond the control of the airport sponsor.";

(2) by striking "facilities, including fuel farms and hangars," in subsection (h) and inserting "facilities, as defined by section 47102,"; and

(3) by adding at the end the following:

"(i) BIRD-DETECTING RADAR SYSTEMS.—Within 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall analyze the conclusions of ongoing studies of various types of commercially-available bird radar systems, based upon that analysis, if the Administrator determines such systems have no negative impact on existing navigational aids and that the expenditure of such funds is appropriate, the Administrator shall allow the purchase of bird-detecting radar systems as an allowable airport development project costs subject to subsection (b). If a determination is made that such radar systems will not improve or negatively impact airport safety, the Administrator shall issue a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representa-

tives Committee on Transportation and Infrastructure on why that determination was made.".

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting "(1)" before "Subsection"; and

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

"(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

"(A) the sale is approved by the Secretary;

"(B) funding is provided under this title for the public sponsor's acquisition; and

"(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

"(3) This subsection shall apply to grants issued on or after October 1, 1996.".

SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal Government's share of allowable

project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 208. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking "each airport to—" in subsection (a) and inserting "the airport system to—";

(2) by striking "system in the particular area;" in subsection (a)(1) and inserting "system, including connection to the surface transportation network; and";

(3) by striking "aeronautics; and" in subsection (a)(2) and inserting "aeronautics.";

(4) by striking subsection (a)(3);

(5) by inserting "and" after the semicolon in subsection (b)(1);

(6) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(7) by striking "operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations," in subsection (b)(2), as redesignated, and inserting "operations"; and

(8) by striking "status of the" in subsection (d).

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

(1) by striking "separated from" in paragraph (1)(B) and inserting "discharged or released from active duty in";

(2) by adding at the end of paragraph (1) the following:

"(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.";

(3) by striking "veterans and" in paragraph (2) and inserting "veterans, Afghanistan-Iraq war veterans, and"; and

(4) by adding at the end the following:

"(3) A contract involving labor for carrying out an airport development project under a grant agreement under this subchapter must require that a preference be given to the use of small business concerns (as defined in section 3

of the Small Business Act (15 U.S.C. 632)) owned and controlled by disabled veterans.".

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking "April 1" and inserting "June 1"; and

(2) by striking paragraphs (1) through (4) and inserting the following:

"(1) a summary of airport development and planning completed;

"(2) a summary of individual grants issued;

"(3) an accounting of discretionary and apportioned funds allocated; and

"(4) the allocation of appropriations; and".

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

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

(2) by striking "47102(3)(F), 47102(3)(K), 47102(3)(L), or 47140" in subsection (b) and inserting "47102(3)(K) or 47102(3)(L)"; and

(3) by striking "40117(a)(3)(G), 47103(3)(F), 47102(3)(K), 47102(3)(L), or 47140," in subsection (b) and inserting "40117(a)(3)(G), 47102(3)(K), or 47102(3)(L),".

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking "(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),".

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking "Airport Capacity Benchmark Report 2001." in paragraph (2) and inserting "2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report, Future Airport Capacity Task Report, or other comparable FAA report."; and

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

"(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.".

(h) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking "35 percent" in the first sentence and inserting "$300,000,000";

(2) by striking "and" after "47141,";

(3) by striking "et seq.)." and inserting "et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.), approved in an environmental record of decision for an airport development project under this title."; and

(4) by striking "such 35 percent requirement is" in the second sentence and inserting "the requirements of the preceding sentence are".

(i) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (E)(ii);

(2) by striking "airport." in subparagraph (E)(iii) and inserting "airport; and";

(3) by adding at the end of subparagraph (E) the following:

"(iv) the airport received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14, Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) and the Secretary determines that

the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.";

(4) in subparagraph (G)—

(A) by striking "FISCAL YEAR 2006" in the heading and inserting "FISCAL YEARS 2008 THROUGH 2011";

(B) by striking "fiscal year 2006" and inserting "fiscal years 2008 through 2011";

(C) by striking clause (i) and inserting the following:

"(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;"; and

(D) by striking "2000 or 2001;" in clause (ii) and inserting "2003;"; and

(5) by adding at the end thereof the following:

"(H) SPECIAL RULE FOR FISCAL YEARS 2010 AND 2011.—Notwithstanding subparagraph (A), for an airport that had more than 10,000 passenger boardings and scheduled passenger aircraft service in calendar year 2007, but in either calendar years 2008

or 2009, or both years, the number of passenger boardings decreased to a level below 10,000 boardings per year at such airport, the Secretary may apportion in fiscal years 2010 or 2011 to the sponsor of such an airport an amount equal to the amount apportioned to that sponsor in fiscal year 2009.".

(j) MOBILE REFUELER PARKING CONSTRUCTION.—Section 47102(3) is amended by adding at the end the following:

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

(k) DISCRETIONARY FUND.—Section 47115(g)(1) is amended by striking "of—" and all that follows and inserting "of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.".

SEC. 209. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking "regulations" each place it appears in subsection (a) and inserting "guidance";

(2) by striking "grant;" in subsection (b)(4) and inserting "grant, including Federal environmental requirements or an agreed upon equivalent;";

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

"(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements."; and

(4) by adding at the end the following:

"(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).".

SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking "project." and inserting "project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environ-

mental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.".

SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

"(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

"(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

"(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this

authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.".

SEC. 212. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking "or" after the semicolon in paragraph (1);

(2) by striking "delays." in paragraph (2) and inserting "delays; or"; and

(3) by adding at the end the following:

"(3) be critical to the safety of commercial, military, or general aviation in trans-oceanic flights.".

SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

"§ 47143. Environmental mitigation demonstration pilot program

"(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicin-

ity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

"(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

"(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

"(2) will be implemented by an eligible consortium.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

"(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

"(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying

best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

"(g) DEFINITIONS.—In this section:

"(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

"(A) Businesses operating in the United States.

"(B) Public or private educational or research organizations located in the United States.

"(C) Entities of State or local governments in the United States.

"(D) Federal laboratories.

"(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

"(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

"(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

"(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

"(i) practical to implement at or near multiple public use airports; and

"(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47142 the following:

"47143. Environmental mitigation demonstration pilot program.".

SEC. 214. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) is amended—

(1) by striking "; or" in paragraph (1) and inserting a semicolon;

(2) by striking "project." in paragraph (2) and inserting "project; or"; and

(3) by adding at the end the following:

"(3) necessarily incurred in anticipation of severe weather.".

SEC. 215. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting "including acquiring glycol recovery vehicles," after "aircraft,".

SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking "and" after the semicolon in paragraph (6);

(2) by striking "aircraft." in paragraph (7) and inserting "aircraft; and"; and

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

"(8) to conduct research to support programs designed to reduce gases and particulates emitted.".

SEC. 217. UNITED STATES TERRITORY MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) by inserting "AND ANY UNITED STATES TERRITORY" after "ALASKA" in the subsection heading; and

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

"(5) UNITED STATES TERRITORY MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in a United States Territory under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under those subsections, the Secretary may apportion to the local authority in any United States

Territory responsible for airport development projects in that fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in that fiscal year and the amount otherwise apportioned under those subsections to airports in a United States Territory in that fiscal year.".

SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

(b) GRANTS.—Notwithstanding any other provision of law, the municipality of Anchorage shall be released from the repayment of any outstanding grant obligations owed by the municipality to the Federal Aviation Administration with respect to any land described in subsection (a) that is subsequently conveyed to or used by the Department of

Transportation and Public Facilities of the State of Alaska for the construction or reconstruction of a federally subsidized highway project.

TITLE III—AIR TRAFFIC CONTROL MODERNIZATION AND FAA REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

"(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

"(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

"(2) MEMBERSHIP.—The Board shall be comprised of the individual appointed or designated under section 302 of the FAA Air Transportation Modernization and Safety Improvement Act (who shall serve ex officio without the right to vote) and 9 other members, who shall consist of—

"(A) the Administrator and a representative from the Department of Defense;

"(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

"(C) 6 members representing aviation interests, as follows:

"(i) 1 representative that is the chief executive officer of an airport.

"(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

"(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation of the air traffic control system.

"(iv) 1 representative with extensive operational experience in the general aviation community.

"(v) 1 representative from an aircraft manufacturer.

"(vi) 1 representative of a labor organization representing employees at the Federal Aviation Administration who are involved with maintenance of the air traffic control system.

"(3) APPOINTMENT AND QUALIFICATIONS.—

"(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

"(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

"(i) management of large service organizations;

"(ii) customer service;

"(iii) management of large procurements;

"(iv) information and communications technology;

"(v) organizational development; and

"(vi) labor relations.

"(C) Of the members first appointed under paragraphs (2)(B) and (2)(C)—

"(i) 2 shall be appointed for terms of 1 year;

"(ii) 1 shall be appointed for a term of 2 years;

"(iii) 1 shall be appointed for a term of 3 years; and

"(iv) 1 shall be appointed for a term of 4 years.

"(4) FUNCTIONS.—

"(A) IN GENERAL.—The Board shall—

"(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

"(ii) review the Administration's strategic plan and make recommendations on the non-safety program portions of the plan, and provide advice on the safety programs of the plan;

"(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

"(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

"(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

"(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

"(vii) annually review and make recommendations on the NextGen Implementation Plan;

"(viii) approve the Administrator's selection of the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act; and

"(ix) approve the selection of the head of the Joint Planning and Development Office.

"(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

"(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

"(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

"(6) ADMINISTRATIVE MATTERS.—

"(A) TERMS OF MEMBERS.—Except as provided in paragraph (3)(C), members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

"(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

"(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

"(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

"(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

"(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

"(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

"(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

"(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

"(II) to affect any other right or remedy against the United States under applicable law; or

"(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

"(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that the member—

"(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

"(ii) does not engage in another business related to aviation or aeronautics; and

"(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

"(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

"(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

"(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

"(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the

Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

"(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

"(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).".

SEC. 302. NEXTGEN MANAGEMENT.

(a) IN GENERAL.—The Administrator shall appoint or designate an individual, as the Chief NextGen Officer, to be responsible for implementation of all Administration programs associated with the Next Generation Air Transportation System.

(b) SPECIFIC DUTIES.—The individual appointed or designated under subsection (a) shall—

(1) oversee the implementation of all Administration NextGen programs;

(2) coordinate implementation of those NextGen programs with the Office of Management and Budget;

(3) develop an annual NextGen implementation plan;

(4) ensure that Next Generation Air Transportation System implementation activities are planned in such a manner as to require that system architecture is designed to allow for the incorporation of novel and currently unknown technologies into the System in the future and that current decisions do not bias future decisions unfairly in favor of existing technology at the expense of innovation; and

(5) oversee the Joint Planning and Development Office's facilitation of cooperation among all Federal agencies whose operations and interests are affected by implementation of the NextGen programs.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

"(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-Government providers of communications, navigation, surveillance or other services

to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

"(A) promote the safety of life and property;

"(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

"(C) encourage competition and provide services to the largest feasible number of users; and

"(D) take into account the unique role served by general aviation.".

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking "without" in the last sentence and inserting "with or without".

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting "and" after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting "(whether public or private)" in paragraph (1) after "authorities";

(2) by striking "safety." in paragraph (1) and inserting "safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears."; and

(3) by striking "appropriation from which expenses were incurred in providing such services." in paragraph (3) and inserting "appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.".

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (G);

(2) by striking "Board." in subparagraph (H) and inserting "Board; and"; and

(3) by inserting at the end the following new subparagraph:

"(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank awards), except that—

"(i) for purposes of applying such provisions to the personnel management system—

"(I) the term 'agency' means the Department of Transportation;

"(II) the term 'senior executive' means a Federal Aviation Administration executive;

"(III) the term 'career appointee' means a Federal Aviation Administration career executive; and

"(IV) the term 'senior career employee' means a Federal Aviation Administration career senior professional;

"(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

"(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.".

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realign-

ment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation and a description of the costs and savings of such transition, in the Federal Register and allow 45 days for the submission of public comments to the Board. In addition, the Administrator upon request shall hold a public hearing in any community that would be affected by a recommendation in the report.

(c) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(d) REVIEW AND RECOMMENDATIONS.—

(1) Based on its review and analysis of the Administrator's recommendations and any public com-

ment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(2) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(3) The Administrator may not consolidate any additional approach control facilities into the Southern California TRACON, the Northern California TRACON, the Miami TRACON, or the Memphis TRACON until the Board's recommendations are completed.

