

112TH CONGRESS  
1ST SESSION

# S. 223

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## AN ACT

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 Representatives*
- 2 *of the United States of America in Congress assembled,*

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

2 (a) **SHORT TITLE.**—This Act may be cited as the  
 3 “FAA Air Transportation Modernization and Safety Im-  
 4 provement Act”.

5 (b) **TABLE OF CONTENTS.**—The table of contents for  
 6 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. 207(b). Prohibition on use of passenger facility charges to construct bicycle storage facilities.
- 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.
- 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.
- Sec. 219. Release from restrictions.
- Sec. 220. Designation of former military airports.
- Sec. 221. Airport sustainability planning working group.
- Sec. 222. Inclusion of measures to improve the efficiency of airport buildings in airport improvement projects.

- Sec. 223. Study on apportioning amounts for airport improvement in proportion to amounts of air traffic.
- Sec. 224. Use of mineral revenue at certain airports.

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. Report on funding for NextGen technology.
- Sec. 320. Unmanned aerial systems.
- Sec. 321. Surface Systems Program Office.
- Sec. 322. Stakeholder coordination.
- Sec. 323. FAA task force on air traffic control facility conditions.
- Sec. 324. State ADS-B equipage bank pilot program.
- Sec. 325. Implementation of Inspector General ATC recommendations.
- Sec. 326. Semiannual report on status of Greener Skies project.
- Sec. 327. Definitions.
- Sec. 328. Financial incentives for Nextgen Equipage.

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.
- Sec. 406. Disclosure of air carriers operating flights for tickets sold for air transportation.
- Sec. 407. Notification requirements with respect to the sale of airline tickets.
- Sec. 408. Disclosure of seat dimensions to facilitate the use of child safety seats on aircraft.

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.
- Sec. 419. Repeal of essential air service local participation program.
- Sec. 420. Limitation on essential air service to locations that are 90 or more miles away from the nearest medium or large hub airport.
- Sec. 421. Limitation on essential air service to locations that average 10 or more enplanements per day.

#### 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.
- Sec. 434. Authorization of use of certain lands in the Las Vegas McCarran International Airport Environs Overlay District for transient lodging and associated facilities.

#### 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. Pilot 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.
- Sec. 523. Use of explosive pest control devices.

##### SUBTITLE B—FLIGHT SAFETY

- Sec. 551. FAA pilot records database.
- Sec. 552. Air carrier safety management systems.
- Sec. 553. Secretary of Transportation responses to safety 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. Flightcrew member mentoring, professional development, and leadership.
- Sec. 557. Flightcrew member screening and qualifications.
- Sec. 558. Prohibition on personal use of certain devices on flight deck.
- Sec. 559. Safety inspections of regional air carriers.
- Sec. 560. Establishment of safety standards with respect to the training, hiring, and operation of aircraft by pilots.
- Sec. 561. Oversight of pilot training schools.
- Sec. 562. Enhanced training for flight attendants and gate agents.
- Sec. 563. Definitions.
- Sec. 564. Study of air quality in aircraft cabins.

#### 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. Research program to improve airfield pavements.
- Sec. 606. Wake turbulence, volcanic ash, and weather research.
- Sec. 607. Incorporation of unmanned aircraft 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.
- Sec. 612. 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. 720. Flightcrew member pairing and crew resource management techniques.
- Sec. 721. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.
- Sec. 722. Line check evaluations.
- Sec. 723. Report on Newark Liberty Airport air traffic control tower.
- Sec. 724. Priority review of construction projects in cold weather States.
- Sec. 725. Air-rail codeshare study.
- Sec. 726. On-going monitoring of and report on the New York/New Jersey/Philadelphia Metropolitan Area Airspace Redesign.
- Sec. 727. Study on aviation fuel prices.
- Sec. 728. Land conveyance for Southern Nevada Supplemental Airport.
- Sec. 729. Clarification of requirements for volunteer pilots operating charitable medical flights.
- Sec. 730. Cylinders of compressed oxygen, nitrous oxide, or other oxidizing gases.
- Sec. 731. Technical correction.
- Sec. 732. Plan for flying scientific instruments on commercial flights.
- Sec. 733. Prohibition against aiming a laser pointer at an aircraft.
- Sec. 734. Criminal penalty for unauthorized recording or distribution of security screening images.
- Sec. 735. Approval of applications for the security screening opt-out program.
- Sec. 736. Conveyance of land to city of Mesquite, Nevada.
- Sec. 737. Ronald Reagan Washington National Airport Slots.
- Sec. 738. Orphan Earmarks Act.
- Sec. 739. Privacy protections for aircraft passenger screening with advanced imaging technology.
- Sec. 740. Controlling helicopter noise pollution in residential areas.

#### TITLE VIII—AIRPORT AND AIRWAY TRUST FUND PROVISIONS AND RELATED TAXES

- Sec. 800. Amendment of 1986 code.
- Sec. 801. Extension of taxes funding airport and airway trust fund.
- Sec. 802. Extension of airport and airway trust fund expenditure authority.
- Sec. 803. Modification of excise tax on kerosene used in aviation.
- Sec. 804. Air traffic control system modernization account.
- Sec. 805. Treatment of fractional aircraft ownership programs.
- Sec. 806. Termination of exemption for small jet aircraft on nonestablished lines.
- Sec. 807. Transparency in passenger tax disclosures.
- Sec. 808. Tax-exempt bond financing for fixed-wing emergency medical aircraft.
- Sec. 809. Protection of Airport and Airway Trust Fund solvency.
- Sec. 810. Rollover of amounts received in airline carrier bankruptcy.
- Sec. 811. Application of levy to payments to Federal vendors relating to property.
- Sec. 812. Modification of control definition for purposes of section 249.

#### TITLE IX—BUDGETARY EFFECTS

- Sec. 901. Budgetary effects.

#### TITLE X—RESCISSION OF UNUSED TRANSPORTATION EARMARKS AND GENERAL REPORTING REQUIREMENT

- Sec. 1001. Definition.  
 Sec. 1002. Rescission.  
 Sec. 1003. Agency wide identification and reports.

**TITLE XI—REPEAL OF EXPANSION OF INFORMATION REPORTING  
 REQUIREMENTS**

- Sec. 1101. Repeal of expansion of information reporting requirements.

**TITLE XII—EMERGENCY MEDICAL SERVICE PROVIDERS PROTEC-  
 TION AND LIABILITY PROTECTION FOR CERTAIN VOLUNTEER  
 PILOTS**

**Subtitle A—Emergency Medical Service Providers Protection**

- Sec. 1201. Dale Long Emergency Medical Service Providers Protection Act.

**Subtitle B—Liability Protection**

- Sec. 1211. Short title.  
 Sec. 1212. Findings and purpose.  
 Sec. 1213. Liability protection for volunteer pilots that fly for public benefit.

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

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

**8 SEC. 3. EFFECTIVE DATE.**

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

**12       TITLE I—AUTHORIZATIONS**

**13 SEC. 101. OPERATIONS.**

14       Section 106(k)(1) is amended by striking subpara-  
 15 graphs (A) through (E) and inserting the following:

1           “(A) \$9,336,000,000 for fiscal year 2010;  
2           and  
3           “(B) \$9,620,000,000 for fiscal year  
4           2011.”.

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

6           Section 48101(a) is amended by striking paragraphs  
7 (1) through (5) and inserting the following:

8           “(1) \$3,500,000,000 for fiscal year 2010, of  
9           which \$500,000,000 is derived from the Air Traffic  
10          Control System Modernization Account of the Air-  
11          port and Airways Trust Fund; and

12          “(2) \$3,600,000,000 for fiscal year 2011, of  
13          which \$500,000,000 is derived from the Air Traffic  
14          Control System Modernization Account of the Air-  
15          port and Airways Trust Fund.”.

16 **SEC. 103. RESEARCH AND DEVELOPMENT.**

17          Section 48102 is amended—

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

20                 “(a) IN GENERAL.—Not more than the following  
21 amounts may be appropriated to the Secretary of Trans-  
22 portation out of the Airport and Airway Trust Fund es-  
23 tablished under section 9502 of the Internal Revenue Code  
24 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-



1 search and development under sections 44504, 44505,  
2 44507, 44509, and 44511 through 44513 of this title:

3           “(1) \$200,000,000 for fiscal year 2010.

4           “(2) \$206,000,000 for fiscal year 2011.”;

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

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

7           “(c) RESEARCH GRANTS PROGRAM INVOLVING UN-  
8 DERGRADUATE STUDENTS.—The Administrator of the  
9 Federal Aviation Administration shall establish a program  
10 to utilize undergraduate and technical colleges, including  
11 Historically Black Colleges and Universities, Hispanic  
12 Serving Institutions, tribally controlled colleges and uni-  
13 versities, and Alaska Native and Native Hawaiian serving  
14 institutions in research on subjects of relevance to the  
15 Federal Aviation Administration. Grants may be awarded  
16 under this subsection for—

17           “(1) research projects to be carried out at pri-  
18 marily undergraduate institutions and technical col-  
19 leges;

20           “(2) research projects that combine research at  
21 primarily undergraduate institutions and technical  
22 colleges with other research supported by the Fed-  
23 eral Aviation Administration;

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

4           “(4) research on the impact of new technologies  
5           and procedures, particularly those related to aircraft  
6           flight deck and air traffic management functions,  
7           and on training requirements for pilots and air traf-  
8           fic controllers.”.

9   **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
10                   **NOISE COMPATIBILITY PLANNING AND PRO-**  
11                   **GRAMS.**

12           Section 48103 is amended by striking paragraphs (1)  
13 through (6) and inserting the following:

14           “(1) \$4,000,000,000 for fiscal year 2010; and

15           “(2) \$4,100,000,000 for fiscal year 2011.”.

16   **SEC. 105. OTHER AVIATION PROGRAMS.**

17           Section 48114 is amended—

18           (1) by striking “2007” in subsection (a)(1)(A)  
19           and inserting “2011”;

20           (2) by striking “2007,” in subsection (a)(2) and  
21           inserting “2011,”; and

22           (3) by striking “2007” in subsection (c)(2) and  
23           inserting “2011”.

1 **SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANS-**  
2 **PORTATION SYSTEM PROJECTS.**

3 Section 44501(b) is amended—

4 (1) by striking “and” after the semicolon in  
5 paragraph (3);

6 (2) by striking “defense.” in paragraph (4) and  
7 inserting “defense; and”; and

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

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

13 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
14 **AIRPORT PROGRAMS.**

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

17 **“§ 48105. Airport programs administrative expenses**

18 “Of the amount made available under section 48103  
19 of this title, the following may be available for administra-  
20 tive expenses relating to the Airport Improvement Pro-  
21 gram, passenger facility charge approval and oversight,  
22 national airport system planning, airport standards devel-  
23 opment and enforcement, airport certification, airport-re-  
24 lated environmental activities (including legal services),  
25 and other airport-related activities (including airport tech-  
26 nology research), to remain available until expended—

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

2           “(2) for fiscal year 2011, \$98,000,000.”.

3           (b) CONFORMING AMENDMENT.—The table of con-  
4 tents for chapter 481 is amended by striking the item re-  
5 lating to section 48105 and inserting the following:

“48105. Airport programs administrative expenses”.

6           (c) PASSENGER ENPLANEMENT REPORT.—

7           (1) IN GENERAL.—The Administrator of the  
8 Federal Aviation Administration shall prepare a re-  
9 port on every airport in the United States that re-  
10 ported between 10,000 and 15,000 passenger  
11 enplanements during each of the 2 most recent years  
12 for which such data is available.

13           (2) REPORT OBJECTIVES.—In carrying out the  
14 report under paragraph (1), the Administrator shall  
15 document the methods used by each subject airport  
16 to reach the 10,000 passenger enplanement thresh-  
17 old, including whether airports subsidize commercial  
18 flights to reach such threshold.

19           (3) REVIEW.—The Inspector General of the De-  
20 partment of Transportation shall review the process  
21 of the Administrator in developing the report under  
22 paragraph (1).

23           (4) REPORT.—The Administrator shall submit  
24 the report prepared under paragraph (1) to Con-  
25 gress and the Secretary of Transportation.

1                   **TITLE II—AIRPORT**  
2                   **IMPROVEMENTS**

3   **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-**  
4                   **THORITY.**

5           (a) PASSENGER FACILITY CHARGE STREAM-  
6 LINING.—Section 40117(c) is amended to read as follows:

7           “(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION  
8 OF PASSENGER FACILITY CHARGE.—

9                   “(1) IN GENERAL.—An eligible agency must  
10           submit to those air carriers and foreign air carriers  
11           operating at the airport with a significant business  
12           interest, as defined in paragraph (3), and to the  
13           Secretary and make available to the public annually  
14           a report, in the form required by the Secretary, on  
15           the status of the eligible agency’s passenger facility  
16           charge program, including—

17                           “(A) the total amount of program revenue  
18           held by the agency at the beginning of the 12  
19           months covered by the report;

20                           “(B) the total amount of program revenue  
21           collected by the agency during the period cov-  
22           ered by the report;

23                           “(C) the amount of expenditures with pro-  
24           gram revenue made by the agency on each eligi-

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

3           “(D) each airport-related project for which  
4           the agency plans to collect and use program  
5           revenue during the next 12-month period cov-  
6           ered by the report, including the amount of rev-  
7           enue projected to be used for such project;

8           “(E) the level of program revenue the  
9           agency plans to collect during the next 12-  
10          month period covered by the report;

11          “(F) a description of the notice and con-  
12          sultation process with air carriers and foreign  
13          air carriers under paragraph (3), and with the  
14          public under paragraph (4), including a copy of  
15          any adverse comments received and how the  
16          agency responded; and

17          “(G) any other information on the pro-  
18          gram that the Secretary may require.

19          “(2) IMPLEMENTATION.—Subject to the re-  
20          quirements of paragraphs (3), (4), (5), and (6), the  
21          eligible agency may implement the planned collection  
22          and use of passenger facility charges in accordance  
23          with its report upon filing the report as required in  
24          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-



1           vide written comments to the eligible agency in-  
2           dicating its agreement or disagreement with the  
3           project or, if applicable, the proposed level for  
4           a passenger facility charge.

5           “(D) The eligible agency may include, as  
6           part of the notice and comment process, a con-  
7           sultation meeting to discuss the proposed  
8           project or, if applicable, the proposed level for  
9           a passenger facility charge. If the agency pro-  
10          vides a consultation meeting, the written com-  
11          ments specified in subparagraph (C) shall be  
12          due not later than 30 days after the meeting.

13          “(4) PUBLIC NOTICE AND COMMENT.—

14                 “(A) An eligible agency proposing to col-  
15                 lect or use passenger facility charge revenue for  
16                 a project not previously approved by the Sec-  
17                 retary or not included in a report required by  
18                 paragraph (1) that was filed in a prior year  
19                 shall provide reasonable notice and an oppor-  
20                 tunity for public comment on the planned col-  
21                 lection and use of program revenue before pro-  
22                 viding the report required in paragraph (1).

23                 “(B) The Secretary shall prescribe by reg-  
24                 ulation what constitutes reasonable notice under

1 this paragraph, which shall at a minimum re-  
2 quire—

3 “(i) that the eligible agency provide  
4 public notice of intent to collect a pas-  
5 senger facility charge so as to inform those  
6 interested persons and agencies that may  
7 be affected;

8 “(ii) appropriate methods of publica-  
9 tion, which may include notice in local  
10 newspapers of general circulation or other  
11 local media, or posting of the notice on the  
12 agency’s Internet website; and

13 “(iii) submission of public comments  
14 no later than 45 days after the date of the  
15 publication of the notice.

16 “(5) OBJECTIONS.—

17 “(A) Any interested person may file with  
18 the Secretary a written objection to a proposed  
19 project included in a notice under this para-  
20 graph provided that the filing is made within 30  
21 days after submission of the report specified in  
22 paragraph (1).

23 “(B) The Secretary shall provide not less  
24 than 30 days for the eligible agency to respond  
25 to any filed objection.

1           “(C) Not later than 90 days after receiving  
2           the eligible agency’s response to a filed objec-  
3           tion, the Secretary shall make a determination  
4           whether or not to terminate authority to collect  
5           the passenger facility charge for the project,  
6           based on the filed objection. The Secretary shall  
7           state the reasons for any determination. The  
8           Secretary may only terminate authority if—

9                   “(i) the project is not an eligible air-  
10                  port related project;

11                  “(ii) the eligible agency has not com-  
12                  plied with the requirements of this section  
13                  or the Secretary’s implementing regula-  
14                  tions in proposing the project;

15                  “(iii) the eligible agency has been  
16                  found to be in violation of section  
17                  47107(b) of this title and has failed to  
18                  take corrective action, prior to the filing of  
19                  the objection; or

20                  “(iv) in the case of a proposed in-  
21                  crease in the passenger facility charge  
22                  level, the level is not authorized by this  
23                  section.

24           “(D) Upon issuance of a decision termi-  
25           nating authority, the public agency shall pre-

1           pare an accounting of passenger facility revenue  
2           collected under the terminated authority and re-  
3           store the funds for use on other authorized  
4           projects.

5           “(E) Except as provided in subparagraph  
6           (C), the eligible agency may implement the  
7           planned collection and use of a passenger facil-  
8           ity charge in accordance with its report upon  
9           filing the report as specified in paragraph  
10          (1)(A).

11          “(6) APPROVAL REQUIREMENT FOR INCREASED  
12          PASSENGER FACILITY CHARGE OR INTERMODAL  
13          GROUND ACCESS PROJECT.—

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

20                 “(B) The eligible agency may submit to  
21                 the Secretary an application for authority to  
22                 impose a passenger facility charge for an inter-  
23                 modal ground access project or to increase a  
24                 passenger facility charge. The application shall  
25                 contain information and be in the form that the

1 Secretary may require by regulation but, at a  
2 minimum, must include copies of any comments  
3 received by the agency during the comment pe-  
4 riod described by subparagraph (C).

5 “(C) Before submitting an application  
6 under this paragraph, an eligible agency must  
7 provide air carriers and foreign air carriers op-  
8 erating at the airport, and the public, reason-  
9 able notice of and an opportunity to comment  
10 on a proposed intermodal ground access project  
11 or the increased passenger facility charge. Such  
12 notice and opportunity to comment shall con-  
13 form to the requirements of paragraphs (3) and  
14 (4).

15 “(D) After receiving an application, the  
16 Secretary may provide air carriers, foreign air  
17 carriers and other interested persons notice and  
18 an opportunity to comment on the application.  
19 The Secretary shall make a final decision on  
20 the application not later than 120 days after re-  
21 ceiving it.”.

22 (b) CONFORMING AMENDMENTS.—

23 (1) REFERENCES.—

24 (A) Section 40117(a) is amended—

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

4 (ii) by striking “fee” each place it ap-  
 5 pears in paragraphs (5) and (6) and in-  
 6 serting “charge”.

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

9 (i) by striking “fee” or “fees” each  
 10 place either appears and inserting  
 11 “charge” or “charges”, respectively; and

12 (ii) by striking “FEE” in the sub-  
 13 section caption for subsection (l), and  
 14 “FEES” in the subsection captions for sub-  
 15 sections (e) and (m), and inserting  
 16 “CHARGE” and “CHARGES”, respectively.

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

19 **“§ 40117. Passenger facility charges”.**

20 (D) The table of contents for chapter 401  
 21 is amended by striking the item relating to sec-  
 22 tion 40117 and inserting the following:

“40117. Passenger facility charges”.

23 (2) LIMITATIONS ON APPROVING APPLICA-  
 24 TIONS.—Section 40117(d) is amended—

1 (A) by striking “subsection (c) of this sec-  
2 tion to finance a specific” and inserting “sub-  
3 section (c)(6) of this section to finance an inter-  
4 modal ground access”;

5 (B) by striking “specific” in paragraph  
6 (1);

7 (C) by striking paragraph (2) and insert-  
8 ing the following:

9 “(2) the project is an eligible airport-related  
10 project; and”;

11 (D) by striking “each of the specific  
12 projects; and” in paragraph (3) and inserting  
13 “the project.”; and

14 (E) by striking paragraph (4).

15 (3) LIMITATIONS ON IMPOSING CHARGES.—Sec-  
16 tion 40117(e)(1) is amended to read as follows: “(1)  
17 An eligible agency may impose a passenger facility  
18 charge only subject to terms the Secretary may pre-  
19 scribe to carry out the objectives of this section.”.

20 (4) LIMITATIONS ON CONTRACTS, LEASES, AND  
21 USE AGREEMENTS.—Section 40117(f)(2) is amended  
22 by striking “long-term”.

23 (5) COMPLIANCE.—Section 40117(h) is amend-  
24 ed—

1           (A) by redesignating paragraph (3) as  
2           paragraph (4); and

3           (B) by inserting after paragraph (2) the  
4           following:

5           “(3) The Secretary may, on complaint of an inter-  
6           ested person or on the Secretary’s own initiative, conduct  
7           an investigation into an eligible agency’s collection and use  
8           of passenger facility charge revenue to determine whether  
9           a passenger facility charge is excessive or that passenger  
10          facility revenue is not being used as provided in this sec-  
11          tion. The Secretary shall prescribe regulations establishing  
12          procedures for complaints and investigations. The regula-  
13          tions may provide for the issuance of a final agency deci-  
14          sion without resort to an oral evidentiary hearing. The  
15          Secretary shall not accept complaints filed under this  
16          paragraph until after the issuance of regulations estab-  
17          lishing complaint procedures.”.

18           (6) PILOT PROGRAM FOR PFC AT NONHUB AIR-  
19          PORTS.—Section 40117(l) is amended—

20           (A) by striking “(c)(2)” in paragraph (2)  
21           and inserting “(c)(3)”; and

22           (B) by striking “October 1, 2009.” in  
23           paragraph (7) and inserting “the date of  
24           issuance of regulations to carry out subsection  
25           (c) of this section, as amended by the FAA Air



1           Transportation Modernization and Safety Im-  
2           provement Act.”.

3           (7) PROHIBITION ON APPROVING PFC APPLICA-  
4           TIONS FOR AIRPORT REVENUE DIVERSION.—Section  
5           47111(e) is amended by striking “sponsor” the sec-  
6           ond place it appears in the first sentence and all  
7           that follows and inserting “sponsor. A sponsor shall  
8           not propose collection or use of passenger facility  
9           charges for any new projects under paragraphs (3)  
10          through (6) of section 40117(c) unless the Secretary  
11          determines that the sponsor has taken corrective ac-  
12          tion to address the violation and the violation no  
13          longer exists.”.

14 **SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.**

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

17          “(n) ALTERNATIVE PASSENGER FACILITY CHARGE  
18          COLLECTION PILOT PROGRAM.—

19                 “(1) IN GENERAL.—The Secretary shall estab-  
20          lish and conduct a pilot program at not more than  
21          6 airports under which an eligible agency may im-  
22          pose a passenger facility charge under this section  
23          without regard to the dollar amount limitations set  
24          forth in paragraph (1) or (4) of subsection (b) if the

1 participating eligible agency meets the requirements  
2 of paragraph (2).

3 “(2) COLLECTION REQUIREMENTS.—

4 “(A) DIRECT COLLECTION.—An eligible  
5 agency participating in the pilot program—

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

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

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

18 (b) GAO STUDY OF ALTERNATIVE MEANS OF COL-  
19 LLECTING PFCs.—

20 (1) IN GENERAL.—The Comptroller General  
21 shall conduct a study of alternative means of collec-  
22 tion passenger facility charges imposed under section  
23 40117 of title 49, United States Code, that would  
24 permit such charges to be collected without being in-

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

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

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

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

5 (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.