(e) REALIGNMENT DEFINED.—In this section, the term "realignment"—

(1) means a relocation or reorganization of functions, services, or personnel positions, including a facility closure, consolidation, deconsolidation, collocation, decombining, decoupling, split, or inter-facility or inter-regional reorganization that requires a reassignment of employees; but

(2) does not include a reduction in personnel resulting from workload adjustments.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM IMPLEMENTATION OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting "strategic and cross-agency" after "manage" in subsection (a)(1);

(2) by adding at the end of subsection (a)(1) "The office shall be headed by a Director, who shall report to the Chief NextGen Officer appointed or designated under section 302(a) of the FAA Air Transportation Modernization and Safety Improvement Act.";

(3) by inserting "(A)" after "(3)" in subsection (a)(3);

(4) by inserting after subsection (a)(3) the following:

"(B) The Administrator, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or

Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

"(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office;

"(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

"(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

"(C) The head of any such Department or agency shall ensure that—

"(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

"(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

"(D)(i) Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

"(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

"(II) the budgetary and staff resources committed to the project.

"(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.";

(5) by striking "beyond those currently included in the Federal Aviation Administration's operational evolution plan" in subsection (b);

(6) by striking "research and development roadmap" in subsection (b)(3) and inserting "implementation plan";

(7) by striking "and" after the semicolon in subsection (b)(3)(B);

(8) by inserting after subsection (b)(3)(C) the following:

"(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and";

(9) by inserting "and key technologies" after "concepts" in subsection (b)(4);

(10) by striking "users" in subsection (b)(4) and inserting "users, an implementation plan,";

(11) by adding at the end of subsection (b) the following:

"Within 6 months after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Administrator shall develop the implementa-

tion plan described in paragraph (3) of this subsection and shall update it annually thereafter.”; and

(12) by striking “2010.” in subsection (e) and inserting “2011.”.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking “Secretary.” and inserting “Secretary and shall meet at least once each quarter.”.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

“(B) runway lighting and airport surface visual and other navigation aids;”;

(2) by striking “weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and” in subparagraph (C) and inserting “aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;”;

(3) by striking “another structure” in subparagraph (D) and inserting “any structure, equipment,”;

(4) by striking "aircraft." in subparagraph (D) and inserting "aircraft; and"; and

(5) by adding at the end the following:

"(E) buildings, equipment, and systems dedicated to the National Airspace System.".

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking "compensation; and" and inserting "compensation, and the amount received may be credited to the appropriation current when the amount is received; and".

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

"(2) DISPUTE RESOLUTION.—

"(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the

Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

"(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) do not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the

Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified work-

force and the Federal Aviation Administration's budget.

"(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

"(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph shall be in the United States District Court for the District of Columbia.".

SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.

(a) OEP AIRPORT PROCEDURES.—

(1) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, air carriers, and aircraft manufacturers that includes the following:

(A) RNP/RNAV OPERATIONS.—The required navigation performance and area naviga-

tion operations, including the procedures to be developed, certified, and published and the air traffic control operational changes, to maximize the efficiency and capacity of NextGen commercial operations at the 35 Operational Evolution Partnership airports identified by the Administration.

(B) COORDINATION AND IMPLEMENTATION ACTIVITIES.—A description of the activities and operational changes and approvals required to coordinate and utilize those procedures at those airports.

(C) IMPLEMENTATION PLAN.—A plan for implementing those procedures that establishes—

(i) clearly defined budget, schedule, project organization, and leadership requirements;

(ii) specific implementation and transition steps; and

(iii) baseline and performance metrics for measuring the Administration's progress in implementing the plan, including the percentage utilization of required navigation performance in the National Airspace System.

(D) COST/BENEFIT ANALYSIS FOR THIRD-PARTY USAGE.—An assessment of the costs and benefits of using third parties to assist in the development of the procedures.

(E) ADDITIONAL PROCEDURES.—A process for the identification, certification, and publication of additional required navigation performance and area navigation procedures that may be required at such airports in the future.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 30 percent of the required procedures within 18 months after the date of enactment of this Act;

(B) 60 percent of the procedures within 36 months after the date of enactment of this Act; and

(C) 100 percent of the procedures before January 1, 2014.

(b) EXPANSION OF PLAN TO OTHER AIRPORTS.—

(1) IN GENERAL.—No later than January 1, 2014, the Administrator shall publish a report, after consultation with representatives of appropriate Administration employee groups, airport operators, and air carriers, that includes a plan for applying the

procedures, requirements, criteria, and metrics described in subsection (a)(1) to other airports across the Nation.

(2) IMPLEMENTATION SCHEDULE.—The Administrator shall certify, publish, and implement—

(A) 25 percent of the required procedures at such other airports before January 1, 2015;

(B) 50 percent of the procedures at such other airports before January 1, 2016;

(C) 75 percent of the procedures at such other airports before January 1, 2017; and

(D) 100 percent of the procedures before January 1, 2018.

(c) ESTABLISHMENT OF PRIORITIES.—The Administrator shall extend the charter of the Performance Based Navigation Aviation Rulemaking Committee as necessary to authorize and request it to establish priorities for the development, certification, publication, and implementation of the navigation performance and area navigation procedures based on their potential safety and congestion benefits.

(d) COORDINATED AND EXPEDITED REVIEW.—Navigation performance and area navigation procedures developed, certified, published, and implemented under this section shall be presumed to be covered by a categorical exclu-

sion (as defined in section 1508.4 of title 40, Code of Federal Regulations) under chapter 3 of FAA Order 1050.1E unless the Administrator determines that extraordinary circumstances exist with respect to the procedure.

(e) DEPLOYMENT PLAN FOR NATIONWIDE DATA COMMUNICATIONS SYSTEM.—Within 1 year after the date of enactment of this Act, the Administrator shall submit a plan for implementation of a nationwide communications system to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The plan shall include—

(1) clearly defined budget, schedule, project organization, and leadership requirements;

(2) specific implementation and transition steps; and

(3) baseline and performance metrics for measuring the Administration's progress in implementing the plan.

(f) IMPROVED PERFORMANCE STANDARDS.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate committee on commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) evaluates whether utilization of ADS–B, RNP, and other technologies as part of the NextGen Air Transportation System implementation plan will display the position of aircraft more accurately and frequently so as to enable a more efficient use of existing airspace and result in reduced consumption of aviation fuel and aircraft engine emissions;

(2) evaluates the feasibility of reducing aircraft separation standards in a safe manner as a result of implementation of such technologies; and

(3) if the Administrator determines that such standards can be reduced safely, includes a timetable for implementation of such reduced standards.

SEC. 315. ADS–B DEVELOPMENT AND IMPLEMENTATION.

(a) IN GENERAL.—

(1) REPORT REQUIRED.—Within 90 days after the date of enactment of this Act, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration's program and schedule for integrating ADS–B technology into the National Airspace System. The report shall include—

(A) a clearly defined budget, schedule, project organization, leadership, and the specific implementation or transition steps required to achieve these ADS–B ground station installation goals;

(B) a transition plan for ADS–B that includes date-specific milestones for the implementation of new capabilities into the National Airspace System;

(C) identification of any potential operational or workforce changes resulting from deployment of ADS–B;

(D) detailed plans and schedules for implementation of advanced operational procedures and ADS–B air-to-air applications; and

(E) baseline and performance metrics in order to measure the agency's progress.

(2) IDENTIFICATION AND MEASUREMENT OF BENEFITS.—In the report required by paragraph (1), the Administrator shall identify actual benefits that will accrue to National Airspace System users from deployment of ADS–B and provide and explanation of the metrics used to quantify those benefits.

(b) RULEMAKINGS.—

(1) ADS–B OUT.—Not later than 45 days after the date of enactment of this Act the Administrator shall—

(A) complete the initial rulemaking proceeding (Docket No. FAA–2007–29305; Notice No. 07–15; 72 FR 56947) to issue guidelines and regulations for ADS–B Out technology that—

(i) identify the ADS–B Out technology that will be required under NextGen;

(ii) subject to paragraph (3), require all aircraft to be equipped with such technology by 2015; and

(iii) identify—

(I) the type of such avionics required of aircraft for all classes of airspace;

(II) the expected costs associated with the avionics; and

(III) the expected uses and benefits of the avionics; and

(B) initiate a rulemaking proceeding to issue any additional guidelines and regulations for ADS–B Out technology not addressed in the initial rulemaking.

(2) ADS–B IN.—Not later than 45 days after the date of enactment of this Act the Administrator shall initiate a rulemaking proceeding to issue guidelines and regulations for ADS–B In technology that—

(A) identify the ADS–B In technology that will be required under NextGen;

(B) subject to paragraph (3), require all aircraft to be equipped with such technology by 2018; and

(C) identify—

(i) the type of such avionics required of aircraft for all classes of airspace;

(ii) the expected costs associated with the avionics; and

(iii) the expected uses and benefits of the avionics.

(3) READINESS VERIFICATION.—Before the date on which all aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under paragraphs (1) and (2), the Air Traffic Control Modernization Oversight Board shall verify that—

(A) the necessary ground infrastructure is installed and functioning properly;

(B) certification standards have been approved; and

(C) appropriate operational platforms interface safely and efficiently.

(c) USES.—Within 18 months after the date of enactment of this Act, the Administrator shall develop, in consultation with appropriate employee groups, a plan for the use of ADS–B technology for surveillance and active air traffic control by 2015. The plans shall—

(1) include provisions to test the use of ADS–B prior to the 2015 deadline for surveillance and active air traffic control in specific regions of the country with the most congested airspace;

(2) identify the equipment required at air traffic control facilities and the training required for air traffic controllers;

(3) develop procedures, in consultation with appropriate employee groups, to conduct air traffic management in mixed equipage environments; and

(4) establish a policy in these test regions, with consultation from appropriate employee groups, to provide incentives for equipage with ADS–B technology by giving priority to aircraft equipped with such technology before the 2015 and 2018 equipage deadlines.

SEC. 316. EQUIPAGE INCENTIVES.

(a) IN GENERAL.—The Administrator shall issue a report that—

(1) identifies incentive options to encourage the equipage of aircraft with NextGen technologies, including a policy that gives priority to aircraft equipped with ADS–B technology;

(2) identifies the costs and benefits of each option; and

(3) includes input from industry stakeholders, including passenger and cargo air carriers, aerospace manufacturers, and general aviation aircraft operators.

(b) DEADLINE.—The Administrator shall issue the report before the earlier of—

(1) the date that is 6 months after the date of enactment of this Act; or

(2) the date on which aircraft are required to be equipped with ADS–B technology pursuant to rulemakings under section 315(b) of this Act.

SEC. 317. PERFORMANCE METRICS.

(a) IN GENERAL.—No later than June 1, 2010, the Administrator shall establish and track National Airspace System performance metrics, including, at a minimum—

(1) the allowable operations per hour on runways;

(2) average gate-to-gate times;

(3) fuel burned between key city pairs;

(4) operations using the advanced procedures implemented under section 314 of this Act;

(5) average distance flown between key city pairs;

(6) time between pushing back from the gate and taking off;

(7) uninterrupted climb or descent;

(8) average gate arrival delay for all arrivals;

(9) flown versus filed flight times for key city pairs; and

(10) metrics to demonstrate reduced fuel burn and reduced emissions.

(b) OPTIMAL BASELINES.—The Administrator, in consultation with aviation industry stakeholders, shall identify optimal baselines for each of these metrics and appropriate methods to measure deviations from these baselines.

(c) PUBLICATION.—The Administration shall make the data obtained under subsection (a) available to the public in a searchable, sortable, downloadable format through its website and other appropriate media.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of enactment of this Act, the Adminis-

trator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(A) a description of the metrics that will be used to measure the Administration's progress in implementing NextGen Air Transportation System capabilities and operational results; and

(B) information about how any additional metrics were developed.

(2) ANNUAL PROGRESS REPORT.—The Administrator shall submit an annual progress report to those committees on the Administration's progress in implementing NextGen Air Transportation System.

SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator shall develop a plan to accelerate and streamline the process for certification of NextGen technologies, including—

(1) updated project plans and timelines to meet the deadlines established by this title;

(2) identification of the specific activities needed to certify core NextGen technologies, including the establishment of NextGen technical requirements for the manufacture of equipage, installation of equipage,

airline operational procedures, pilot training standards, air traffic control procedures, and air traffic controller training;

(3) staffing requirements for the Air Certification Service and the Flight Standards Service, and measures addressing concerns expressed by the Department of Transportation Inspector General and the Comptroller General regarding staffing needs for modernization;

(4) an assessment of the extent to which the Administration will use third parties in the certification process, and the cost and benefits of this approach; and

(5) performance metrics to measure the Administration's progress.

(b) CERTIFICATION INTEGRITY.—The Administrator shall make no distinction between public or privately owned equipment, systems, or services used in the National Airspace System when determining certification requirements.

SEC. 319. UNMANNED AERIAL SYSTEMS.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall develop a plan to accelerate the integration of unmanned aerial systems into the National Airspace System that—

(1) creates a pilot project to integrate such vehicles into the National Airspace System at 4 test sites in the National Airspace System by 2012;

(2) creates a safe, non-exclusionary airspace designation for cooperative manned and unmanned flight operations in the National Airspace System;

(3) establishes a process to develop certification, flight standards, and air traffic requirements for such vehicles at the test sites;

(4) dedicates funding for unmanned aerial systems research and development to certification, flight standards, and air traffic requirements;

(5) encourages leveraging and coordination of such research and development activities with the National Aeronautics and Space Administration and the Department of Defense;

(6) addresses both military and civilian unmanned aerial system operations;

(7) ensures the unmanned aircraft systems integration plan is incorporated in the Administration's NextGen Air Transportation System implementation plan; and

(8) provides for verification of the safety of the vehicles and navigation procedures before their integration into the National Airspace System.

(b) TEST SITE CRITERIA.—The Administrator shall take into consideration geographical and climate diversity in determining where the test sites to be established under the pilot project required by subsection (a)(1) are to be located.

SEC. 320. SURFACE SYSTEMS PROGRAM OFFICE.

(a) IN GENERAL.—The Air Traffic Organization shall—

(1) evaluate the Airport Surface Detection Equipment-Model X program for its potential contribution to implementation of the NextGen initiative;

(2) evaluate airport surveillance technologies and associated collaborative surface management software for potential contributions to implementation of NextGen surface management;

(3) accelerate implementation of the program; and

(4) carry out such additional duties as the Administrator may require.

(b) EXPEDITED CERTIFICATION AND UTILIZATION.—The Administrator shall—

(1) consider options for expediting the certification of Ground Based Augmentation System technology; and

(2) develop a plan to utilize such a system at the 35 Operational Evolution Partnership airports by September 30, 2012.

SEC. 321. STAKEHOLDER COORDINATION.

(a) IN GENERAL.—The Administrator shall establish a process for including qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be affected by the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) in, and collaborating with, such employees in the planning, development, and deployment of those projects.

(b) PARTICIPATION.—

(1) BARGAINING OBLIGATIONS AND RIGHTS.—Participation in the process described in subsection (a) shall not be construed as a waiver of any bargaining obligations or rights under section 40122(a)(1) or 40122(g)(2)(C) of title 49, United States Code.

(2) CAPACITY AND COMPENSATION.—Exclusive collective bargaining representatives and selected employees participating in the process described in subsection (a) shall—

(A) serve in a collaborative and advisory capacity; and

(B) receive appropriate travel and per diem expenses in accordance with the travel policies of the Administration in addition to any regular compensation and benefits.

(c) REPORT.—No later than 180 days after the date of enactment of this Act, the Administrator shall submit a report on the implementation of this section to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 322. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator shall establish a special task force to be known as the "FAA Task Force on Air Traffic Control Facility Conditions".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, "sick building syndrome," and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under sub-

section (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force

to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task

Force are completed, the Task Force shall submit a report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 323. STATE ADS–B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with

not to exceed 5 States for the establishment of State ADS–B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS–B equipage bank established under this section shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS–B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2010 through 2014.

(c) FORMS OF ASSISTANCE FROM ADS–B EQUIPAGE BANKS.—An ADS–B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS–B equipage account of an ADS–B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS–B and related avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS–B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(4) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(5) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(6) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

SEC. 324. IMPLEMENTATION OF INSPECTOR GENERAL ATC RECOMMENDATIONS.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, but no later than 1 year after that date, the Administrator of the Federal Aviation Administration shall—

(1) provide the Los Angeles International Air Traffic Control Tower facility, the Southern Cali-

fornia Terminal Radar Approach Control facility, and the Northern California Terminal Radar Approach Control facility a sufficient number of contract instructors, classroom space (including off-site locations as needed), and simulators for a surge in the number of new air traffic controllers at those facilities;

(2) to the greatest extent practicable, distribute the placement of new trainee air traffic controllers at those facilities evenly across the calendar year in order to avoid training bottlenecks;

(3) commission an independent analysis, in consultation with the Administration and the exclusive bargaining representative of air traffic controllers certified under section 7111 of title 5, United States Code, of overtime scheduling practices at those facilities; and

(4) to the greatest extent practicable, provide priority to certified professional controllers-in-training when filling staffing vacancies at those facilities.

(b) STAFFING ANALYSES AND REPORTS.—For the purposes of—

(1) the Federal Aviation Administration's annual controller workforce plan,

(2) the Administration's facility-by-facility authorized staffing ranges, and

(3) any report of air traffic controller staffing levels submitted to the Congress,

the Administrator may not consider an individual to be an air traffic controller unless that individual is a certified professional controller.

SEC. 325. DEFINITIONS.

In this title:

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) NEXTGEN.—The term "NextGen" means the Next Generation Air Transportation System.

(4) SECRETARY.—The term "Secretary" means the Secretary of Transportation.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SUBTITLE A—CONSUMER PROTECTION

SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

"§ 41781. Air carrier and airport contingency plans for long on-board tarmac delays

"(a) DEFINITION OF TARMAC DELAY.—The term 'tarmac delay' means the holding of an aircraft on the ground before taking off or after landing with no opportunity for its passengers to deplane.

"(b) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 60 days after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, each air carrier and airport operator shall submit, in accordance with the requirements under this section, a proposed contingency plan to the Secretary of Transportation for review and approval.

"(c) MINIMUM STANDARDS.—The Secretary of Transportation shall establish minimum standards for elements in contingency plans required to be submitted under this section to ensure that such plans effectively address long on-board tarmac delays and provide for the health and safety of passengers and crew.

"(d) AIR CARRIER PLANS.—The plan shall require each air carrier to implement at a minimum the following:

"(1) PROVISION OF ESSENTIAL SERVICES.—Each air carrier shall provide for the essential needs of passengers on board an aircraft at an airport in any

case in which the departure of a flight is delayed or disembarkation of passengers on an arriving flight that has landed is substantially delayed, including—

"(A) adequate food and potable water;

"(B) adequate restroom facilities;

"(C) cabin ventilation and comfortable cabin temperatures; and

"(D) access to necessary medical treatment.

"(2) RIGHT TO DEPLANE.—

"(A) IN GENERAL.—Each air carrier shall submit a proposed contingency plan to the Secretary of Transportation that identifies a clear time frame under which passengers would be permitted to deplane a delayed aircraft. After the Secretary has reviewed and approved the proposed plan, the air carrier shall make the plan available to the public.

"(B) DELAYS.—

"(i) IN GENERAL.—As part of the plan, except as provided under clause (iii), an air carrier shall provide passengers with the option of deplaning and returning to the terminal at which such deplaning could be safely completed, or deplaning at the terminal if—

"(I) 3 hours have elapsed after passengers have boarded the aircraft, the aircraft doors are closed, and the aircraft has not departed; or

"(II) 3 hours have elapsed after the aircraft has landed and the passengers on the aircraft have been unable to deplane.

"(ii) FREQUENCY.—The option described in clause (i) shall be offered to passengers at a minimum not less often than once during each successive 3-hour period that the plane remains on the ground.

"(iii) EXCEPTIONS.—This subparagraph shall not apply if—

"(I) the pilot of such aircraft reasonably determines that the aircraft will depart or be unloaded at the terminal not later than 30 minutes after the 3 hour delay; or

"(II) the pilot of such aircraft reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

"(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

"(D) REPORTS.—Not later than 30 days after any flight experiences a tarmac delay lasting at least 3 hours, the air carrier responsible for such flight shall submit a written description of the incident and its resolution to the Aviation Consumer Protection Office of the Department of Transportation.

"(e) AIRPORT PLANS.—Each airport operator shall submit a proposed contingency plan under subsection (b) that contains a description of—

"(1) how the airport operator will provide for the deplanement of passengers following a long tarmac delay; and

"(2) how, to the maximum extent practicable, the airport operator will provide for the sharing of facilities and make gates available at the airport for use by aircraft experiencing such delays.

"(f) UPDATES.—The Secretary shall require periodic reviews and updates of the plans as necessary.

"(g) APPROVAL.—

"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Secretary of Transportation shall—

"(A) review the initial contingency plans submitted under subsection (b); and

"(B) approve plans that closely adhere to the standards described in subsections (d) or (e), whichever is applicable.

"(2) UPDATES.—Not later than 60 days after the submission of an update under subsection (f) or an initial contingency plan by a new air carrier or airport, the Secretary shall—

"(A) review the plan; and

"(B) approve the plan if it closely adheres to the standards described in subsections (d) or (e), whichever is applicable.

"(h) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against any air carrier or airport operator that does not submit, obtain approval of, or adhere to a contingency plan submitted under this section.

"(i) PUBLIC ACCESS.—Each air carrier and airport operator required to submit a contingency plan under this section shall ensure public access to an approved plan under this section by—

"(1) including the plan on the Internet Web site of the carrier or airport; or

"(2) disseminating the plan by other means, as determined by the Secretary.

"§ 41782. Air passenger complaints hotline and information

"(a) AIR PASSENGER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of air passengers.

"(b) PUBLIC NOTICE.—The Secretary shall notify the public of the telephone number established under subsection (a).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, which sums shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by adding at the end the following:

"SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

"41781. Air carrier and airport contingency plans for long on-board tarmac delays.
"41782. Air passenger complaints hotline and information.".

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

(a) IN GENERAL.—Section 41722 is amended by adding at the end the following:

"(f) CHRONICALLY DELAYED FLIGHTS.—

"(1) PUBLICATION OF LIST OF FLIGHTS.—Each air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall, on a monthly basis—

"(A) publish and update on the Internet website of the air carrier a list of chronically delayed flights operated by such air carrier; and

"(B) share such list with each entity that is authorized to book passenger air transportation for such air carrier for inclusion on the Internet website of such entity.

"(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—For each individual who books passenger air transportation on the Internet website of an air carrier, or the Internet website of an entity that is authorized to book passenger air transportation for an air carrier, for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, such air carrier or entity, as the case may be,

shall prominently disclose to such individual, before such individual makes such booking, the following:

"(A) The on-time performance for the flight if the flight is a chronically delayed flight.

"(B) The cancellation rate for the flight if the flight is a chronically canceled flight.

"(3) DEFINITIONS.—In this subsection:

"(A) CHRONICALLY DELAYED FLIGHT.—The term 'chronically delayed flight' means a regularly scheduled flight that has failed to arrive on time (as such term is defined in section 234.2 of title 14, Code of Federal Regulations) at least 40 percent of the time during the most recent 3-month period for which data is available.

"(B) CHRONICALLY CANCELED FLIGHT.—The term 'chronically canceled flight' means a regularly scheduled flight at least 30 percent of the departures of which have been canceled during the most recent 3-month period for which data is available.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budg-

et of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out airline customer service improvements, including those required by subchapter IV of chapter 417 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in ac-

cordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 405. DISCLOSURE OF PASSENGER FEES.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking that requires each air carrier operating in the United States under part 121 of title 49, Code of Federal Regulations, to make available to the public and to the Secretary a list of all passenger fees and charges (other than airfare) that may be imposed by the air carrier, including fees for—

(1) checked baggage or oversized or heavy baggage;

(2) meals, beverages, or other refreshments;

(3) seats in exit rows, seats with additional space, or other preferred seats in any given class of travel;

(4) purchasing tickets from an airline ticket agent or a travel agency; or

(5) any other good, service, or amenity provided by the air carrier, as required by the Secretary.