6 **SEC. 203. AMENDMENTS TO GRANT ASSURANCES.**

7 Section 47107 is amended—

8 (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-

1 placement of an existing airport facility, the Sec-  
2 retary, upon the request of the owner or operator,  
3 may grant funds available under section 47114 to  
4 pay the cost of relocating or replacing such facil-  
5 ity;”;

6 (2) in subsection (c)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (A)(i), by striking  
9 “purpose;” and inserting the following:  
10 “purpose, which includes serving as noise  
11 buffer land that may be—

12 “(I) undeveloped; or

13 “(II) developed in a way that is com-  
14 patible with using the land for noise  
15 buffering purposes;” and

16 (ii) in subparagraph (B)(iii), by strik-  
17 ing “paid to the Secretary for deposit in  
18 the Fund if another eligible project does  
19 not exist.” and inserting “reinvested in an-  
20 other project at the airport or transferred  
21 to another airport as the Secretary pre-  
22 scribes.”;

23 (B) by redesignating paragraph (3) as  
24 paragraph (5); and

1 (C) by inserting after paragraph (2) the  
2 following:

3 “(3)(A) A lease by an airport owner or operator of  
4 land acquired for a noise compatibility purpose using a  
5 grant provided under this subchapter shall not be consid-  
6 ered a disposal for purposes of paragraph (2).

7 “(B) The airport owner or operator may use revenues  
8 from a lease described in subparagraph (A) for capital  
9 purposes.

10 “(C) The Administrator of the Federal Aviation Ad-  
11 ministration shall coordinate with each airport owner or  
12 operator to ensure that leases described in subparagraph  
13 (A) are consistent with noise buffering purposes.

14 “(D) The provisions of this paragraph apply to all  
15 land acquired before, on, or after the date of the enact-  
16 ment of this paragraph.

17 “(4) In approving the reinvestment or transfer of  
18 proceeds under paragraph (2)(C)(iii), the Secretary shall  
19 give preference, in descending order, to—

20 “(i) reinvestment in an approved noise compat-  
21 ibility project;

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

24 “(iii) reinvestment in an airport development  
25 project that is eligible for funding under section

1 47114, 47115, or 47117 and meets the requirements  
2 of this chapter;

3 “(iv) transfer to the sponsor of another public  
4 airport to be reinvested in an approved noise com-  
5 patibility project at such airport; and

6 “(v) payment to the Secretary for deposit in the  
7 Airport and Airway Trust Fund established under  
8 section 9502 of the Internal Revenue Code of 1986  
9 (26 U.S.C. 9502).”.

10 **SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.**

11 (a) **FEDERAL SHARE.**—Section 47109 is amended—

12 (1) by striking “subsection (b) or subsection  
13 (c)” in subsection (a) and inserting “subsection (b),  
14 (c), or (e)”; and

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

16 “(e) **SPECIAL RULE FOR TRANSITION FROM SMALL**  
17 **HUB TO MEDIUM HUB STATUS.**—If the status of a small  
18 hub primary airport changes to a medium hub primary  
19 airport, the United States Government’s share of allow-  
20 able project costs for the airport may not exceed 95 per-  
21 cent for 2 fiscal years following such change in hub sta-  
22 tus.”.

23 (b) **TRANSITIONING AIRPORTS.**—Section  
24 47114(f)(3)(B) is amended by striking “year 2004.” and  
25 inserting “years 2010 and 2011.”.

1 **SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.**

2 Section 47110 is amended—

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

5 “(d) RELOCATION OF AIRPORT-OWNED FACILI-  
6 TIES.—The Secretary may determine that the costs of re-  
7 locating or replacing an airport-owned facility are allow-  
8 able for an airport development project at an airport only  
9 if—

10 “(1) the Government’s share of such costs is  
11 paid with funds apportioned to the airport sponsor  
12 under sections 47114(c)(1) or 47114(d)(2);

13 “(2) the Secretary determines that the reloca-  
14 tion or replacement is required due to a change in  
15 the Secretary’s design standards; and

16 “(3) the Secretary determines that the change  
17 is beyond the control of the airport sponsor.”;

18 (2) by striking “facilities, including fuel farms  
19 and hangars,” in subsection (h) and inserting “fa-  
20 cilities, as defined by section 47102,”; and

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

22 “(i) BIRD-DETECTING RADAR SYSTEMS.—Within  
23 180 days after the date of enactment of the FAA Air  
24 Transportation Modernization and Safety Improvement  
25 Act, the Administrator shall analyze the conclusions of on-  
26 going studies of various types of commercially-available

1 bird radar systems, based upon that analysis, if the Ad-  
2 ministrator determines such systems have no negative im-  
3 pact on existing navigational aids and that the expenditure  
4 of such funds is appropriate, the Administrator shall allow  
5 the purchase of bird-detecting radar systems as an allow-  
6 able airport development project costs subject to sub-  
7 section (b). If a determination is made that such radar  
8 systems will not improve or negatively impact airport safe-  
9 ty, the Administrator shall issue a report to the Senate  
10 Committee on Commerce, Science, and Transportation  
11 and the House of Representatives Committee on Trans-  
12 portation and Infrastructure on why that determination  
13 was made.”.

14 **SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.**

15 Section 47133(b) is amended—

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

18 (2) by inserting “(1)” before “Subsection”; and

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

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

23 “(A) the sale is approved by the Secretary;

24 “(B) funding is provided under this title  
25 for the public sponsor’s acquisition; and



1           “(C) an amount equal to the remaining  
2           unamortized portion of the original grant, am-  
3           ortized over a 20-year period, is repaid to the  
4           Secretary by the private owner for deposit in  
5           the Trust Fund for airport acquisitions.

6           “(3) This subsection shall apply to grants  
7           issued on or after October 1, 1996.”.

8   **SEC. 207. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**  
9           **COSTS.**

10          Notwithstanding section 47109(a) of title 49, United  
11          States Code, the Federal Government’s share of allowable  
12          project costs for a grant made in fiscal year 2008, 2009,  
13          2010, or 2011 under chapter 471 of that title for a project  
14          described in paragraph (2) or (3) of that section shall be  
15          95 percent.

16   **SEC. 207(b). PROHIBITION ON USE OF PASSENGER FACIL-**  
17           **ITY CHARGES TO CONSTRUCT BICYCLE STOR-**  
18           **AGE FACILITIES.**

19          Section 40117(a)(3) is amended—

20           (1) by redesignating subparagraphs (A) through  
21           (G) as clauses (i) through (vii);

22           (2) by striking “The term” and inserting the  
23           following:

24                   “(A) IN GENERAL.—The term”; and

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

1           “(B) BICYCLE STORAGE FACILITIES.—A  
2           project to construct a bicycle storage facility  
3           may not be considered an eligible airport-re-  
4           lated project.”.

5 **SEC. 208. MISCELLANEOUS AMENDMENTS.**

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

9           (1) by striking “each airport to—” in sub-  
10          section (a) and inserting “the airport system to—”;

11          (2) by striking “system in the particular area;”  
12          in subsection (a)(1) and inserting “system, including  
13          connection to the surface transportation network;  
14          and”;

15          (3) by striking “aeronautics; and” in subsection  
16          (a)(2) and inserting “aeronautics.”;

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

18          (5) by inserting “and” after the semicolon in  
19          subsection (b)(1);

20          (6) by striking paragraph (2) of subsection (b)  
21          and redesignating paragraph (3) as paragraph (2);

22          (7) by striking “operations, Short Takeoff and  
23          Landing/Very Short Takeoff and Landing aircraft  
24          operations,” in subsection (b)(2), as redesignated,  
25          and inserting “operations”; and

1           (8) by striking “status of the” in subsection  
2           (d).

3           (b) UPDATE VETERANS PREFERENCE DEFINI-  
4 TION.—Section 47112(c) is amended—

5           (1) by striking “separated from” in paragraph  
6           (1)(B) and inserting “discharged or released from  
7           active duty in”;

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

10           “(C) ‘Afghanistan-Iraq war veteran’ means an  
11           individual who served on active duty, as defined by  
12           section 101(21) of title 38, at any time in the armed  
13           forces for a period of more than 180 consecutive  
14           days, any part of which occurred during the period  
15           beginning on September 11, 2001, and ending on  
16           the date prescribed by Presidential proclamation or  
17           by law as the last date of Operation Iraqi Free-  
18           dom.”;

19           (3) by striking “veterans and” in paragraph (2)  
20           and inserting “veterans, Afghanistan-Iraq war vet-  
21           erans, and”;

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

23           “(3) A contract involving labor for carrying out an  
24           airport development project under a grant agreement  
25           under this subchapter must require that a preference be

1 given to the use of small business concerns (as defined  
2 in section 3 of the Small Business Act (15 U.S.C. 632))  
3 owned and controlled by disabled veterans.”.

4 (c) ANNUAL REPORT.—Section 47131(a) is amend-  
5 ed—

6 (1) by striking “April 1” and inserting “June  
7 1”; and

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

10 “(1) a summary of airport development and  
11 planning completed;

12 “(2) a summary of individual grants issued;

13 “(3) an accounting of discretionary and appor-  
14 tioned funds allocated; and

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

16 (d) SUNSET OF PROGRAM.—Section 47137 is re-  
17 pealed effective September 30, 2008.

18 (e) CORRECTION TO EMISSION CREDITS PROVI-  
19 SION.—Section 47139 is amended—

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

22 (2) by striking “47102(3)(F), 47102(3)(K),  
23 47102(3)(L), or 47140” in subsection (b) and in-  
24 serting “47102(3)(K) or 47102(3)(L)”; and

1           (3) by striking “40117(a)(3)(G), 47103(3)(F),  
2           47102(3)(K), 47102(3)(L), or 47140,” in subsection  
3           (b) and inserting “40117(a)(3)(G), 47102(3)(K), or  
4           47102(3)(L),”; and

5           (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-  
6           ITY.—Section 47151(e) is amended by striking “(other  
7           than real property that is subject to section 2687 of title  
8           10, section 201 of the Defense Authorization Amendments  
9           and Base Closure and Realignment Act (10 U.S.C. 2687  
10          note), or section 2905 of the Defense Base Closure and  
11          Realignment Act of 1990 (10 U.S.C. 2687 note),”.

12          (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-  
13          INITION OF JOINT USE AIRPORT.—Section 47175 is  
14          amended—

15               (1) by striking “Airport Capacity Benchmark  
16               Report 2001.” in paragraph (2) and inserting “2001  
17               and 2004 Airport Capacity Benchmark Reports or  
18               of the most recent Benchmark report, Future Air-  
19               port Capacity Task Report, or other comparable  
20               FAA report.”; and

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

22                       “(7) JOINT USE AIRPORT.—The term ‘joint use  
23                       airport’ means an airport owned by the United  
24                       States Department of Defense, at which both mili-

1 tary and civilian aircraft make shared use of the air-  
2 field.”.

3 (h) USE OF APPORTIONED AMOUNTS.—Section  
4 47117(e)(1)(A) is amended—

5 (1) by striking “35 percent” in the first sen-  
6 tence and inserting “\$300,000,000”;

7 (2) by striking “and” after “47141,”;

8 (3) by striking “et seq.)” and inserting “et  
9 seq.), and for water quality mitigation projects to  
10 comply with the Act of June 30, 1948 (33 U.S.C.  
11 1251 et seq.), approved in an environmental record  
12 of decision for an airport development project under  
13 this title.”; and

14 (4) by striking “such 35 percent requirement  
15 is” in the second sentence and inserting “the re-  
16 quirements of the preceding sentence are”.