(b) PUBLICATION; UPDATES.—In order to ensure that the fee information required by subsection (a) is both current and widely available to the travelling public, the Secretary—

(1) may require an air carrier to make such information on any public website maintained by an air carrier, to make such information available to

travel agencies, and to notify passengers of the availability of such information when advertising airfares; and

(2) shall require air carriers to update the information as necessary, but no less frequently than every 90 days unless there has been no increase in the amount or type of fees shown in the most recent publication.

SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL COMMUNITIES

SEC. 411. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "may" and inserting "shall".

SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking "September 30, 2007." and inserting "September 30, 2011.".

SEC. 413. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "provided." in subparagraph (C) and inserting "provided;"; and

(3) by adding at the end the following:

"(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

"(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.".

SEC. 414. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

(2) by inserting after subsection (b) the following:

"(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

"(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

"(2) GRANTS.—A grant under this subsection—

"(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

"(B) may be used—

"(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

"(ii) to defray operating expenses, if such use is approved by the Secretary; or

"(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

"(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

"(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.".

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking "An eligible place" and inserting "Neither an eligible place, nor a place to which subsection (c) applies,"; and

(2) by striking "not".

SEC. 415. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) "Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended."; and

(2) by striking "$77,000,000" in paragraph (2) and inserting "$125,000,000".

SEC. 416. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "fashion." in subparagraph (E) and inserting "fashion; and"; and

(3) by adding at the end the following:

"(F) multiple communities cooperate to submit a region or multistate application to improve air service.".

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended—

(1) by striking "is appropriated" and inserting "are appropriated"; and

(2) by striking "2009" and inserting "2011".

SEC. 417. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 418. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Essential air service for eligible places above per passenger subsidy cap

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

"(b) PLACE DESCRIBED.—A place described in this subsection is a place—

"(1) that is otherwise an eligible place; and

"(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

"(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

"(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the per passenger subsidy; and

"(B) the dollar amount allowable for such subsidy under this subchapter.

"(d) COMPENSATION PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

"(e) REVIEW.—

"(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

"41749. Essential air service for eligible places above per passenger subsidy cap.".

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

"§ *41750. Preferred essential air service*

"(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

"(b) PREFERRED AIR CARRIER DESCRIBED.—A preferred air carrier described in this subsection is an air carrier that—

"(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

"(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

"(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

"(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

"(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

"(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

"(A) the rate of compensation the Secretary would provide to the air carrier that submits the

lowest cost bid to provide air transportation to the eligible place; and

"(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

"(d) COMPENSATION PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

"(2) DURATION OF PAYMENTS.—The Secretary shall continue to pay compensation under this section only as long as—

"(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

"(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

"(e) REVIEW.—

"(1) IN GENERAL.—The Secretary shall periodically review the type and level of air service provided under this section.

"(2) CONSULTATION.—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

"(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION.—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

"(1) the Secretary;

"(2) the affected community; and

"(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).".

(2) CLERICAL AMENDMENT.—The table of contents for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

"41750. Preferred essential air service.".

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is amended by adding at the end the following:

"(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.—

"(1) IN GENERAL.—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

"(2) DETERMINATION BY SECRETARY.—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).".

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT.—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(e) FUNCTIONS.—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air service, based on the criteria described in paragraph (2).

(f) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking "2009" and inserting "2011".

(g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.—Section 41737 is amended by adding at the end thereof the following:

"(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.".

SUBTITLE C—MISCELLANEOUS

SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

"§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees"*;*

(2) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d);

(3) by inserting "AND FOREIGN AIR CARRIER" after "CARRIER" in the heading for subsection (d)(2);

(4) by striking "air carrier" each place it appears and inserting "air carrier or foreign air carrier";

(5) by striking "air carrier's" each place it appears and inserting "air carrier's or foreign air carrier's";

(6) by striking "air carriers" and inserting "air carriers or foreign air carriers"; and

(7) by striking "(as defined in section 40102 of this title)" in subsection (a) and inserting "(as those terms are defined in section 40102 of this title)".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

"47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.".

SEC. 432. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by adding at the end the following:

"(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

"(C) If the Secretary finds that all or part of an amount made available to carry out the program continued

under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.".

(b) COSTS EXCEEDING BENEFITS.—Subparagraph (D) of section 47124(b)(3) is amended—

(1) by striking "benefit." and inserting "benefit, with the maximum allowable local cost share for FAA Part 139 certified airports capped at 20 percent for those airports with fewer than 50,000 annual passenger enplanements.".

(c) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking "and" after "2006,"; and

(2) by striking "2007" and inserting "2007, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011" after "2007,"; and

(3) by inserting after "paragraph." the following: "If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under subsection (b)(1) of this section.".

(d) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking "$1,500,000." and inserting "$2,000,000.".

(e) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

"(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.".

SEC. 433. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,450,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees (including baggage fees), ancillary costs, or penalties.

TITLE V— SAFETY

SUBTITLE A—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan

shall be integrated into the annual Federal Aviation Administration NextGen Implementation Plan.

SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

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

"(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.".

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking "section 44709 or" and inserting "section 44703(d), 44709, or".

SEC. 503. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

"(5) RELEASE OF DATA.—

"(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

"(i) the certificate containing the requested data has been inactive for 3 years;

"(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

"(iii) the designation of such data as public data will enhance aviation safety.

"(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.".

SEC. 504. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking "Beginning 7 years after the date of enactment of this subsection," in paragraph (1) and inserting "Effective January 1, 2013,";

(2) by striking "testing" in paragraph (2) and inserting "production"; and

(3) by striking paragraph (3) and inserting the following:

"(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.".

SEC. 505. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

"§ 40130. FAA access to criminal history records or databases systems

"(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

"(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information

maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

"(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

"(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

"(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

"(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

"(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

"(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 401 is amended by inserting after the item relating to section 40129 the following:

"40130. FAA access to criminal history records or databases systems.".

SEC. 506. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

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

(1) research on fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements recommended by the National Transportation Safety Board; and

(3) international standards.

(c) REPORT.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.

(d) RULEMAKING.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National

Academy in its rulemaking proceeding on flight time limitations and rest requirements.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the Civil Aerospace Medical Institute study on flight attendant fatigue.

SEC. 507. INCREASING SAFETY FOR HELICOPTER AND FIXED WING EMERGENCY MEDICAL SERVICE OPERATORS AND PATIENTS.

(a) COMPLIANCE REGULATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 18 months after the date of enactment of this Act, helicopter and fixed wing aircraft certificate holders providing emergency medical services shall comply with part 135 of title 14, Code of Federal Regulations, if there is a medical crew on board, without regard to whether there are patients on board.

(2) EXCEPTION.—If a certificate holder described in paragraph (1) is operating under instrument flight rules or is carrying out training therefor—

(A) the weather minimums and duty and rest time regulations under such part 135 of such title shall apply; and

(B) the weather reporting requirement at the destination shall not apply until such time as the Administrator of the Federal Aviation Administration determines that portable, reliable, and accurate ground-based weather measuring and reporting systems are available.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to create a standardized checklist of risk evaluation factors based on Notice 8000.301, which was issued by the Administration on August 1, 2005; and

(B) to require helicopter and fixed wing aircraft emergency medical service operators to use the checklist created under subparagraph (A) to determine whether a mission should be accepted.

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—

(1) INITIATION.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking—

(A) to require that helicopter and fixed wing emergency medical service operators formalize and implement performance based flight dispatch and flight-following procedures; and

(B) to develop a method to assess and ensure that such operators comply with the requirements described in subparagraph (A).

(2) COMPLETION.—The rulemaking initiated under paragraph (1) shall be completed not later than 18 months after it is initiated.

(d) IMPROVING SITUATIONAL AWARENESS.—Within 1 year after the date of enactment of this Act, any helicopter or fixed-wing aircraft used for emergency medical service shall have on board a device that performs the function of a terrain awareness and warning system and a means of displaying that information that meets the requirements of

the applicable Federal Aviation Administration Technical Standard Order or other guidance prescribed by the Administrator.

(e) IMPROVING THE DATA AVAILABLE ON AIR MEDICAL OPERATIONS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall require each certificate holder for helicopters and fixed-wing aircraft used for emergency medical service operations to report not later than 1 year after the date of enactment of this Act and annually thereafter on—

(A) the number of aircraft and helicopters used to provide air ambulance services, the registration number of each of these aircraft or helicopters, and the base location of each of these aircraft or helicopters;

(B) the number of flights and hours flown by each such aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(C) the number of flights and the purpose of each flight for each aircraft or helicopter used by the certificate holder to provide such services during the reporting period;

(D) the number of flight requests for a helicopter providing helicopter air ambulance services that were accepted or declined by the certificate holder and the type of each such flight request (such as scene response, inter-facility transport, organ transport, or ferry or repositioning flight);

(E) the number of accidents involving helicopters operated by the certificate holder while providing helicopter air ambulance services and a description of the accidents;

(F) the number of flights and hours flown under instrument flight rules by helicopters operated by the certificate holder while providing helicopter air ambulance services;

(G) the time of day of each flight flown by helicopters operated by the certificate holder while providing helicopter air ambulance services; and

(H) The number of incidents where more helicopters arrive to transport patients than is needed in a flight request or scene response.

(2) REPORT TO CONGRESS.—The Administrator of the Federal Aviation Administration shall report to Congress on the information received pursuant to

paragraph (1) of this subsection no later than 18 months after the date of enactment of this Act.

(f) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Not later than 120 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue a report that indicates the availability, survivability, size, weight, and cost of devices that perform the function of recording voice communications and flight data information on existing and new helicopters and existing and new fixed wing aircraft used for emergency medical service operations.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations that require devices that perform the function of recording voice communications and flight data information on board aircraft described in paragraph (1).

SEC. 508. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) MINIMUM LANGUAGE SKILLS.—

"(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has demonstrated to an individual qualified to determine proficiency the ability to read, speak, and write English well enough to—

"(A) read material written in English and comprehend the information;

"(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

"(C) write incident reports and statements and log entries and statements; and

"(D) carry out written and oral instructions regarding the proper performance of their duties.

"(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant serving solely between points outside the United States.".

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States

Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 509. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall be completed within 18 months after the date of enactment of this Act and shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint

Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—

(1) ANNUAL MINIMUM REQUIRED NAVIGATION PERFORMANCE PROCEDURES.—The Administrator shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria consistent with the NextGen Implementation Plan.

(2) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

(b) DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.—

(1) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures,

including public use procedures, for the National Airspace System.

(2) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(A) an assessment of the extent to which the Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight functions, which may include quality assurance processes, flight checks, integration of procedures into the National Aviation System, and operational assessments of procedures developed by third parties; and

(B) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the National Airspace System without the use of third party resources.

(c) REPORT.—No later than 1 year after the date of enactment of this Act, the Inspector General shall submit to the Senate Committee on Commerce, Science, and Trans-

portation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the review conducted under this section.

SEC. 511. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2009, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA–2008–0188, Re-registration and Renewal of Aircraft Registration. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure;

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the Voluntary Disclosure Reporting Program.

(2) REVIEW.—In conducting the study, the Comptroller General shall examine, at a minimum, whether—

(A) there is evidence that voluntary disclosure is resulting in regulated entities discovering and correcting violations to a greater extent than would otherwise occur if there was no program for immunity from enforcement action;

(B) the voluntary disclosure program makes the Federal Aviation Administration aware of violations that it would not have discovered if there was not a program, and if a violation is disclosed voluntarily, whether the Administration insists on stronger corrective actions than would have occurred if the regulated entity knew of a violation, but the Administration did not;

(C) the information the Administration gets under the program leads to fewer violations by other entities, either because the information leads other entities to look for similar violations or because the information leads Administration

investigators to look for similar violations at other entities; and

(D) there is any evidence that voluntary disclosure has improved compliance with regulations, either for the entities making disclosures or for the industry generally.

(3) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of the study conducted under this subsection.

SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) IN GENERAL.—Section 44711 is amended by adding at the end the following:

"(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT STANDARDS INSPECTORS.—

"(1) PROHIBITION.—A person holding an operating certificate issued under title 14, Code of Federal Regulations, may not knowingly employ, or make a contractual arrangement which permits, an individual to act as an agent or representative of the certificate holder in any matter before the Federal Avia-

tion Administration if the individual, in the preceding 3-year period—

"(A) served as, or was responsible for oversight of, a flight standards inspector of the Administration; and

"(B) had responsibility to inspect, or oversee inspection of, the operations of the certificate holder.