17 (i) USE OF PREVIOUS FISCAL YEAR’S APPORTION-  
18 MENT.—Section 47114(c)(1) is amended—

19 (1) by striking “and” after the semicolon in  
20 subparagraph (E)(ii);

21 (2) by striking “airport.” in subparagraph  
22 (E)(iii) and inserting “airport; and”;

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

1           “(iv) the airport received scheduled or  
2           unscheduled air service from a large cer-  
3           tified air carrier (as defined in part 241 of  
4           title 14, Code of Federal Regulations, or  
5           such other regulations as may be issued by  
6           the Secretary under the authority of sec-  
7           tion 41709) and the Secretary determines  
8           that the airport had more than 10,000  
9           passenger boardings in the preceding cal-  
10          endar year, based on data submitted to the  
11          Secretary under part 241 of title 14, Code  
12          of Federal Regulations.”;

13          (4) in subparagraph (G)—

14                 (A) by striking “FISCAL YEAR 2006” in  
15                 the heading and inserting “FISCAL YEARS 2008  
16                 THROUGH 2011”;

17                 (B) by striking “fiscal year 2006” and in-  
18                 serting “fiscal years 2008 through 2011”;

19                 (C) by striking clause (i) and inserting the  
20                 following:

21                         “(i) the average annual passenger  
22                         boardings at the airport for calendar years  
23                         2004 through 2006 were below 10,000 per  
24                         year;” and

1 (D) by striking “2000 or 2001;” in clause  
2 (ii) and inserting “2003;”; and

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

4 “(H) SPECIAL RULE FOR FISCAL YEARS 2010  
5 AND 2011.—Notwithstanding subparagraph (A), for  
6 an airport that had more than 10,000 passenger  
7 boardings and scheduled passenger aircraft service  
8 in calendar year 2007, but in either calendar years  
9 2008 or 2009, or both years, the number of pas-  
10 senger boardings decreased to a level below 10,000  
11 boardings per year at such airport, the Secretary  
12 may apportion in fiscal years 2010 or 2011 to the  
13 sponsor of such an airport an amount equal to the  
14 amount apportioned to that sponsor in fiscal year  
15 2009.”.

16 (j) MOBILE REFUELER PARKING CONSTRUCTION.—  
17 Section 47102(3) is amended by adding at the end the  
18 following:

19 “(M) construction of mobile refueler park-  
20 ing within a fuel farm at a nonprimary airport  
21 meeting the requirements of section 112.8 of  
22 title 40, Code of Federal Regulations.”.

23 (k) DISCRETIONARY FUND.—Section 47115(g)(1) is  
24 amended by striking “of—” and all that follows and in-  
25 serting “of \$520,000,000. The amount credited is exclu-



1 sive of amounts that have been apportioned in a prior fis-  
2 cal year under section 47114 of this title and that remain  
3 available for obligation.”.

4 **SEC. 209. STATE BLOCK GRANT PROGRAM.**

5 Section 47128 is amended—

6 (1) by striking “regulations” each place it ap-  
7 pears in subsection (a) and inserting “guidance”;

8 (2) by striking “grant;” in subsection (b)(4)  
9 and inserting “grant, including Federal environ-  
10 mental requirements or an agreed upon equivalent;”;

11 (3) by redesignating subsection (c) as sub-  
12 section (d) and inserting after subsection (b) the fol-  
13 lowing:

14 “(c) PROJECT ANALYSIS AND COORDINATION RE-  
15 QUIREMENTS.—Any Federal agency that must approve, li-  
16 cense, or permit a proposed action by a participating State  
17 shall coordinate and consult with the State. The agency  
18 shall utilize the environmental analysis prepared by the  
19 State, provided it is adequate, or supplement that analysis  
20 as necessary to meet applicable Federal requirements.”;  
21 and

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

23 “(e) PILOT PROGRAM.—The Secretary shall establish  
24 a pilot program for up to 3 States that do not participate

1 in the program established under subsection (a) that is  
2 consistent with the program under subsection (a).”.

3 **SEC. 210. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
4 **VIEWS.**

5 Section 47173(a) is amended by striking “project.”  
6 and inserting “project, or to conduct special environmental  
7 studies related to a federally funded airport project or for  
8 special studies or reviews to support approved noise com-  
9 patibility measures in a Part 150 program or environ-  
10 mental mitigation in a Federal Aviation Administration  
11 Record of Decision or Finding of No Significant Impact.”.

12 **SEC. 211. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
13 **PROCEDURES.**

14 Section 47504 is amended by adding at the end the  
15 following:

16 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
17 DURES.—

18 “(1) The Secretary is authorized in accordance  
19 with subsection (c)(1) to make a grant to an airport  
20 operator to assist in completing environmental re-  
21 view and assessment activities for proposals to im-  
22 plement flight procedures that have been approved  
23 for airport noise compatibility planning purposes  
24 under subsection (b).

1           “(2) The Administrator of the Federal Aviation  
2 Administration may accept funds from an airport  
3 sponsor, including funds provided to the sponsor  
4 under paragraph (1), to hire additional staff or ob-  
5 tain the services of consultants in order to facilitate  
6 the timely processing, review and completion of envi-  
7 ronmental activities associated with proposals to im-  
8 plement flight procedures submitted and approved  
9 for airport noise compatibility planning purposes in  
10 accordance with this section. Funds received under  
11 this authority shall not be subject to the procedures  
12 applicable to the receipt of gifts by the Adminis-  
13 trator.”.

14 **SEC. 212. SAFETY-CRITICAL AIRPORTS.**

15 Section 47118(c) is amended—

16           (1) by striking “or” after the semicolon in  
17 paragraph (1);

18           (2) by striking “delays.” in paragraph (2) and  
19 inserting “delays; or”; and

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

21           “(3) be critical to the safety of commercial,  
22 military, or general aviation in trans-oceanic  
23 flights.”.

1 **SEC. 213. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
2 **PILOT PROGRAM.**

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

5 **“§ 47143. Environmental mitigation demonstration**  
6 **pilot program**

7 “(a) IN GENERAL.—The Secretary of Transportation  
8 shall carry out a pilot program involving not more than  
9 6 projects at public-use airports under which the Secretary  
10 may make grants to sponsors of such airports from funds  
11 apportioned under paragraph 47117(e)(1)(A) for use at  
12 such airports for environmental mitigation demonstration  
13 projects that will measurably reduce or mitigate aviation  
14 impacts on noise, air quality or water quality in the vicin-  
15 ity of the airport. Notwithstanding any other provision of  
16 this subchapter, an environmental mitigation demonstra-  
17 tion project approved under this section shall be treated  
18 as eligible for assistance under this subchapter.

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

21 “(c) SELECTION CRITERIA.—In selecting from  
22 among applicants for participation in the pilot program,  
23 the Secretary may give priority consideration to environ-  
24 mental mitigation demonstration projects that—

25 “(1) will achieve the greatest reductions in air-  
26 craft noise, airport emissions, or airport water qual-

1       ity impacts either on an absolute basis, or on a per-  
2       dollar-of-funds expended basis; and

3               “(2) will be implemented by an eligible consor-  
4       tium.

5       “(d) FEDERAL SHARE.—Notwithstanding any other  
6       provision of this subchapter, the United States Govern-  
7       ment’s share of the costs of a project carried out under  
8       this section shall be 50 percent.

9       “(e) MAXIMUM AMOUNT.—Not more than  
10       \$2,500,000 may be made available by the Secretary in  
11       grants under this section for any single project.

12       “(f) IDENTIFYING BEST PRACTICES.—The Adminis-  
13       trator may develop and publish information identifying  
14       best practices for reducing or mitigating aviation impacts  
15       on noise, air quality, or water quality in the vicinity of  
16       airports, based on the projects carried out under the pilot  
17       program.

18       “(g) DEFINITIONS.—In this section:

19               “(1) ELIGIBLE CONSORTIUM.—The term ‘eligi-  
20       ble consortium’ means a consortium that comprises  
21       2 or more of the following entities:

22                       “(A) Businesses operating in the United  
23       States.

1           “(B) Public or private educational or re-  
2           search organizations located in the United  
3           States.

4           “(C) Entities of State or local governments  
5           in the United States.

6           “(D) Federal laboratories.

7           “(2) ENVIRONMENTAL MITIGATION DEM-  
8           ONSTRATION PROJECT.—The term ‘environmental  
9           mitigation demonstration project’ means a project  
10          that—

11           “(A) introduces new conceptual environ-  
12           mental mitigation techniques or technology with  
13           associated benefits, which have already been  
14           proven in laboratory demonstrations;

15           “(B) proposes methods for efficient adap-  
16           tation or integration of new concepts to airport  
17           operations; and

18           “(C) will demonstrate whether new tech-  
19           niques or technology for environmental mitiga-  
20           tion identified in research are—

21           “(i) practical to implement at or near  
22           multiple public use airports; and

23           “(ii) capable of reducing noise, airport  
24           emissions, or water quality impacts in  
25           measurably significant amounts.”.

1 (b) CONFORMING AMENDMENT.—The table of con-  
2 tents for chapter 471 is amended by inserting after the  
3 item relating to section 47142 the following:

“47143. Environmental mitigation demonstration pilot program”.

4 **SECTION 214. ALLOWABLE PROJECT COSTS.**

5 (a) ALLOWABLE PROJECT COSTS.—Section  
6 47110(b)(2)(D) is amended to read as follows:

7 “(D) if the cost is for airport development  
8 and is incurred before execution of the grant  
9 agreement, but in the same fiscal year as execu-  
10 tion of the grant agreement, and if—

11 “(i) the cost was incurred before exe-  
12 cution of the grant agreement due to the  
13 short construction season in the vicinity of  
14 the airport;

15 “(ii) the cost is in accordance with an  
16 airport layout plan approved by the Sec-  
17 retary and with all statutory and adminis-  
18 trative requirements that would have been  
19 applicable to the project if the project had  
20 been carried out after execution of the  
21 grant agreement, including submission of a  
22 complete grant application to the appro-  
23 priate regional or district office of the Fed-  
24 eral Aviation Administration;

1           “(iii) the sponsor notifies the Sec-  
2           retary before authorizing work to com-  
3           mence on the project;

4           “(iv) the sponsor has an alternative  
5           funding source available to fund the  
6           project; and

7           “(v) the sponsor’s decision to proceed  
8           with the project in advance of execution of  
9           the grant agreement does not affect the  
10          priority assigned to the project by the Sec-  
11          retary for the allocation of discretionary  
12          funds;”.

13 **SEC. 215. GLYCOL RECOVERY VEHICLES.**

14          Section 47102(3)(G) is amended by inserting “in-  
15          cluding acquiring glycol recovery vehicles,” after “air-  
16          craft,”.

17 **SEC. 216. RESEARCH IMPROVEMENT FOR AIRCRAFT.**

18          Section 44504(b) is amended—

19               (1) by striking “and” after the semicolon in  
20          paragraph (6);

21               (2) by striking “aircraft.” in paragraph (7) and  
22          inserting “aircraft; and”; and

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

24                       “(8) to conduct research to support programs  
25          designed to reduce gases and particulates emitted.”.



1 **SEC. 217. UNITED STATES TERRITORY MINIMUM GUAR-**  
2 **ANTEE.**

3 Section 47114(e) is amended—

4 (1) by inserting “AND ANY UNITED STATES  
5 TERRITORY” after “ALASKA” in the subsection  
6 heading; and

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

8 “(5) UNITED STATES TERRITORY MINIMUM  
9 GUARANTEE.—In any fiscal year in which the total  
10 amount apportioned to airports in a United States  
11 Territory under subsections (c) and (d) is less than  
12 1.5 percent of the total amount apportioned to all  
13 airports under those subsections, the Secretary may  
14 apportion to the local authority in any United States  
15 Territory responsible for airport development  
16 projects in that fiscal year an amount equal to the  
17 difference between 1.5 percent of the total amounts  
18 apportioned under subsections (c) and (d) in that  
19 fiscal year and the amount otherwise apportioned  
20 under those subsections to airports in a United  
21 States Territory in that fiscal year.”.