"(2) WRITTEN AND ORAL COMMUNICATIONS.—For purposes of paragraph (1), an individual shall be considered to be acting as an agent or representative of a certificate holder in a matter before the Federal Aviation Administration if the individual makes any written or oral communication on behalf of the certificate holder to the Administration (or any of its officers or employees) in connection with a particular matter, whether or not involving a specific party and without regard to whether the individual has participated in, or had responsibility for, the particular matter while serving as a flight standards inspector of the Administration.".

(b) APPLICABILITY.—The amendment made by subsection (a) shall not apply to an individual employed by a certificate holder as of the date of enactment of this Act.

SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initiate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 515. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, unannounced, and random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) LIMITATION.—The Administrator shall prohibit a member of the National Review Team from participating in any review or audit of an air carrier under subsection (a) if the member has previously had responsibility for in-

specting, or overseeing the inspection of, the operations of that air carrier.

(c) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

(d) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.

SEC. 516. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.

Section 106 is amended by adding at the end the following:

"(s) AVIATION SAFETY WHISTLEBLOWER INVESTIGATION OFFICE.—

"(1) ESTABLISHMENT.—There is established in the Administration an Aviation Safety Whistleblower Investigation Office.

"(2) DIRECTOR.—

"(A) APPOINTMENT.—The head of the Office shall be the Director, who shall be appointed by the Secretary of Transportation.

"(B) QUALIFICATIONS.—The Director shall have a demonstrated ability in investigations and knowledge of or experience in aviation.

"(C) TERM.—The Director shall be appointed for a term of 5 years.

"(D) VACANCY.—Any individual appointed to fill a vacancy in the position of the Director occurring before the expiration of the term for which the individual's predecessor was appointed shall be appointed for the remainder of that term.

"(3) COMPLAINTS AND INVESTIGATIONS.—

"(A) AUTHORITY OF DIRECTOR.—The Director shall—

"(i) receive complaints and information submitted by employees of persons holding certificates issued under title 14, Code of Federal Regulations, and employees of the Administration concerning the possible existence of an activity relating to a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety;

"(ii) assess complaints and information submitted under clause (i) and determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred; and

"(iii) based on findings of the assessment conducted under clause (ii), make recommendations to the Administrator in writing for further investigation or corrective actions.

"(B) DISCLOSURE OF IDENTITIES.—The Director shall not disclose the identity of an individual who submits a complaint or information under subparagraph (A)(i) unless—

"(i) the individual consents to the disclosure in writing; or

"(ii) the Director determines, in the course of an investigation, that the disclosure is unavoidable.

"(C) INDEPENDENCE OF DIRECTOR.—The Secretary, the Administrator, or any officer or employee of the Administration may not prevent or prohibit the Director from initiating, car-

rying out, or completing any assessment of a complaint or information submitted subparagraph (A)(i) or from reporting to Congress on any such assessment.

"(D) ACCESS TO INFORMATION.—In conducting an assessment of a complaint or information submitted under subparagraph (A)(i), the Director shall have access to all records, reports, audits, reviews, documents, papers, recommendations, and other material necessary to determine whether a substantial likelihood exists that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law relating to aviation safety may have occurred.

"(4) RESPONSES TO RECOMMENDATIONS.—The Administrator shall respond to a recommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

"(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Administration or any other provision of Federal law

relating to aviation safety may have occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

"(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

"(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

"(A) information on the number of submissions of complaints and information received by the Director under paragraph (3)(A)(i) in the preceding 12-month period;

"(B) summaries of those submissions;

"(C) summaries of further investigations and corrective actions recommended in response to the submissions; and

"(D) summaries of the responses of the Administrator to such recommendations.".

SEC. 519. MODIFICATION OF CUSTOMER SERVICE INITIATIVE.

(a) MODIFICATION OF INITIATIVE.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall modify the customer service initiative, mission and vision statements, and other statements of policy of the Administration—

(1) to remove any reference to air carriers or other entities regulated by the Administration as "customers";

(2) to clarify that in regulating safety the only customers of the Administration are members of the traveling public; and

(3) to clarify that air carriers and other entities regulated by the Administration do not have the right to select the employees of the Administration who will inspect their operations.

(b) SAFETY PRIORITY.—In carrying out the Administrator's responsibilities, the Administrator shall ensure that safety is given a higher priority than preventing the dissatisfaction of an air carrier or other entity regulated by the Administration with an employee of the Administration.

SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPORTATION OVERSIGHT SYSTEM DATABASE.

(a) REVIEWS.—The Administrator of the Federal Aviation Administration shall establish a process by which the air transportation oversight system database of the Administration is reviewed by a team of employees of the Agency on a monthly basis to ensure that—

(1) any trends in regulatory compliance are identified; and

(2) appropriate corrective actions are taken in accordance with Agency regulations, advisory directives, policies, and procedures.

(b) MONTHLY TEAM REPORTS.—

(1) IN GENERAL.—The team of employees conducting a monthly review of the air transportation oversight system database under subsection (a) shall submit to the Administrator, the Associate Administrator for Aviation Safety, and the Director of Flight Standards a report on the results of the review.

(2) CONTENTS.—A report submitted under paragraph (1) shall identify—

(A) any trends in regulatory compliance discovered by the team of employees in conducting the monthly review; and

(B) any corrective actions taken or proposed to be taken in response to the trends.

(c) QUARTERLY REPORTS TO CONGRESS.—The Administrator, on a quarterly basis, shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the results of reviews of the air transportation oversight system database conducted under this section, including copies of reports received under subsection (b).

SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.

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

"§ 44730. Inspection of foreign repair stations

"(a) IN GENERAL.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act the Administrator of the Federal Aviation Administration shall establish and implement a safety assessment system for all part 145 repair stations based on the type, scope, and complexity of work being performed. The system shall—

"(1) ensure that repair stations outside the United States are subject to appropriate inspections based on identified risk and consistent with existing United States requirements;

"(2) consider inspection results and findings submitted by foreign civil aviation authorities oper-

ating under a maintenance safety or maintenance implementation agreement with the United States in meeting the requirements of the safety assessment system; and

"(3) require all maintenance safety or maintenance implementation agreements to provide an opportunity for the Federal Aviation Administration to conduct independent inspections of covered part 145 repair stations when safety concerns warrant such inspections.

"(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after initiating formal negotiations with foreign aviation authorities or other appropriate foreign government agencies on a new maintenance safety or maintenance implementation agreement.

"(c) ANNUAL REPORT.—The Administrator shall publish an annual report on the Federal Aviation Administration's oversight of part 145 repair stations and implementation of the safety assessment system required by subsection (a). The report shall—

"(1) describe in detail any improvements in the Federal Aviation Administration's ability to identify

and track where part 121 air carrier repair work is performed;

"(2) include a staffing model to determine the best placement of inspectors and the number of inspectors needed;

"(3) describe the training provided to inspectors; and

"(4) include an assessment of the quality of monitoring and surveillance by the Federal Aviation Administration of work provided by its inspectors and the inspectors of foreign authorities operating under a maintenance safety or implementation agreement.

"(d) ALCOHOL AND CONTROLLED SUBSTANCE TESTING PROGRAM REQUIREMENTS.—

"(1) IN GENERAL.—The Secretaries of State and Transportation jointly shall request the governments of foreign countries that are members of the International Civil Aviation Organization to establish international standards for alcohol and controlled substances testing of persons that perform safety sensitive maintenance functions upon commercial air carrier aircraft.

"(2) APPLICATION TO PART 121 AIRCRAFT WORK.—Within 1 year after the date of enactment of the FAA Air Transportation Modernization and Safe-

ty Improvement Act the Administrator shall promulgate a proposed rule requiring that all part 145 repair station employees responsible for safety-sensitive functions on part 121 air carrier aircraft are subject to an alcohol and controlled substance testing program determined acceptable by the Administrator and consistent with the applicable laws of the country in which the repair station is located.

"(e) BIANNUAL INSPECTIONS.—The Administrator shall require part 145 repair stations to be inspected twice each year by Federal Aviation Administration safety inspectors, regardless of where the station is located, in a manner consistent with United States obligations under international agreements.

"(f) DEFINITIONS.—In this section:

"(1) PART 121 AIR CARRIER.—The term 'part 121 air carrier' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

"(2) PART 145 REPAIR STATION.—The term 'part 145 repair station' means a repair station that holds a certificate issued under part 145 of title 14, Code of Federal Regulations.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 447 is amended by adding at the end thereof the following:

"44730. Inspection of foreign repair stations.".

SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.

(a) REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—No individual may perform covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations unless that individual is employed by—

(1) a part 121 air carrier;

(2) a part 145 repair station;

(3) a person that provides contract maintenance workers or services to a part 145 repair station or part 121 air carrier, and the individual—

(A) meets the requirements of the part 121 air carrier or the part 145 repair station;

(B) performs the work under the direct supervision and control of the part 121 air carrier

or the part 145 repair station directly in charge of the maintenance services; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual;

(4) by the holder of a type certificate, production certificate, or other production approval issued under part 21 of title 14, Code of Federal Regulations, and the holder of such certificate or approval—

(A) originally produced, and continues to produce, the article upon which the work is to be performed; and

(B) is acting in conjunction with a part 121 air carrier or a part 145 repair station.

(d) DEFINITIONS.—In this section:

(1) COVERED MAINTENANCE WORK.—The term "covered maintenance work" means maintenance work that is essential maintenance, regularly scheduled maintenance, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term in section 44730(f)(1) of title 49, United States Code.

(3) PART 145 REPAIR STATION.—The term "part 145 repair station" has the meaning given that term in section 44730(f)(2) of title 49, United States Code.

SUBTITLE B—FLIGHT SAFETY

SEC. 551. PILOT APPLICANT EMPLOYMENT RECORDS.

(a) IN GENERAL.—Section 44703(h) is amended to read as follows:

"(h) RECORDS OF EMPLOYMENT, TRAINING, AND TESTING.—

"(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish and maintain a pilot employment, training, and testing database and shall publish notice in the Federal Register when the database is operational. The database shall include the following information:

"(A) FAA RECORDS.—From the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administration concerning—

"(i) current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings;

"(ii) any failed attempt of the individual to pass a practical test required to obtain a certificate or type rating under part 61 of title 14, Code of Federal Regulations; and

"(iii) summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

"(B) AIR CARRIER AND OTHER RECORDS.—From any air carrier or other person (except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces) that has employed the individual as a pilot of a civil or public aircraft, or from the trustee in bankruptcy for such air carrier or person—

"(i) records pertaining to the individual that are maintained by an air carrier (other than records relating to flight time, duty time, or rest time) under regulations set forth in—

"(I) section 121.683 of title 14, Code of Federal Regulations;

"(II) paragraph (A) of section VI, appendix I, part 121 of such title;

"(III) paragraph (A) of section IV, appendix J, part 121 of such title;

"(IV) section 125.401 of such title; and

"(V) section 135.63(a)(4) of such title; and

"(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

"(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

"(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

"(III) any release from employment or resignation, termination, or disqualification with respect to employment.

"(C) NATIONAL DRIVER REGISTER RECORDS.—In accordance with section

30305(b)(8), from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

"(2) RECORDS OF CURRENT EMPLOYEES.—Each air carrier shall submit to the Administrator, for inclusion in the database established under paragraph (1)—

"(A) not later than 180 days after the date on which notice of the establishment of the database is published, the records described in paragraph (1)(B) concerning any pilot employed by the air carrier; and

"(B) after such date, not later than 30 days after the generation of any new records described in paragraph (1)(B), such new records.

"(3) RIGHT OF PILOT TO REVIEW.—Notwithstanding any other provision of law or agreement, the Administrator, upon written request from a pilot, shall make available to the pilot for review and correction, within a reasonable time, but not later than 30 days after the date of the request, a copy of all records referred to in paragraph (1) pertaining to the pilot.

"(4) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED.—A person who receives a

request for records described in paragraph (1) shall provide to the individual who is the subject of the records—

"(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

"(B) in accordance with paragraph (3), a copy of such records, if requested by the individual.

"(5) RIGHT TO CORRECT INACCURACIES.—An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual. After the database established under paragraph (1) is operational, the air carrier shall submit any corrections made or accepted by the air carrier to the Administration for inclusion in the database within 30 days after the corrections are made or accepted by the air carrier.