22 **SEC. 218. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.**

23 (a) IN GENERAL.—Notwithstanding any other provi-  
24 sion of law, including the Federal Airport Act (as in effect  
25 on August 8, 1958), the United States releases, without  
26 monetary consideration, all restrictions, conditions, and

1 limitations on the use, encumbrance, or conveyance of cer-  
2 tain land located in the municipality of Anchorage, Alaska,  
3 more particularly described as Tracts 22 and 24 of the  
4 Fourth Addition to the Town Site of Anchorage, Alaska,  
5 as shown on the plat of U.S. Survey No. 1456, accepted  
6 June 13, 1923, on file in the Bureau of Land Manage-  
7 ment, Department of Interior.

8 (b) GRANTS.—Notwithstanding any other provision  
9 of law, the municipality of Anchorage shall be released  
10 from the repayment of any outstanding grant obligations  
11 owed by the municipality to the Federal Aviation Adminis-  
12 tration with respect to any land described in subsection  
13 (a) that is subsequently conveyed to or used by the De-  
14 partment of Transportation and Public Facilities of the  
15 State of Alaska for the construction or reconstruction of  
16 a federally subsidized highway project.

17 **SEC. 219. RELEASE FROM RESTRICTIONS.**

18 (a) IN GENERAL.—Subject to subsection (b), and  
19 notwithstanding section 16 of the Federal Airport Act (as  
20 in effect on August 28, 1973) and sections 47125 and  
21 47153 of title 49, United States Code, the Secretary of  
22 Transportation is authorized to grant releases from any  
23 of the terms, conditions, reservations, and restrictions con-  
24 tained in the deed of conveyance dated August 28, 1973,

1 under which the United States conveyed certain property  
2 to the city of St. George, Utah, for airport purposes.

3 (b) CONDITION.—Any release granted by the Sec-  
4 retary of Transportation pursuant to subsection (a) shall  
5 be subject to the following conditions:

6 (1) The city of St. George, Utah, shall agree  
7 that in conveying any interest in the property which  
8 the United States conveyed to the city by deed on  
9 August 28, 1973, the city will receive an amount for  
10 such interest which is equal to its fair market value.

11 (2) Any amount received by the city under  
12 paragraph (1) shall be used by the city of St.  
13 George, Utah, for the development or improvement  
14 of a replacement public airport.

15 (c) ADDITIONAL RELEASE FROM RESTRICTIONS.—

16 (1) IN GENERAL.—In addition to any release  
17 granted under subsection (a), the Secretary of  
18 Transportation may, subject to paragraph (2), grant  
19 releases from any of the terms, conditions, reserva-  
20 tions, and restrictions contained in the deed of con-  
21 veyance numbered 30–82–0048 and dated August 4,  
22 1982, under which the United States conveyed cer-  
23 tain land to Doña Ana County, New Mexico, for air-  
24 port purposes.

1           (2) CONDITIONS.—Any release granted by the  
2 Secretary under paragraph (1) shall be subject to  
3 the following conditions:

4           (A) The County shall agree that in con-  
5 veying any interest in the land that the United  
6 States conveyed to the County by the deed de-  
7 scribed in paragraph (1), the County shall re-  
8 ceive an amount for the interest that is equal  
9 to the fair market value.

10           (B) Any amount received by the County  
11 for the conveyance shall be used by the County  
12 for the development, improvement, operation, or  
13 maintenance of the airport.

14 **SEC. 220. DESIGNATION OF FORMER MILITARY AIRPORTS.**

15           Section 47118(g) is amended by striking “one” and  
16 inserting “three” in its place.

17 **SEC. 221. AIRPORT SUSTAINABILITY PLANNING WORKING**  
18 **GROUP.**

19           (a) IN GENERAL.—The Administrator shall establish  
20 an airport sustainability working group to assist the Ad-  
21 ministrator with issues pertaining to airport sustainability  
22 practices.

23           (b) MEMBERSHIP.—The Working Group shall be  
24 comprised of not more than 15 members including—

25           (1) the Administrator;

1           (2) 5 member organizations representing avia-  
2           tion interests including:

3                   (A) an organization representing airport  
4                   operators;

5                   (B) an organization representing airport  
6                   employees;

7                   (C) an organization representing air car-  
8                   riers;

9                   (D) an organization representing airport  
10                  development and operations experts;

11                  (E) a labor organization representing avia-  
12                  tion employees.

13           (3) 9 airport chief executive officers which shall  
14           include:

15                   (A) at least one from each of the FAA Re-  
16                   gions;

17                   (B) at least 1 large hub;

18                   (C) at least 1 medium hub;

19                   (D) at least 1 small hub;

20                   (E) at least 1 non hub;

21                   (F) at least 1 general aviation airport.

22           (c) FUNCTIONS.—

23                   (1) develop consensus-based best practices and  
24                   metrics for the sustainable design, construction,  
25                   planning, maintenance, and operation of an airport

1 that comply with the guidelines prescribed by the  
2 Administrator;

3 (2) develop standards for a consensus-based  
4 rating system based on the aforementioned best  
5 practices, metrics, and ratings; and

6 (3) develop standards for a voluntary ratings  
7 process, based on the aforementioned best practices,  
8 metrics, and ratings;

9 (4) examine and submit recommendations for  
10 the industry's next steps with regard to sustain-  
11 ability.

12 (d) DETERMINATION.—The Administrator shall pro-  
13 vide assurance that the best practices developed by the  
14 working group under paragraph (a) are not in conflict  
15 with any federal aviation or federal, state or local environ-  
16 mental regulation.

17 (e) UNPAID POSITION.—Working Group members  
18 shall serve at their own expense and receive no salary, re-  
19 imbursement of travel expenses, or other compensation  
20 from the Federal Government.

21 (f) NONAPPLICABILITY OF FACA.—The Federal Ad-  
22 visory Committee Act (5 U.S.C. App.) shall not apply to  
23 the Working Group under this section.

24 (g) REPORT.—Not later than one year after the date  
25 of enactment the Working Group shall submit a report

1 to the Administrator containing the best practices and  
2 standards contained in paragraph (c). After receiving the  
3 report, the Administrator may publish such best practices  
4 in order to disseminate the information to support the sus-  
5 tainable design, construction, planning, maintenance, and  
6 operations of airports.

7 (h) No funds may be authorized to carry out this pro-  
8 vision.

9 **SEC. 222. INCLUSION OF MEASURES TO IMPROVE THE EFFI-**  
10 **CIENCY OF AIRPORT BUILDINGS IN AIRPORT**  
11 **IMPROVEMENT PROJECTS.**

12 Section 47101(a) is amended—

13 (1) in paragraph (12), by striking “; and” and  
14 inserting a semicolon;

15 (2) in paragraph (13), by striking the period  
16 and inserting “; and”; and

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

18 “(14) that the airport improvement program  
19 should be administered to allow measures to improve  
20 the efficiency of airport buildings to be included in  
21 airport improvement projects, such as measures de-  
22 signed to meet one or more of the criteria for being  
23 a high-performance green building set forth in sec-  
24 tion 401(13) of the Energy Independence and Secu-  
25 rity Act of 2007 (42 U.S.C. 17061(13)), if any sig-

1       nificant increase in upfront project costs from any  
2       such measure is justified by expected savings over  
3       the lifecycle of the project.”.

4 **SEC. 223. STUDY ON APPORTIONING AMOUNTS FOR AIR-**  
5 **PORT IMPROVEMENT IN PROPORTION TO**  
6 **AMOUNTS OF AIR TRAFFIC.**

7       (a) **STUDY AND REPORT REQUIRED.**—Not later than  
8 180 days after the date of the enactment of this Act, the  
9 Administrator of the Federal Aviation Administration  
10 shall—

11           (1) complete a study on the feasibility and ad-  
12 visability of apportioning amounts under section  
13 47114(c)(1) of title 49, United States Code, to the  
14 sponsor of each primary airport for each fiscal year  
15 an amount that bears the same ratio to the amount  
16 subject to the apportionment for fiscal year 2009 as  
17 the number of passenger boardings at the airport  
18 during the prior calendar year bears to the aggre-  
19 gate of all passenger boardings at all primary air-  
20 ports during that calendar year; and

21           (2) submit to Congress a report on the study  
22 completed under paragraph (1).

23       (b) **REPORT CONTENTS.**—The report required by  
24 subsection (a)(2) shall include the following:



1           (1) A description of the study carried out under  
2 subsection (a)(1).

3           (2) The findings of the Administrator with re-  
4 spect to such study.

5           (3) A list of each sponsor of a primary airport  
6 that received an amount under section 47114(c)(1)  
7 of title 49, United States Code, in 2009.

8           (4) For each sponsor listed in accordance with  
9 paragraph (3), the following:

10           (A) The amount such sponsor received, if  
11 any, in 2005, 2006, 2007, 2008, and 2009  
12 under such section 47114(c)(1).

13           (B) An explanation of how the amount  
14 awarded to such sponsor was determined.

15           (C) The average number of air passenger  
16 flights serviced each month at the airport of  
17 such sponsor in 2009.

18           (D) The number of enplanements for air  
19 passenger transportation at such airport in  
20 2005, 2006, 2007, 2008, and 2009.

21 **SEC. 224. USE OF MINERAL REVENUE AT CERTAIN AIR-**  
22 **PORTS.**

23 (a) **DEFINITIONS.**—In this section:

1           (1) ADMINISTRATOR.—The term “Adminis-  
2           trator” means the Administrator of the Federal  
3           Aviation Administration.

4           (2) GENERAL AVIATION AIRPORT.—The term  
5           “general aviation airport” means an airport that  
6           does not receive scheduled passenger aircraft service.

7           (b) IN GENERAL.—Notwithstanding any other provi-  
8           sion of law, the Administrator of the Federal Aviation Ad-  
9           ministration (referred to in this section as the “Adminis-  
10          trator”) may declare certain revenue derived from or gen-  
11          erated by mineral extraction, production, lease or other  
12          means at any general aviation airport to be revenue great-  
13          er than the amount needed to carry out the 5-year pro-  
14          jected maintenance needs of the airport in order to comply  
15          with the applicable design and safety standards of the  
16          Federal Aviation Administration.

17          (c) USE OF REVENUE.—An airport sponsor that is  
18          in compliance with the conditions under subsection (d)  
19          may allocate revenue identified by the Administrator  
20          under subsection (b) for Federal, State, or local transpor-  
21          tation infrastructure projects carried out by the airport  
22          sponsor or by a governing body within the geographical  
23          limits of the airport sponsor’s jurisdiction.

1 (d) CONDITIONS.—An airport sponsor may not allo-  
2 cate revenue identified by the Administrator under sub-  
3 section (b) unless the airport sponsor—

4 (1) enters into a written agreement with the  
5 Administrator that sets forth a 5-year capital im-  
6 provement program for the airport, which—

7 (A) includes the projected costs for the op-  
8 eration, maintenance, and capacity needs of the  
9 airport in order to comply with applicable de-  
10 sign and safety standards of the Federal Avia-  
11 tion Administration; and

12 (B) appropriately adjusts such costs to ac-  
13 count for inflation;

14 (2) agrees in writing—

15 (A) to waive all rights to receive entitle-  
16 ment funds or discretionary funds to be used at  
17 the airport under section 47114 or 47115 of  
18 title 49, United States Code, during the 5-year  
19 period of the capital improvement plan de-  
20 scribed in paragraph (1);

21 (B) to perpetually comply with sections  
22 47107(b) and 47133 of such title, unless grant-  
23 ed specific exceptions by the Administrator in  
24 accordance with this section; and

1           (C) to operate the airport as a public-use  
2           airport, unless the Administrator specifically  
3           grants a request to allow the airport to close;  
4           and

5           (3) complies with all grant assurance obliga-  
6           tions in effect as of the date of the enactment of this  
7           Act during the 20-year period beginning on the date  
8           of enactment of this Act;

9           (e) COMPLETION OF DETERMINATION.—Not later  
10          than 90 days after receiving an airport sponsor’s applica-  
11          tion and requisite supporting documentation to declare  
12          that certain mineral revenue is not needed to carry out  
13          the 5-year capital improvement program at such airport,  
14          the Administrator shall determine whether the airport  
15          sponsor’s request should be granted. The Administrator  
16          may not unreasonably deny an application under this sub-  
17          section.