"(6) PRIVACY PROTECTIONS.—An air carrier that maintains, or requests and receives, the records

described in paragraph (1) of an individual may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained in the records is not divulged to any individual that is not directly involved in the hiring decision.

"(7) PERIODIC REVIEW.—Not later than 18 months after the date of the enactment of the FAA Air Transportation Modernization and Safety Improvement Act, and at least once every 3 years thereafter, the Administrator shall submit to Congress a statement that contains, taking into account recent developments in the aviation industry—

"(A) recommendations by the Administrator concerning proposed changes to Administration records, air carrier records, and other records required to be furnished under paragraph (1); or

"(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in paragraph (1).

"(8) RULEMAKING.—The Administrator shall prescribe such regulations as may be necessary—

"(A) to protect—

"(i) the personal privacy of any individual whose records are included in the database established under paragraph (1); and

"(ii) the confidentiality of those records;

"(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

"(C) to ensure prompt compliance with any request made under this subsection.

"(9) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.—

"(A) PILOTS OF CERTAIN SMALL AIRCRAFT.—Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under this subsection, may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-

day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual's employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

"(B) GOOD FAITH EXCEPTION.—Until the database required by paragraph (1) is established, an air carrier, without obtaining information about an individual under paragraph (1) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.

"(10) REVIEW OF PROSPECTIVE PILOTS' RECORDS.—Except as provided in paragraph (9), before allowing an individual to begin service as a pilot an air carrier shall request a copy of all the records described in paragraph (1) pertaining to the pilot and review the records.

"(11) ELECTRONIC ACCESS TO FAA RECORDS.—For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.".

(b) LIMITATION ON LIABILITY.—Section 44703(i)(1) is amended—

(1) in the matter preceding subparagraph (A), by striking "pilot and who has signed a release from liability," and inserting "pilot,"; and

(2) in subparagraph (B), by striking "complied with such request;" and inserting "furnished records to the Administrator in accordance with subsection (h)(1);".

(c) TRANSITION RULE.—Until the date on which the Administrator publishes notice in the Federal Register that the database required by section 44703(h)(1) of title 49, United States Code (as amended by subsection (a)) is operational, the provisions of section 44703(h) of such title, as that section was in effect on the day before the date of enactment of this Act, shall remain in effect, except that such provisions shall be applied—

(1) without regard to the phrase "during the 5-year period" in paragraph (1)(B); and

(2) without regard to paragraph (3).

SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.

(a) IN GENERAL.—Within 60 days after the date of enactment of this Act, the Administrator shall initiate and complete a rulemaking to require part 121 air carriers—

(1) to implement, as part of their safety management systems—

(A) an Aviation Safety Action Program;

(B) a Flight Operations Quality Assurance Program;

(C) a Line Operational Safety Audit Program; and

(D) a Flight Crew Fatigue Risk Management Program;

(2) to implement appropriate privacy protection safeguards with respect to data included in such programs; and

(3) to provide appropriate collaboration and operational oversight of regional/commuter air carriers by affiliated major air carriers that include—

(A) periodic safety audits of flight operations;

(B) training, maintenance, and inspection programs; and

(C) provisions for the exchange of safety information.

(b) LIMITATIONS ON DISCIPLINE AND ENFORCEMENT.—The Administrator shall require that each of the programs described in subsection (a)(1)(A) and (B) establish protections for an air carrier or employee submitting data or reports against disciplinary or enforcement actions by any Federal agency or employer. The protections shall not be less than the protections provided under Federal Aviation Administration Advisory Circulars governing those programs, including Advisory Circular AC No. 120–66 and AC No. 120–82.

(c) CVR DATA.—The Administrator, acting in collaboration with aviation industry interested parties, shall con-

sider the merits and feasibility of incorporating cockpit voice recorder data in safety oversight practices.

(d) ENFORCEMENT CONSISTENCY.—Within 9 months after the date of enactment of this Act, the Administrator shall—

(1) develop and implement a plan that will ensure that the FAA's safety enforcement plan is consistently enforced; and

(2) ensure that the FAA's safety oversight program is reviewed periodically and updated as necessary.

SEC. 553. IMPLEMENTATION OF NTSB RECOMMENDATIONS.

(a) IN GENERAL.—

(1) NOTIFICATION.—Within 30 days after the end of each calendar year, the Administrator shall submit a notification to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure indicating whether the Administrator has determined to implement the safety recommendations made to the FAA by the National Transportation Safety Board during the preceding year.

(2) IMPLEMENTATION PLANS.—If the Administrator has determined to implement such a rec-

ommendation, the notification shall describe the action the Administrator plans to take to implement the recommendation.

(3) EXPLANATION OF NON-IMPLEMENTATION.—If the Administrator has determined not to implement such a recommendation, the notification shall describe the reason for the determination.

(b) PENDING RECOMMENDATIONS.—Within 180 days after the date of enactment of this Act, the Administrator shall submit a notification to those Committees with respect to each safety recommendation made to the FAA by the National Transportation Safety Board that was made before the date of enactment of this Act that was not implemented before that date containing the implementation plans, or an explanation of non-implementation, for each such recommendation.

SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY ASSURANCE, AVIATION SAFETY ACTION, AND LINE OPERATIONAL SAFETY AUDIT PROGRAMS.

(a) LIMITATION ON DISCLOSURE AND USE OF INFORMATION.—

(1) IN GENERAL.—Except as provided by this section, a party in a judicial proceeding may not use discovery to obtain—

(A) an Aviation Safety Action Program report;

(B) Flight Operational Quality Assurance Program data; or

(C) a Line Operations Safety Audit Program report.

(2) FOIA NOT APPLICABLE.—Section 522 of title 5, United States Code, shall not apply to reports or data described in paragraph (1).

(3) EXCEPTIONS.—Nothing in paragraph (1) or (2) prohibits the FAA from disclosing information contained in reports or data described in paragraph (1) if withholding the information would not be consistent with the FAA's safety responsibilities, including—

(A) a summary of information, with identifying information redacted, to explain the need for changes in policies or regulations;

(B) information provided to correct a condition that compromises safety, if that condition continues uncorrected; or

(C) information provided to carry out a criminal investigation or prosecution.

(b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS AND DATA.—Except as provided in subsection (c), a court

may allow discovery by a party of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report if, after an in camera review of the information, the court determines that a party to a claim or defense in the proceeding shows a particularized need for the report or data that outweighs the need for confidentiality of the report or data, considering the confidential nature of the report or data, and upon a showing that the report or data is both relevant to the preparation of a claim or defense and not otherwise known or available.

(c) PROTECTIVE ORDER.—When a court allows discovery, in a judicial proceeding, of an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report, the court shall issue a protective order—

(1) to limit the use of the information contained in the report or data to the judicial proceeding;

(2) to prohibit dissemination of the report or data to any person that does not need access to the report for the proceeding; and

(3) to limit the use of the report or data in the proceeding to the uses permitted for privileged self-analysis information as defined under the Federal Rules of Evidence.

(d) SEALED INFORMATION.—A court may allow an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report to be admitted into evidence in a judicial proceeding only if the court places the report or data under seal to prevent the use of the report or data for purposes other than for the proceeding.

(e) SAFETY RECOMMENDATIONS.—This section does not prevent the National Transportation Safety Board from referring at any time to information contained in an Aviation Safety Action Program report, Flight Operational Quality Assurance Program data, or a Line Operations Safety Audit Program report in making safety recommendations.

(f) WAIVER.—Any waiver of the privilege for self-analysis information by a protected party, unless occasioned by the party's own use of the information in presenting a claim or defense, must be in writing.

SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING, TESTING, AND CERTIFICATION REQUIREMENTS.

(a) TRAINING AND TESTING.—The Administrator shall develop and implement a plan for reevaluation of flight crew training regulations in effect on the date of enactment of this Act, including regulations for—

(1) classroom instruction requirements governing curriculum content and hours of instruction;

(2) crew leadership training; and

(3) initial and recurrent testing requirements for pilots, including the rigor and consistency of testing programs such as check rides.

(b) BEST PRACTICES.—The plan shall incorporate best practices in the aviation industry with respect to training protocols, methods, and procedures.

(c) CERTIFICATION.—The Administrator shall initiate a rulemaking to re-evaluate FAA regulations governing the minimum requirements—

(1) to become a commercial pilot;

(2) to receive an Air Transport Pilot Certificate to become a captain; and

(3) to transition to a new type of aircraft.

SEC. 556. SAFETY INSPECTIONS OF REGIONAL AIR CARRIERS.

The Administrator shall, not less frequently than once each year, perform random, unannounced, on-site inspections of air carriers that provide air transportation pursuant to a contract with a part 121 air carrier to ensure that such air carriers are complying with all applicable safety standards of the Administration.

SEC. 557. ESTABLISHMENT OF SAFETY STANDARDS WITH RESPECT TO THE TRAINING, HIRING, AND OPERATION OF AIRCRAFT BY PILOTS.

Not later than 180 days after the date of enactment of this Act, the Administrator shall issue a final rule with respect to the Notice of Proposed Rulemaking published in the Federal Register on January 12, 2009 (74 Fed. Reg. 1280), relating to training programs for flight crew members and aircraft dispatchers.

SEC. 558. OVERSIGHT OF PILOT TRAINING SCHOOLS.

Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit to Congress a plan for overseeing pilot schools certified under part 141 of title 14, Code of Federal Regulations, that includes—

(1) ensuring that the curriculum and course outline requirements for such schools under subpart C of such part are being met; and

(2) conducting on-site inspections of each such school not less frequently than once every 2 years.

SEC. 559. ENHANCED TRAINING FOR FLIGHT ATTENDANTS AND GATE AGENTS.

(a) IN GENERAL.—Chapter 447, as amended by section 521 of this Act, is further amended by adding at the end the following:

"§ 44731. Training of flight attendants and gate agents

"(a) TRAINING REQUIRED.—In addition to other training required under this chapter, each air carrier shall provide initial and annual recurring training for flight attendants and gate agents employed or contracted by such air carrier regarding—

"(1) serving alcohol to passengers;

"(2) recognizing intoxicated passengers; and

"(3) dealing with disruptive passengers.

"(b) SITUATIONAL TRAINING.—In carrying out the training required under subsection (a), each air carrier shall provide situational training to flight attendants and gate agents on the proper method for dealing with intoxicated passengers who act in a belligerent manner.

"(c) DEFINITIONS.—In this section:

"(1) AIR CARRIER.—The term 'air carrier' means a person or commercial enterprise that has been issued an air carrier operating certificate under section 44705.

"(2) FLIGHT ATTENDANT.—The term 'flight attendant' has the meaning given the term in section 44728(f).

"(3) GATE AGENT.—The term 'gate agent' means an individual working at an airport whose respon-

sibilities include facilitating passenger access to commercial aircraft.

"(4) PASSENGER.—The term 'passenger' means an individual traveling on a commercial aircraft, from the time at which the individual arrives at the airport from which such aircraft departs until the time the individual leaves the airport to which such aircraft arrives.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 447 of title 49, United States Code, is amended by adding at the end the following:

"44731. Training of flight attendants and gate agents.".

(c) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Transportation shall issue regulations to carry out section 44730 of title 49, United States Code, as added by subsection (a).

SEC. 560. DEFINITIONS.

In this subtitle:

(1) AVIATION SAFETY ACTION PROGRAM.—The term "Aviation Safety Action Program" means the program described under Federal Aviation Administration Advisory Circular No. 120–66B that permits employees of participating air carriers and repair station certificate holders to identify and report safety issues to management and to the Administration for resolution.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator.

(3) AIR CARRIER.—The term "air carrier" has the meaning given that term by section 40102(2) of title 49, United States Code.

(4) FAA.—The term "FAA" means the Federal Aviation Administration.

(5) FLIGHT OPERATIONAL QUALITY ASSURANCE PROGRAM.—The term "Flight Operational Quality Assurance Program" means the voluntary safety program authorized under section 13.401 of title 14, Code of Federal Regulations, that permits commercial air carriers and pilots to share confidential aggregate information with the Administration to permit the Administration to target resources to address operational risk issues.

(6) LINE OPERATIONS SAFETY AUDIT PROGRAM.—The term "Line Operations Safety Audit Program" has the meaning given that term by Federal Aviation Administration Advisory Circular Number 120–90.

(7) PART 121 AIR CARRIER.—The term "part 121 air carrier" has the meaning given that term by section 41719(d)(1) of title 49, United States Code.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking "establish a 4-year pilot" in paragraph (1) and inserting "maintain an"; and

(2) by inserting "pilot" in paragraph (4) before "program" the first time it appears; and

(3) by striking "program, including recommendations as to the need for establishing a permanent airport cooperative research program." in paragraph (4) and inserting "program.".

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2010 and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49,

United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft energy use, emissions, and source noise with equivalent safety through grants or other measures, which may include cost-sharing, authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) ESTABLISHMENT OF CONSORTIUM.—

(1) DESIGNATION AS CONSORTIUM.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall designate, using a competitive process, one or more institutions or entities described in paragraph (2) as a Consortium for Continuous Low Energy, Emissions, and Noise (CLEEN) to perform research in accordance with this section.

(2) PARTICIPATION.—The Administrator shall include educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels in the research program required by subsection (a).

(3) COORDINATION MECHANISMS.—In conducting the research program, the Consortium designated under paragraph (1) shall—

(A) coordinate its activities with the Department of Agriculture, the Department of Energy, the National Aeronautics and space Administration, and other relevant Federal agencies; and

(B) consult on a regular basis with the Commercial Aviation Alternative Fuels Initiative.

(c) PERFORMANCE OBJECTIVES.—Not later than January 1, 2016, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that reduces fuel burn 33 percent compared to current technology, reducing energy consumption and carbon dioxide emissions.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 60 percent, at a pressure ratio of 30 over the International Civil Aviation Organization standard adopted at the 6th Meeting of the Committee on Aviation Environmental Protection, with commensurate reductions over the full pressure ratio range, while limiting or reducing other gaseous or particle emissions.

(3) Certifiable aircraft technology that reduces noise levels by 32 Effective Perceived Noise in decibels (EPNdb) cumulative, relative to Stage 4 standards.

(4) Advance qualification and environmental assurance of alternative aviation fuels to support a goal of having 20 percent of the jet fuel available for purchase by United States commercial airlines and cargo carriers be alternative fuels.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) IN GENERAL.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from natural gas, biomass and other renewable sources through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION IN PROGRAM.—The Secretary shall—

(1) include educational and research institutions that have existing facilities and experience in the research, small-scale development, testing, or evaluation of technologies related to the creation, processing, and production of a variety of feedstocks into aviation fuel under the program required by subsection (a); and

(2) consider utilizing the existing capacity in Aeronautics research at Langley Research Center of the National Aeronautics and Space Administration to carry out the program required by subsection (a).

(c) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (b) as a Center of Excellence for Alternative Jet-Fuel Research in Civil Aircraft. The Center of Excellence shall be a member of the CLEEN Consortium established under section 602(b), and shall be part of a Joint Center of Excellence with the Partnership for Air Transportation Noise and Emission Reduction FAA Center of Excellence.

SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49,

United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 605. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the "Advisory Committee on the Future of Aeronautics".

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal Government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Tech-

nology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 606. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 607. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation

system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 608. INCORPORATION OF UNMANNED AIRCRAFT SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504, as amended by sectin 216 of this Act, is further amended—

(A) by inserting "unmanned and manned" in subsection (a) after "improve";

(B) by striking "and" after the semicolon in subsection (b)(7);

(C) by striking "emitted." in subsection (b)(8) and inserting "emitted; and"; and

(D) by adding at the end of subsection (b) the following:

"(9) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure.".

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking "and" after the semicolon in paragraph (4);

(B) by striking "programs." in paragraph (5)(C) and inserting "programs; and"; and

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

"(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems air safety; and

"(7) to develop dynamic simulation models of integrating all classes of unmanned aircraft systems into the National Airspace System.".

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Sciences for an assessment of unmanned aircraft systems that may include consideration of—

(A) human factors regarding unmanned aircraft systems operation;

(B) "detect, sense and avoid technologies" with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms such as the use of transponders for letting other entities know where the unmanned aircraft system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aircraft systems flight control;

(J) technologies for unmanned aircraft systems propulsion;

(K) unmanned aircraft systems operator qualifications, medical standards, and training requirements;

(L) unmanned aircraft systems maintenance requirements and training requirements; and

(M) any other unmanned aircraft systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish

3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace new test sites to conduct experiments and collect data in order to accelerate the safe integration of unmanned aircraft systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aircraft systems defined as analogous to RC models covered in the FAA Advisory Circular AC 91–57.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aircraft systems defined as non-standard aircraft that perform special purpose operations. Operators must provide evidence of airworthiness and operator qualifications.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aircraft systems defined as capable of flying throughout all categories of airspace and conforming to part 91 of title 14, Code of Federal Regulations.

(D) All 3 pilot projects shall be operational no later than 6 months after being established.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of participating consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 90 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2010 and 2011 such sums as may be necessary to conduct the pilot projects.

(d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall approve and make available in print and on the Administration's website a 5-year "roadmap" for the introduction of unmanned aircraft systems into the National Airspace System being coordinated by its Unmanned Aircraft Program Office. The Administrator shall update the "roadmap" annually.

(e) UPDATED POLICY STATEMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator shall issue a notice of proposed rulemaking to update the Administration's most recent policy statement on unmanned aircraft systems, Docket No. FAA-2006-25714.

(f) EXPANDING THE USE OF UAS IN THE ARCTIC.—Within 6 months after the date of enactment of this Act, the Administrator, in consultation with the National Oceanic and Atmospheric Administration, the Coast Guard, and other Federal agencies as appropriate, shall identify permanent areas in the Arctic where small unmanned aircraft may operate 24 hours per day from 2000 feet to the surface and beyond line-of-sight for research and commercial purposes. Within 12 months after the date of enactment of this Act, the Administrator shall have established and implemented a single process for approving unmanned aircraft use in the designated arctic regions regardless of whether the unmanned aircraft is used as a public aircraft, a civil aircraft, or as a model aircraft.

(g) DEFINTIONS.—In this section:

(1) ARCTIC.—The term "Arctic" means the United States zone of the Chukchi, Beaufort, and Bering Sea north of the Aleutian chain.

(2) PERMANENT AREAS.—The term "permanent areas" means areas on land or water that provide for

terrestrial launch and recovery of small unmanned aircraft.

SEC. 609. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking "$500,000 for fiscal year 2004" and inserting "$1,000,000 for each of fiscal years 2008 through 2012".

SEC. 610. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

"§ 47136A. Zero emission airport vehicles and infrastructure

"(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120–94 of title 40, Code of Federal Regulations), including the construction or modification of infra-

structure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

"(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

"(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

"(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

"(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

"(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

"(e) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

"(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

"(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.".

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and

Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47136 the following:

"47136A. Zero emission airport vehicles and infrastructure.".

SEC. 611. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

"§ 47140A. Reduction of emissions from airport power sources

"(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, includ-

ing heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

"(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 471 is amended by inserting after the item relating to section 47140 the following:

"47140A. Reduction of emissions from airport power sources.".

SEC. 612. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL AIDES AND OTHER ASSETS.

(a) SURVEY AND ASSESSMENT.—

(1) IN GENERAL.—In order to address safety and operational concerns associated with the construction, alteration, establishment, or expansion of wind farms in proximity to critical FAA facilities, the Adminis-

trator shall, within 60 days after the date of enactment of this Act, complete a survey and assessment of leases for critical FAA facility sites, including—

(A) an inventory of the leases that describes, for each such lease—

(i) the periodic cost, location, site, terms, number of years remaining, and lessor;

(ii) other Administration facilities that share the leasehold, including surveillance and communications equipment; and

(iii) the type of transmission services supported, including the terms of service, cost, and support contract obligations for the services; and

(B) a list of those leases for facilities located in or near areas suitable for the construction and operation of wind farms, as determined by the Administrator in consultation with the Secretary of Energy.

(2) REPORT.—Upon completion of the survey and assessment, the Administrator shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure,

and the Comptroller General containing the Administrator's findings, conclusions, and recommendations.

(b) GAO ASSESSMENT.—

(1) IN GENERAL.—Within 180 days after receiving the Administrator's report under subsection (a)(2), the Comptroller General, in consultation with the Administrator, shall—

(A) complete an assessment of the current and potential impact of wind farms on the national airspace system;

(B) complete an assessment of the extent to which Federal policies and laws that encourage or facilitate the development of wind farms have an impact on implementation of the Next Generation air traffic control system, including the installation of navigational aides associated with that system;

(C) determine what resources the Federal Aviation Administration would need to mitigate any obstruction to navigation attributable to wind farms under the existing air traffic control system or the Next Generation air traffic control system;

(D) recommend a new procedure, or improvements to the current procedure, to the Ad-

ministration for mitigation of potential conflicts between navigational aides and wind farms, with an emphasis on early involvement of the Administration in the planning stages for wind farms; and

(E) develop a matrix that will indicate how close to navigational aides wind farms can be located and how many turbines can reasonably be placed in the vicinity of such aides.

(2) REPORT.—Upon completion of the assessments, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the Administrator containing the Comptroller General's findings, conclusions, and recommendations.

(c) ISSUANCE OF GUIDELINES; PUBLIC INFORMATION.—

(1) GUIDANCE.—Within 60 days after the Administrator receives the Comptroller's recommendations, the Administrator shall publish guidelines for the construction and operation of wind farms to be located in proximity to critical Federal Aviation Administration facilities. The guidelines may include—

(A) the establishment of a zone system for wind farms based on proximity to critical FAA assets;

(B) the establishment of turbine height and density limitations on such wind farms;

(C) requirements for notice to the Administration under section 44718(a) of title 49, United States Code, before the construction, alteration, establishment, or expansion of a such a wind farm; and

(D) any other requirements or recommendations designed to address Administration safety or operational concerns related to the construction, alteration, establishment, or expansion of such wind farms.

(2) PUBLIC ACCESS TO INFORMATION.—To the extent feasible, taking into consideration security, operational, and public safety concerns (as determined by the Administrator), the Administrator shall provide public access to information regarding the planning, construction, and operation of wind farms in proximity to critical FAA facilities on, or by linkage from, the homepage of the Federal Aviation Administration's public website.

(d) CONSULTATION WITH OTHER FEDERAL AGENCIES.—In carrying out this section, the Administrator and the Comptroller General shall consult, as appropriate, with the Secretaries of the Army, the Navy, the Air Force, Homeland Security, and Energy—

(1) to coordinate the requirements of each department for future air space needs;

(2) to determine what the acceptable risks are to the existing infrastructure of each department; and

(3) to define the different levels of risk for such infrastructure.

(e) REPORTS.—The Administrator and the Comptroller General shall provide a copy of reports under subsections (a) and (b), respectively, to the Senate Committee on Homeland Security and Governmental Affairs, the Senate Committee on Armed Services, the House of Representatives Committee on Homeland Security, the House of Representatives Committee on Armed Services, and the House of Representatives Committee on Science and Technology, as appropriate.

(f) DEFINITIONS.—In this section:

(1) ADMINISTRATION.—The term "Administration" means the Federal Aviation Administration.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Federal Aviation Administration.

(3) CRITICAL FAA FACILITIES.—The term "critical FAA facilities" means facilities on which are located navigational aides, surveillance systems, or communications systems used by the Administration in administration of the national airspace system.

(4) WIND FARM.—The term "wind farm" means an installation of 1 or more wind turbines used for the generation of electricity.

SEC. 613. RESEARCH AND DEVELOPMENT FOR EQUIPMENT TO CLEAN AND MONITOR THE ENGINE AND APU BLEED AIR SUPPLIED ON PRESSURIZED AIRCRAFT.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall, to the degree practicable, implement a research program for the identification or development of appropriate and effective air cleaning technology and sensor technology for the engine and auxiliary power unit (APU) bleed air supplied to the passenger cabin and flight deck of all pressurized aircraft.

(b) TECHNOLOGY REQUIREMENTS.—The technology referred to in subsection (a) should, at a minimum, have the capacity—

(1) to remove oil-based contaminants from the bleed air supplied to the passenger cabin and flight deck; and

(2) to detect and record oil-based contaminants in the portion of the total air supplied to the passenger cabin and flight deck from bleed air.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the research and development work carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums are as necessary to carry out this section.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking "December 31, 2009," and inserting "December 31, 2012,".