18          (f) RULEMAKING.—Not later than 90 days after the  
19          date of the enactment of this Act, the Administrator shall  
20          promulgate regulations to carry out this section.

1 **TITLE III—AIR TRAFFIC CON-**  
2 **TROL MODERNIZATION AND**  
3 **FAA REFORM**

4 **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**  
5 **SIGHT BOARD.**

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

7 “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-  
8 SIGHT BOARD.—

9 “(1) ESTABLISHMENT.—Within 90 days after  
10 the date of enactment of the FAA Air Transpor-  
11 tation Modernization and Safety Improvement Act,  
12 the Secretary shall establish and appoint the mem-  
13 bers of an advisory Board which shall be known as  
14 the Air Traffic Control Modernization Oversight  
15 Board.

16 “(2) MEMBERSHIP.—The Board shall be com-  
17 prised of the individual appointed or designated  
18 under section 302 of the FAA Air Transportation  
19 Modernization and Safety Improvement Act (who  
20 shall serve ex officio without the right to vote) and  
21 9 other members, who shall consist of—

22 “(A) the Administrator and a representa-  
23 tive from the Department of Defense;

1           “(B) 1 member who shall have a fiduciary  
2           responsibility to represent the public interest;  
3           and

4           “(C) 6 members representing aviation in-  
5           terests, as follows:

6                   “(i) 1 representative that is the chief  
7                   executive officer of an airport.

8                   “(ii) 1 representative that is the chief  
9                   executive officer of a passenger or cargo  
10                  air carrier.

11                  “(iii) 1 representative of a labor orga-  
12                  nization representing employees at the  
13                  Federal Aviation Administration that are  
14                  involved with the operation of the air traf-  
15                  fic control system.

16                  “(iv) 1 representative with extensive  
17                  operational experience in the general avia-  
18                  tion community.

19                  “(v) 1 representative from an aircraft  
20                  manufacturer.

21                  “(vi) 1 representative of a labor orga-  
22                  nization representing employees at the  
23                  Federal Aviation Administration who are  
24                  involved with maintenance of the air traffic  
25                  control system.

1           “(3) APPOINTMENT AND QUALIFICATIONS.—

2           “(A) Members of the Board appointed  
3           under paragraphs (2)(B) and (2)(C) shall be  
4           appointed by the President, by and with the ad-  
5           vice and consent of the Senate.

6           “(B) Members of the Board appointed  
7           under paragraph (2)(B) shall be citizens of the  
8           United States and shall be appointed without  
9           regard to political affiliation and solely on the  
10          basis of their professional experience and exper-  
11          tise in one or more of the following areas and,  
12          in the aggregate, should collectively bring to  
13          bear expertise in—

14                   “(i) management of large service or-  
15                   ganizations;

16                   “(ii) customer service;

17                   “(iii) management of large procure-  
18                   ments;

19                   “(iv) information and communications  
20                   technology;

21                   “(v) organizational development; and

22                   “(vi) labor relations.

23           “(C) Of the members first appointed under  
24          paragraphs (2)(B) and (2)(C)—

1                   “(i) 2 shall be appointed for terms of  
2                   1 year;

3                   “(ii) 1 shall be appointed for a term  
4                   of 2 years;

5                   “(iii) 1 shall be appointed for a term  
6                   of 3 years; and

7                   “(iv) 1 shall be appointed for a term  
8                   of 4 years.

9                   “(4) FUNCTIONS.—

10                   “(A) IN GENERAL.—The Board shall—

11                   “(i) review and provide advice on the  
12                   Administration’s modernization programs,  
13                   budget, and cost accounting system;

14                   “(ii) review the Administration’s stra-  
15                   tegic plan and make recommendations on  
16                   the non-safety program portions of the  
17                   plan, and provide advice on the safety pro-  
18                   grams of the plan;

19                   “(iii) review the operational efficiency  
20                   of the air traffic control system and make  
21                   recommendations on the operational and  
22                   performance metrics for that system;

23                   “(iv) approve procurements of air  
24                   traffic control equipment in excess of  
25                   \$100,000,000;



1           “(v) approve by July 31 of each year  
2           the Administrator’s budget request for fa-  
3           cilities and equipment prior to its submis-  
4           sion to the Office of Management and  
5           budget, including which programs are pro-  
6           posed to be funded from the Air Traffic  
7           control system Modernization Account of  
8           the Airport and Airway Trust Fund;

9           “(vi) approve the Federal Aviation  
10          Administration’s Capital Investment Plan  
11          prior to its submission to the Congress;

12          “(vii) annually review and make rec-  
13          ommendations on the NextGen Implemen-  
14          tation Plan;

15          “(viii) approve the Administrator’s se-  
16          lection of the Chief NextGen Officer ap-  
17          pointed or designated under section 302(a)  
18          of the FAA Air Transportation Moderniza-  
19          tion and Safety Improvement Act; and

20          “(ix) approve the selection of the head  
21          of the Joint Planning and Development  
22          Office.

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

1           “(C) ACCESS TO DOCUMENTS AND  
2           STAFF.—The Administration may give the  
3           Board appropriate access to relevant documents  
4           and personnel of the Administration, and the  
5           Administrator shall make available, consistent  
6           with the authority to withhold commercial and  
7           other proprietary information under section 552  
8           of title 5, cost data associated with the acquisi-  
9           tion and operation of air traffic control systems.  
10          Any member of the Board who receives com-  
11          mercial or other proprietary data from the Ad-  
12          ministrator shall be subject to the provisions of  
13          section 1905 of title 18, pertaining to unauthor-  
14          ized disclosure of such information.

15          “(5) FEDERAL ADVISORY COMMITTEE ACT NOT  
16          TO APPLY.—The Federal Advisory Committee Act (5  
17          U.S.C. App.) shall not apply to the Board or such  
18          rulemaking committees as the Administrator shall  
19          designate.

20          “(6) ADMINISTRATIVE MATTERS.—

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

1           “(B) REAPPOINTMENT.—No individual  
2           may be appointed to the Board for more than  
3           8 years total.

4           “(C) VACANCY.—Any vacancy on the  
5           Board shall be filled in the same manner as the  
6           original position. Any member appointed to fill  
7           a vacancy occurring before the expiration of the  
8           term for which the member’s predecessor was  
9           appointed shall be appointed for a term of 4  
10          years.

11          “(D) CONTINUATION IN OFFICE.—A mem-  
12          ber of the Board whose term expires shall con-  
13          tinue to serve until the date on which the mem-  
14          ber’s successor takes office.

15          “(E) REMOVAL.—Any member of the  
16          Board appointed under paragraph (2)(B) or  
17          (2)(C) may be removed by the President for  
18          cause.

19          “(F) CLAIMS AGAINST MEMBERS OF THE  
20          BOARD.—

21                 “(i) IN GENERAL.—A member ap-  
22                 pointed to the Board shall have no per-  
23                 sonal liability under State or Federal law  
24                 with respect to any claim arising out of or  
25                 resulting from an act or omission by such

1 member within the scope of service as a  
2 member of the Board.

3 “(ii) EFFECT ON OTHER LAW.—This  
4 subparagraph shall not be construed—

5 “(I) to affect any other immunity  
6 or protection that may be available to  
7 a member of the Board under applica-  
8 ble law with respect to such trans-  
9 actions;

10 “(II) to affect any other right or  
11 remedy against the United States  
12 under applicable law; or

13 “(III) to limit or alter in any way  
14 the immunities that are available  
15 under applicable law for Federal offi-  
16 cers and employees.

17 “(G) ETHICAL CONSIDERATIONS.—Each  
18 member of the Board appointed under para-  
19 graph (2)(B) must certify that the member—

20 “(i) does not have a pecuniary interest  
21 in, or own stock in or bonds of, an aviation  
22 or aeronautical enterprise, except an inter-  
23 est in a diversified mutual fund or an in-  
24 terest that is exempt from the application  
25 of section 208 of title 18;

1                   “(ii) does not engage in another busi-  
2                   ness related to aviation or aeronautics; and

3                   “(iii) is not a member of any organi-  
4                   zation that engages, as a substantial part  
5                   of its activities, in activities to influence  
6                   aviation-related legislation.

7                   “(H) CHAIRMAN; VICE CHAIRMAN.—The  
8                   Board shall elect a chair and a vice chair from  
9                   among its members, each of whom shall serve  
10                  for a term of 2 years. The vice chair shall per-  
11                  form the duties of the chairman in the absence  
12                  of the chairman.

13                  “(I) COMPENSATION.—No member shall  
14                  receive any compensation or other benefits from  
15                  the Federal Government for serving on the  
16                  Board, except for compensation benefits for in-  
17                  juries under subchapter I of chapter 81 of title  
18                  5 and except as provided under subparagraph  
19                  (J).

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

1           “(K) BOARD RESOURCES.—From re-  
2 resources otherwise available to the Adminis-  
3 trator, the Chairman shall appoint such staff to  
4 assist the board and provide impartial analysis,  
5 and the Administrator shall make available to  
6 the Board such information and administrative  
7 services and assistance, as may reasonably be  
8 required to enable the Board to carry out its re-  
9 sponsibilities under this subsection.

10           “(L) QUORUM AND VOTING.—A simple  
11 majority of members of the Board duly ap-  
12 pointed shall constitute a quorum. A majority  
13 vote of members present and voting shall be re-  
14 quired for the Committee to take action.

15           “(7) AIR TRAFFIC CONTROL SYSTEM DE-  
16 FINED.—In this subsection, the term ‘air traffic con-  
17 trol system’ has the meaning given that term in sec-  
18 tion 40102(a).”.

19 **SEC. 302. NEXTGEN MANAGEMENT.**

20           (a) IN GENERAL.—The Administrator shall appoint  
21 or designate an individual, as the Chief NextGen Officer,  
22 to be responsible for implementation of all Administration  
23 programs associated with the Next Generation Air Trans-  
24 portation System.

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

3 (1) oversee the implementation of all Adminis-  
4 tration NextGen programs;

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

8 (3) develop an annual NextGen implementation  
9 plan;

10 (4) ensure that Next Generation Air Transpor-  
11 tation System implementation activities are planned  
12 in such a manner as to require that system architec-  
13 ture is designed to allow for the incorporation of  
14 novel and currently unknown technologies into the  
15 System in the future and that current decisions do  
16 not bias future decisions unfairly in favor of existing  
17 technology at the expense of innovation; and

18 (5) oversee the Joint Planning and Develop-  
19 ment Office’s facilitation of cooperation among all  
20 Federal agencies whose operations and interests are  
21 affected by implementation of the NextGen pro-  
22 grams.

1 **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**  
2 **FIC SERVICES.**

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

5 “(7) AIR TRAFFIC SERVICES.—In determining  
6 what actions to take, by rule or through an agree-  
7 ment or transaction under paragraph (6) or under  
8 section 44502, to permit non-Government providers  
9 of communications, navigation, surveillance or other  
10 services to provide such services in the National Air-  
11 space System, or to require the usage of such serv-  
12 ices, the Administrator shall consider whether such  
13 actions would—

14 “(A) promote the safety of life and prop-  
15 erty;

16 “(B) improve the efficiency of the National  
17 Airspace System and reduce the regulatory bur-  
18 den upon National Airspace System users,  
19 based upon sound engineering principles, user  
20 operational requirements, and marketplace de-  
21 mands;

22 “(C) encourage competition and provide  
23 services to the largest feasible number of users;  
24 and

25 “(D) take into account the unique role  
26 served by general aviation.”.



1 **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
2 **REIMBURSABLE AGREEMENTS.**

3 Section 106(m) is amended by striking “without” in  
4 the last sentence and inserting “with or without”.

5 **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**  
6 **THORITY.**

7 Section 40110(c) is amended—

8 (1) by inserting “and” after the semicolon in  
9 paragraph (3);

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

11 (3) by redesignating paragraph (5) as para-  
12 graph (4).