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking "December 31, 2013." and inserting "October 1, 2017.".

(c) WAR RISK.—Section 44302(f)(1) is amended—

(1) by striking "September 30, 2009," and inserting "September 30, 2011,"; and

(2) by striking "December 31, 2009," and inserting "December 31, 2011,".

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking "2009," and inserting "2011,".

(b) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking "2009," and inserting "2011,".

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Adminis-

trator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

"(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2010. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

"(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost al-

location system to users, as well as budget and operational data.

"(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

"(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

"(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.".

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

"(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the

United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and".

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking "section 2302(b), relating to whistleblower protection," in paragraph (2)(A) and inserting "sections 2301 and 2302,";

(2) by striking "and" after the semicolon in paragraph (2)(H);

(3) by striking "Plan." in paragraph (2)(I)(iii) and inserting "Plan;";

(4) by adding at the end of paragraph (2) the following:

"(J) section 5596, relating to back pay; and

"(K) sections 6381 through 6387, relating to Family and Medical Leave."; and

(5) by adding at the end of paragraph (3) "Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.".

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall

transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) AVIATION SAFETY INSPECTORS.—

(1) SAFETY STAFFING MODEL.—Within 12 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

(2) SAFETY INSPECTOR STAFFING.—The Federal Aviation Administration aviation safety inspector staffing requirement shall be no less than the staffing levels indicated as necessary in the staffing model described under subsection (a).

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(C) by striking "National Park Service" in subsection (a)(2)(B)(vi) and inserting "Department of the Interior"; and

(D) by striking "National Park Service" in subsection (b)(4)(C) and inserting "Department of the Interior".

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking "Director" in section 804(b) and inserting "Secretary of the Interior";

(B) in section 805—

(i) by striking "Director of the National Park Service" in subsection (a) and inserting "Secretary of the Interior";

(ii) by striking "Director" each place it appears and inserting "Secretary of the Interior";

(iii) by striking "National Park Service" each place it appears in subsection (b) and inserting "Department of the Interior";

(iv) by striking "National Park Service" in subsection (d)(2) and inserting "Department of the Interior"; and

(C) in section 807—

(i) by striking "National Park Service" in subsection (a)(1) and inserting "Department of the Interior"; and

(ii) by striking "Director of the National Park Service" in subsection (b) and inserting "Secretary of the Interior".

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking "and" after the semicolon in subparagraph (B);

(2) by striking "lands." in subparagraph (C) and inserting "lands; and"; and

(3) by adding at the end the following:

"(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.".

(c) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Section 40128(c)(2)(I) is amended to read as follows:

"(I) may allow for modifications of the interim operating authority without further environmental process, if—

"(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

"(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

"(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.".

(d) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation

Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary,

the Inspector General shall audit the reports required by paragraph (1).

(e) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(f) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(g) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(h) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

"(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

"(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

"(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

"(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

"(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

"(2) to scrap the aircraft;

"(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

"(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

"(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

"(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

"(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

"(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.".

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking "47529, or 47530" and inserting "47529, 47530, or 47534".

(2) Section 47532 is amended by striking "47528–47531" and inserting "47528 through 47531 or 47534".

(3) The table of contents for chapter 475 is amended by inserting after the item relating to section 47533 the following:

"47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey, except in an emergency.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Avia-

tion Administration shall establish a pilot program at up to 4 public-use airports for local airport operators that have submitted a noise compatibility program approved by the Federal Aviation Administration under section 47504 of title 49, United States Code, under which such airport operators may use funds made available under section 47117(e) of that title, or passenger facility revenue collected under section 40117 of that title, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking "and" after the semicolon in subparagraph (D);

(2) by striking "operations." in subparagraph (E) and inserting "operations; and"; and

(3) by adding at the end the following:

"(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with

neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interest acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants for up to 4 pilot property redevelopment projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by

the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning part 150 lands to productive use.

SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

"(a) IN GENERAL.—

"(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

"(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

"(B) there is space for such stowage at the time the passenger boards the aircraft.

"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

"(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

"(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

"(C) the instrument can be secured by a seat belt to avoid shifting during flight;

"(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

"(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

"(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

"(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

"(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transpor-

tation that may not be carried in the aircraft cabin if—

"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 150 inches; and

"(B) the weight of the instrument does not exceed 165 pounds.

"(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 417 is amended by inserting after the item relating to section 41723 the following:

"41724. Musical instruments.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 714. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—Section 47102(5) is amended by striking "planning." and inserting "planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.".

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

(1) by striking "and" in paragraph (4);

(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and

(3) by adding at the end the following:

"(6) if the project is for an airport that has an airport master plan, the master plan addresses—

"(A) the feasibility of solid waste recycling at the airport;

"(B) minimizing the generation of solid waste at the airport;

"(C) operation and maintenance requirements;

"(D) the review of waste management contracts;

"(E) the potential for cost savings or the generation of revenue; and

"(F) training and education requirements.".

SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PROGRAM ADJUSTMENTS.

(a) PURPOSE.—It is the purpose of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113) to ensure that minority- and women-owned businesses do not face barriers because of their race or gender and so that they have a fair opportunity to compete in federally assisted airport contracts and concessions.

(b) FINDINGS.—The Congress finds the following:

(1) While significant progress has occurred due to the enactment of the airport disadvantaged business enterprise program (49 U.S.C. 47107(e) and 47113), discrimination continues to be a barrier for minority- and women-owned businesses seeking to do business in airport-related markets. This continuing barrier merits the continuation of the airport disadvantaged business enterprise program.

(2) The Congress has received recent evidence of discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits. This evidence also shows that race- and gender-neutral efforts alone are insufficient to address the problem.

(3) This evidence demonstrates that discrimination across the nation poses a barrier to full and fair participation in airport related businesses of women business owners and minority business owners in the racial groups detailed in parts 23 and 26 of title 49, Code of Federal Regulations, and has impacted firm development and many aspects of airport related business in the public and private markets.

(4) This evidence provides a strong basis for the continuation of the airport disadvantaged business enterprise program and the airport concessions disadvantaged business enterprise program.

(c) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

"(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

"(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(B) IMPLEMENTATION.—The training program may be implemented by one or

more private entities approved by the Secretary.

"(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this paragraph.".

(d) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and other appropriate committees of Congress on the results of the training pro-

gram conducted under section 47107(e)(8) of title 49, United States Code, as added by subsection (a).

(e) DISADVANTAGED BUSINESS ENTERPRISE PERSONAL NET WORTH CAP; BONDING REQUIREMENTS.—Section 47113 is amended by adding at the end the following:

"(e) PERSONAL NET WORTH CAP.—Not later than 180 days after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue final regulations to adjust the personal net worth cap used in determining whether an individual is economically disadvantaged for purposes of qualifying under the definition contained in subsection (a)(2) and under section 47107(e). The regulations shall correct for the impact of inflation since the Small Business Administration established the personal net worth cap at $750,000 in 1989.

"(f) EXCLUSION OF RETIREMENT BENEFITS.—

"(1) IN GENERAL.—In calculating a business owner's personal net worth, any funds held in a qualified retirement account owned by the business owner shall be excluded, subject to regulations to be issued by the Secretary.

"(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act,

the Secretary shall issue final regulations to implement paragraph (1), including consideration of appropriate safeguards, such as a limit on the amount of such accounts, to prevent circumvention of personal net worth requirements.

"(g) PROHIBITION ON EXCESSIVE OR DISCRIMINATORY BONDING REQUIREMENTS.—

"(1) IN GENERAL.—The Secretary shall establish a program to eliminate barriers to small business participation in airport-related contracts and concessions by prohibiting excessive, unreasonable, or discriminatory bonding requirements for any project funded under this chapter or using passenger facility revenues under section 40117.

"(2) REGULATIONS.—Not later than one year after the date of enactment of the FAA Air Transportation Modernization and Safety Improvement Act, the Secretary shall issue a final rule to establish the program under paragraph (1).".

SEC. 716. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

(b) CONSIDERATIONS.—In conducting the study, the Administrator may take into consideration—

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AMBULANCE SERVICES.

(a) IN GENERAL.— The Comptroller General shall conduct a study of the helicopter and fixed-wing air ambulance industry. The study shall include information, analysis, and recommendations pertinent to ensuring a safe air ambulance industry.

(b) REQUIRED INFORMATION.—In conducting the study, the Comptroller General shall obtain detailed information on the following aspects of the air ambulance industry:

(1) A review of the industry, for part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) a listing of the number, size, and location of helicopter and fixed-wing aircraft and their flight bases;

(B) affiliations of certificate holders and indirect carriers with hospitals, governments, and other entities;

(C) coordination of air ambulance services, with each other, State and local emergency medical services systems, referring entities, and receiving hospitals;

(D) nature of services contracts, sources of payment, financial relationships between certifi-

cate holders and indirect carriers providing air ambulance services and referring entities, and costs of operations; and

(E) a survey of business models for air ambulance operations, including expenses, structure, and sources of income.

(2) Air ambulance request and dispatch practices, including the various types of protocols, models, training, certifications, and air medical communications centers relating to part 135 certificate holders and indirect carriers providing helicopter and fixed-wing air ambulance services, including—

(A) the practices that emergency and medical officials use to request an air ambulance;

(B) information on whether economic or other nonmedical factors lead to air ambulance transport when it is not medically needed, appropriate, or safe; and

(C) the cause, occurrence, and extent of delays in air ambulance transport.

(3) Economic and medical issues relating to the air ambulance industry, including—

(A) licensing;

(B) certificates of need;

(C) public convenience and necessity requirements;

(D) assignment of geographic coverage areas;

(E) accreditation requirements;

(F) compliance with dispatch procedures; and

(G) requirements for medical equipment and personnel onboard the aircraft.

(4) Such other matters as the Comptroller General considers relevant to the purpose of the study.

(c) ANALYSIS AND RECOMMENDATIONS.—Based on information obtained under subsection (b) and other information the Comptroller General considers appropriate, the report shall also include an analysis and specific recommendations, as appropriate, related to—

(1) the relationship between State regulation and Federal preemption of rates, routes, and services of air ambulances;

(2) the extent to which Federal law may impact existing State regulation of air ambulances and the potential effect of greater State regulation—

(A) in the air ambulance industry, on the economic viability of air ambulance services, the availability and coordination of service, and

costs of operations both in rural and highly populated areas;

(B) on the quality of patient care and outcomes; and

(C) on competition and safety; and

(3) whether systemic or other problems exist on a statewide, regional, or national basis with the current system governing air ambulances.

(d) REPORT.—Not later than June 1, 2010, the Comptroller General shall submit a report to the Secretary of Transportation, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing the Government Accountability Office's findings and recommendations regarding the study under this section.

(e) ADOPTION OF RECOMMENDED POLICY CHANGES.—Not later than 60 days after the date of receipt of the report under subsection (d), the Secretary shall issue a report to the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure that—

(1) specifies which, if any, policy changes recommended by the Comptroller General and any other

policy changes with respect to air ambulances the Secretary will adopt and implement; and

(2) includes recommendations for legislative change, if appropriate.

(f) PART 135 CERTIFICATE HOLDER DEFINED.—In this section, the term "part 135 certificate holder" means a person holding a certificate issued under part 135 of title 14, Code of Federal Regulations.

SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

(a) IN GENERAL.—Section 49108 of title 49, United States Code, is repealed.

(b) CONFORMING REPEAL.—The table of sections for chapter 491 of such title is amended by striking the item relating to section 49108.

SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in consultation with other Federal agencies, shall submit a report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science and Technology, and the House of Representatives Committee on Energy and Commerce that identifies—

(1) the current and anticipated need over the next decade by civil aviation, including equipment manufacturers, for aeronautical mobile telemetry services; and

(2) the potential impact to the aerospace industry of the introduction of a new radio service operating in the same spectrum allocated to the aeronautical mobile telemetry service.

Calendar No. 168

111TH CONGRESS
1ST SESSION

S. 1451

[Report No. 111–82]

A BILL

To modernize the air traffic control system, improve the safety, reliability, and availability of transportation by air in the United States, provide for modernization of the air traffic control system, reauthorize the Federal Aviation Administration, and for other purposes.

SEPTEMBER 29, 2009

Reported with an amendment