13 **SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.**

14 Section 40113(e) is amended—

15 (1) by inserting “(whether public or private)”  
16 in paragraph (1) after “authorities”;

17 (2) by striking “safety.” in paragraph (1) and  
18 inserting “safety or efficiency. The Administrator is  
19 authorized to participate in, and submit offers in re-  
20 sponse to, competitions to provide these services,  
21 and to contract with foreign aviation authorities to  
22 provide these services consistent with the provisions  
23 under section 106(l)(6) of this title. The Adminis-  
24 trator is also authorized, notwithstanding any other  
25 provision of law or policy, to accept payments in ar-  
26 rears.”; and

1           (3) by striking “appropriation from which ex-  
2           penses were incurred in providing such services.” in  
3           paragraph (3) and inserting “appropriation current  
4           when the expenditures are or were paid, or the ap-  
5           propriation current when the amount is received.”.

6 **SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.**

7           Section 40122(g)(2) is amended—

8           (1) by striking “and” after the semicolon in  
9           subparagraph (G);

10           (2) by striking “Board.” in subparagraph (H)  
11           and inserting “Board; and”; and

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

14                   “(I) subsections (b), (c), and (d) of section  
15                   4507 (relating to Meritorious Executive or Dis-  
16                   tinguished Executive rank awards), and sub-  
17                   sections (b) and (c) of section 4507a (relating  
18                   to Meritorious Senior Professional or Distin-  
19                   guished Senior Professional rank awards), ex-  
20                   cept that—

21                           “(i) for purposes of applying such  
22                           provisions to the personnel management  
23                           system—

24                                   “(I) the term ‘agency’ means the  
25                                   Department of Transportation;

1                   “(II) the term ‘senior executive’  
2                   means a Federal Aviation Administra-  
3                   tion executive;

4                   “(III) the term ‘career appointee’  
5                   means a Federal Aviation Administra-  
6                   tion career executive; and

7                   “(IV) the term ‘senior career em-  
8                   ployee’ means a Federal Aviation Ad-  
9                   ministration career senior profes-  
10                  sional;

11                 “(ii) receipt by a career appointee of  
12                 the rank of Meritorious Executive or Meri-  
13                 torious Senior Professional entitles such  
14                 individual to a lump-sum payment of an  
15                 amount equal to 20 percent of annual  
16                 basic pay, which shall be in addition to the  
17                 basic pay paid under the Federal Aviation  
18                 Administration Executive Compensation  
19                 Plan; and

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

1                   basic pay paid under the Federal Aviation  
2                   Administration Executive Compensation  
3                   Plan.”.

4 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**  
5                   **MENT.**

6           (a) **FAA CRITERIA FOR FACILITIES REALIGN-**  
7 **MENT.**—Within 9 months after the date of enactment of  
8 this Act, the Administrator, after providing an opportunity  
9 for public comment, shall publish final criteria to be used  
10 in making the Administrator’s recommendations for the  
11 realignment of services and facilities to assist in the tran-  
12 sition to next generation facilities and help reduce capital,  
13 operating, maintenance, and administrative costs with no  
14 adverse effect on safety.

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

1       (c) STUDY BY BOARD.—The Air Traffic Control  
2 Modernization Oversight Board established by section  
3 106(p) of title 49, United States Code, shall study the Ad-  
4 ministrator’s recommendations for realignment and the  
5 opportunities, risks, and benefits of realigning services and  
6 facilities of the Administration to help reduce capital, op-  
7 erating, maintenance, and administrative costs with no ad-  
8 verse effect on safety.

9       (d) REVIEW AND RECOMMENDATIONS.—

10           (1) Based on its review and analysis of the Ad-  
11 ministrator’s recommendations and any public com-  
12 ment it may receive, the Board shall make its inde-  
13 pendent recommendations for realignment of avia-  
14 tion services or facilities and submit its rec-  
15 ommendations in a report to the President, the Sen-  
16 ate Committee on Commerce, Science, and Trans-  
17 portation, and the House of Representatives Com-  
18 mittee on Transportation and Infrastructure.

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

23           (3) The Administrator may not realign any air  
24 traffic control facilities or regional offices until the  
25 Board’s recommendations are complete, unless for

1 each proposed realignment the Administrator and  
2 each exclusive bargaining representative certified  
3 under section 7114 of title 5, United States Code,  
4 of affected employees execute a written agreement  
5 regarding the proposed realignment.

6 (e) REALIGNMENT DEFINED.—In this section, the  
7 term “realignment”—

8 (1) means a relocation or reorganization of  
9 functions, services, or personnel positions, including  
10 a facility closure, consolidation, deconsolidation, col-  
11 location, decombining, decoupling, split, or inter-fa-  
12 cility or inter-regional reorganization that requires a  
13 reassignment of employees; but

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

16 **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**  
17 **TEM IMPLEMENTATION OFFICE.**

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

22 (1) by inserting “strategic and cross-agency”  
23 after “manage” in subsection (a)(1);

24 (2) by adding at the end of subsection (a)(1)  
25 “The office shall be headed by a Director, who shall

1 report to the Chief NextGen Officer appointed or  
2 designated under section 302(a) of the FAA Air  
3 Transportation Modernization and Safety Improve-  
4 ment Act.”;

5 (3) by inserting “(A)” after “(3)” in subsection  
6 (a)(3);

7 (4) by inserting after subsection (a)(3) the fol-  
8 lowing:

9 “(B) The Administrator, the Secretary of  
10 Defense, the Administrator of the National Aer-  
11 onautics and Space Administration, the Sec-  
12 retary of Commerce, the Secretary of Homeland  
13 Security, and the head of any other Department  
14 or Federal agency from which the Secretary of  
15 Transportation requests assistance under sub-  
16 paragraph (A) shall designate an implementa-  
17 tion office to be responsible for—

18 “(i) carrying out the Department or  
19 agency’s Next Generation Air Transpor-  
20 tation System implementation activities  
21 with the Office;

22 “(ii) liaison and coordination with  
23 other Departments and agencies involved  
24 in Next Generation Air Transportation  
25 System activities; and

1           “(iii) managing all Next Generation  
2           Air Transportation System programs for  
3           the Department or agency, including nec-  
4           essary budgetary and staff resources, in-  
5           cluding, for the Federal Aviation Adminis-  
6           tration, those projects described in section  
7           44501(b)(5) of title 49, United States  
8           Code).

9           “(C) The head of any such Department or  
10          agency shall ensure that—

11           “(i) the Department’s or agency’s  
12          Next Generation Air Transportation Sys-  
13          tem responsibilities are clearly commu-  
14          nicated to the designated office; and

15           “(ii) the performance of supervisory  
16          personnel in that office in carrying out the  
17          Department’s or agency’s Next Generation  
18          Air Transportation System responsibilities  
19          is reflected in their annual performance  
20          evaluations and compensation decisions.

21          “(D)(i) Within 6 months after the date of  
22          enactment of the FAA Air Transportation Mod-  
23          ernization and Safety Improvement Act, the  
24          head of each such Department or agency shall  
25          execute a memorandum of understanding with



1 the Office and with the other Departments and  
2 agencies participating in the Next Generation  
3 Air Transportation System project that—

4 “(I) describes the respective respon-  
5 sibilities of each such Department and  
6 agency, including budgetary commitments;  
7 and

8 “(II) the budgetary and staff re-  
9 sources committed to the project.

10 “(ii) The memorandum shall be revised as  
11 necessary to reflect any changes in such respon-  
12 sibilities or commitments and be reflected in  
13 each Department or agency’s budget request.”;

14 (5) by striking “beyond those currently included  
15 in the Federal Aviation Administration’s operational  
16 evolution plan” in subsection (b);

17 (6) by striking “research and development road-  
18 map” in subsection (b)(3) and inserting “implemen-  
19 tation plan”;

20 (7) by striking “and” after the semicolon in  
21 subsection (b)(3)(B);

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

24 “(D) a schedule of rulemakings required to  
25 issue regulations and guidelines for implementa-

1           tion of the Next Generation Air Transportation  
2           System within a timeframe consistent with the  
3           integrated plan; and”;

4           (9) by inserting “and key technologies” after  
5           “concepts” in subsection (b)(4);

6           (10) by striking “users” in subsection (b)(4)  
7           and inserting “users, an implementation plan,”;

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

10          “Within 6 months after the date of enactment of the FAA  
11          Air Transportation Modernization and Safety Improve-  
12          ment Act, the Administrator shall develop the implementa-  
13          tion plan described in paragraph (3) of this subsection and  
14          shall update it annually thereafter.”; and

15          (12) by striking “2010.” in subsection (e) and  
16          inserting “2011.”.

17          (b) SENIOR POLICY COMMITTEE MEETINGS.—Sec-  
18          tion 710(a) of such Act (49 U.S.C. 40101 note) is amend-  
19          ed by striking “Secretary.” and inserting “Secretary and  
20          shall meet at least once each quarter.”.

21          **SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.**

22          Section 40102(a)(4) is amended—

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

1           “(B) runway lighting and airport surface  
2           visual and other navigation aids;”;

3           (2) by striking “weather information, signaling,  
4           radio-directional finding, or radio or other electro-  
5           magnetic communication; and” in subparagraph (C)  
6           and inserting “aeronautical and meteorological infor-  
7           mation to air traffic control facilities or aircraft,  
8           supplying communication, navigation or surveillance  
9           equipment for air-to-ground or air-to-air applica-  
10          tions;”;

11          (3) by striking “another structure” in subpara-  
12          graph (D) and inserting “any structure, equip-  
13          ment;”;

14          (4) by striking “aircraft.” in subparagraph (D)  
15          and inserting “aircraft; and”; and

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

17                 “(E) buildings, equipment, and systems  
18                 dedicated to the National Airspace System.”.

19 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
20 **TORY.**

21          Section 40110(a)(2) is amended by striking “com-  
22          pensation; and” and inserting “compensation, and the  
23          amount received may be credited to the appropriation cur-  
24          rent when the amount is received; and”.

1 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

2 The Administrator shall make payments to the De-  
3 partment of Defense for the education of dependent chil-  
4 dren of those Administration employees in Puerto Rico  
5 and Guam as they are subject to transfer by policy and  
6 practice and meet the eligibility requirements of section  
7 2164(c) of title 10, United States Code.

8 **SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.**

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

10 “(2) DISPUTE RESOLUTION.—

11 “(A) MEDIATION.—If the Administrator  
12 does not reach an agreement under paragraph  
13 (1) or subsection (g)(2)(C) with the exclusive  
14 bargaining representatives, the services of the  
15 Federal Mediation and Conciliation Service  
16 shall be used to attempt to reach such agree-  
17 ment in accordance with part 1425 of title 29,  
18 Code of Federal Regulations. The Adminis-  
19 trator and bargaining representatives may by  
20 mutual agreement adopt procedures for the res-  
21 olution of disputes or impasses arising in the  
22 negotiation of a collective-bargaining agree-  
23 ment.

24 “(B) BINDING ARBITRATION.—If the serv-  
25 ices of the Federal Mediation and Conciliation  
26 Service under subparagraph (A) do not lead to

1 an agreement, the Administrator and the bar-  
2 gaining representatives shall submit their issues  
3 in controversy to the Federal Service Impasses  
4 Panel in accordance with section 7119 of title  
5 5. The Panel shall assist the parties in resolv-  
6 ing the impasse by asserting jurisdiction and  
7 ordering binding arbitration by a private arbi-  
8 tration board consisting of 3 members in ac-  
9 cordance with section 2471.6(a)(2)(ii) of title 5,  
10 Code of Federal Regulations. The executive di-  
11 rector of the Panel shall request a list of not  
12 less than 15 names of arbitrators with Federal  
13 sector experience from the director of the Fed-  
14 eral Mediation and Conciliation Service to be  
15 provided to the Administrator and the bar-  
16 gaining representatives. Within 10 days after  
17 receiving the list, the parties shall each select 1  
18 person. The 2 arbitrators shall then select a  
19 third person from the list within 7 days. If the  
20 2 arbitrators are unable to agree on the third  
21 person, the parties shall select the third person  
22 by alternately striking names from the list until  
23 only 1 name remains. If the parties do not  
24 agree on the framing of the issues to be sub-  
25 mitted, the arbitration board shall frame the

1 issues. The arbitration board shall give the par-  
2 ties a full and fair hearing, including an oppor-  
3 tunity to present evidence in support of their  
4 claims, and an opportunity to present their case  
5 in person, by counsel, or by other representative  
6 as they may elect. Decisions of the arbitration  
7 board shall be conclusive and binding upon the  
8 parties. The arbitration board shall render its  
9 decision within 90 days after its appointment.  
10 The Administrator and the bargaining rep-  
11 resentative shall share costs of the arbitration  
12 equally. The arbitration board shall take into  
13 consideration the effect of its arbitration deci-  
14 sions on the Federal Aviation Administration's  
15 ability to attract and retain a qualified work-  
16 force and the Federal Aviation Administration's  
17 budget.

18 “(C) EFFECT.—Upon reaching a voluntary  
19 agreement or at the conclusion of the binding  
20 arbitration under subparagraph (B) above, the  
21 final agreement, except for those matters de-  
22 cided by the arbitration board, shall be subject  
23 to ratification by the exclusive representative, if  
24 so requested by the exclusive representative,

1 and approval by the head of the agency in ac-  
2 cordance with subsection (g)(2)(C).

3 “(D) ENFORCEMENT.—Enforcement of the  
4 provisions of this paragraph shall be in the  
5 United States District Court for the District of  
6 Columbia.”.

7 **SEC. 314. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

8 (a) OEP AIRPORT PROCEDURES.—

9 (1) IN GENERAL.—Within 6 months after the  
10 date of enactment of this Act, the Administrator of  
11 the Federal Aviation Administration shall publish a  
12 report, after consultation with representatives of ap-  
13 propriate Administration employee groups, airport  
14 operators, air carriers, general aviation representa-  
15 tives, aircraft and avionics manufacturers, and third  
16 parties that have received letters of qualification  
17 from the Administration to design and validate re-  
18 quired navigation performance flight paths for public  
19 use (in this section referred to as “qualified third  
20 parties”) that includes the following:

21 (A) RNP OPERATIONS.—A list of required  
22 navigation performance procedures (as defined  
23 in FAA order 8260.52(d)) to be developed, cer-  
24 tified, and published, and the air traffic control  
25 operational changes, to maximize the efficiency

1 and capacity of NextGen commercial operations  
2 at the 137 small, medium, and large hub air-  
3 ports. The Administrator shall clearly identify  
4 each required navigation performance operation  
5 that is an overlay of an existing instrument  
6 flight procedure.

7 (B) COORDINATION AND IMPLEMENTATION  
8 ACTIVITIES.—A description of the activities and  
9 operational changes and approvals required to  
10 coordinate and to utilize those procedures at  
11 each of the airports in subparagraph (A).

12 (C) IMPLEMENTATION PLAN.—A plan for  
13 implementation of those procedures that estab-  
14 lishes—

15 (i) clearly defined budget, schedule,  
16 project organization, environmental, and  
17 leadership requirements;

18 (ii) specific implementation and tran-  
19 sition steps;

20 (iii) coordination and communications  
21 mechanisms with qualified third parties;

22 (iv) specific procedures for engaging  
23 the appropriate Administration employee  
24 groups to ensure that human factors,  
25 training and other issues surrounding the



1 adoption of required navigation perform-  
2 ance procedures in the en route and ter-  
3 minal environments are addressed;

4 (v) baseline and performance metrics  
5 for measuring the Administration's  
6 progress in implementing the plan, includ-  
7 ing the percentage utilization of required  
8 navigation performance in the National  
9 Airspace System;

10 (vi) outcome-based performance  
11 metrics to measure progress in imple-  
12 menting RNP procedures that reduce fuel  
13 burn and emissions;

14 (vii) a description of the software and  
15 database information, such as a current  
16 version of the Noise Integrated Routing  
17 System or the Integrated Noise Model that  
18 the Administration will need to make avail-  
19 able to qualified third parties to enable  
20 those third parties to design procedures  
21 that will meet the broad range of require-  
22 ments of the Administration;

23 (viii) lifecycle management for RNP  
24 procedures; and

1 (ix) an expedited validation process  
2 that allows an air carrier using a RNP  
3 procedure validated by the Administrator  
4 at an airport for a specific model of air-  
5 craft and equipage to transfer all of the in-  
6 formation associated with the use of that  
7 procedure to another air carrier for use at  
8 the same airport for the same model of air-  
9 craft and equipage.

10 (2) IMPLEMENTATION SCHEDULE.—The Ad-  
11 ministrator shall certify, publish, and implement—

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

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

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

20 (b) OTHER AIRPORTS.—

21 (1) IN GENERAL.—Within one year after the  
22 date of enactment of this Act, the Administration  
23 shall publish a report, after consultation with rep-  
24 resentatives of appropriate Administration employee  
25 groups, airport operators, air carriers, general avia-

1 tion representatives, aircraft and avionics manufac-  
2 turers, and qualified third parties, that includes a  
3 plan for applying the procedures, requirements, cri-  
4 teria, and metrics described in subsection (a)(1) to  
5 other airports across the Nation, with priority given  
6 to those airports where procedures developed, cer-  
7 tified, and published under this section will provide  
8 the greatest benefits in terms of safety, capacity,  
9 fuel burn, and emissions.

10 (2) SURVEYING OBSTACLES SURROUNDING RE-  
11 GIONAL AIRPORTS.—Not later than 1 year after the  
12 date of enactment of that Act, the Administrator, in  
13 consultation with the State secretaries of transpor-  
14 tation and state, shall identify options and funding  
15 mechanisms for surveying obstacles in areas around  
16 airports such that can be used as an input to future  
17 RNP procedures.

18 (3) IMPLEMENTATION SCHEDULE.—The Ad-  
19 ministration shall certify, publish, and implement—

20 (A) 25 percent of the required procedures  
21 at such other airports within 18 months after  
22 the date of enactment of this Act;

23 (B) 50 percent of the procedures at such  
24 other airports within 30 months after the date  
25 of enactment of this Act;

1                   (C) 75 percent of the procedures at such  
2                   other airports within 42 months after the date  
3                   of enactment of this Act; and

4                   (D) 100 percent of the procedures before  
5                   January 1, 2016.

6           (c) ESTABLISHMENT OF PRIORITIES.—The Adminis-  
7           tration shall extend the charter of the Performance Based  
8           Navigation Aviation Rulemaking Committee as necessary  
9           to authorize and request it to establish priorities for the  
10           development, certification, publication, and implementa-  
11           tion of the navigation performance procedures based on  
12           their potential safety, efficiency, and congestion benefits.

13           (d) COORDINATED AND EXPEDITED REVIEW.—Re-  
14           quired Navigation Performance and other performance-  
15           based navigation procedures developed, certified, pub-  
16           lished, and implemented under this section that will meas-  
17           urably reduce aircraft emissions and result in an absolute  
18           reduction or no net increase in noise levels shall be pre-  
19           sumed to have no significant environmental impact and  
20           the Administrator shall issue and file a categorical exclu-  
21           sion for such procedures.

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

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

5 (1) clearly defined budget, schedule, project or-  
6 ganization, and leadership requirements;

7 (2) specific implementation and transition  
8 steps; and

9 (3) baseline and performance metrics for meas-  
10 uring the Administration’s progress in implementing  
11 the plan.

12 (f) IMPROVED PERFORMANCE STANDARDS.—Within  
13 90 days after the date of enactment of this Act, the Ad-  
14 ministrator shall submit a report to the Senate committee  
15 on commerce, Science, and Transportation and the House  
16 of Representatives Committee on Transportation and In-  
17 frastructure that—

18 (1) evaluates whether utilization of ADS-B,  
19 RNP, and other technologies as part of the NextGen  
20 Air Transportation System implementation plan will  
21 display the position of aircraft more accurately and  
22 frequently so as to enable a more efficient use of ex-  
23 isting airspace and result in reduced consumption of  
24 aviation fuel and aircraft engine emissions;

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

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

7 **SEC. 315. ADS-B DEVELOPMENT AND IMPLEMENTATION.**

8 (a) IN GENERAL.—

9           (1) REPORT REQUIRED.—Within 90 days after  
10 the date of enactment of this Act, the Administrator  
11 shall submit a report to the Senate Committee on  
12 Commerce, Science, and Transportation and the  
13 House of Representatives Committee on Transpor-  
14 tation and Infrastructure detailing the Administra-  
15 tion’s program and schedule for integrating ADS-B  
16 technology into the National Airspace System. The  
17 report shall include—

18           (A) a clearly defined budget, schedule,  
19 project organization, leadership, and the spe-  
20 cific implementation or transition steps required  
21 to achieve these ADS-B ground station instal-  
22 lation goals;

23           (B) a transition plan for ADS-B that in-  
24 cludes date-specific milestones for the imple-

1           mentation of new capabilities into the National  
2           Airspace System;

3           (C) identification of any potential oper-  
4           ational or workforce changes resulting from de-  
5           ployment of ADS-B;

6           (D) detailed plans and schedules for imple-  
7           mentation of advanced operational procedures  
8           and ADS-B air-to-air applications; and

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

11          (2) IDENTIFICATION AND MEASUREMENT OF  
12          BENEFITS.—In the report required by paragraph  
13          (1), the Administrator shall identify actual benefits  
14          that will accrue to National Airspace System users,  
15          small and medium-sized airports, and general avia-  
16          tion users from deployment of ADS-B and provide  
17          an explanation of the metrics used to quantify those  
18          benefits.

19          (b) RULEMAKINGS.—

20           (1) ADS-B OUT.—Not later than 45 days after  
21          the date of enactment of this Act the Administrator  
22          shall—

23           (A) complete the initial rulemaking pro-  
24           ceeding (Docket No. FAA-2007-29305; Notice  
25           No. 07-15; 72 FR 56947) to issue guidelines

1 and regulations for ADS–B Out technology  
2 that—

3 (i) identify the ADS–B Out tech-  
4 nology that will be required under  
5 NextGen;

6 (ii) subject to paragraph (3), require  
7 all aircraft to be equipped with such tech-  
8 nology by 2015; and

9 (iii) identify—

10 (I) the type of such avionics re-  
11 quired of aircraft for all classes of air-  
12 space;

13 (II) the expected costs associated  
14 with the avionics; and

15 (III) the expected uses and bene-  
16 fits of the avionics; and

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

21 (2) ADS–B IN.—Not later than 45 days after  
22 the date of enactment of this Act the Administrator  
23 shall initiate a rulemaking proceeding to issue guide-  
24 lines and regulations for ADS–B In technology  
25 that—



1 (A) identify the ADS-B In technology that  
2 will be required under NextGen;

3 (B) subject to paragraph (3), require all  
4 aircraft to be equipped with such technology by  
5 2018; and

6 (C) identify—

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

9 (ii) the expected costs associated with  
10 the avionics; and

11 (iii) the expected uses and benefits of  
12 the avionics.

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

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

21 (B) certification standards have been ap-  
22 proved; and

23 (C) appropriate operational platforms  
24 interface safely and efficiently.

1 (c) USES.—Within 18 months after the date of enact-  
2 ment of this Act, the Administrator shall develop, in con-  
3 sultation with appropriate employee groups, a plan for the  
4 use of ADS-B technology for surveillance and active air  
5 traffic control by 2015. The plans shall—

6 (1) include provisions to test the use of ADS-  
7 B prior to the 2015 deadline for surveillance and ac-  
8 tive air traffic control in specific regions of the coun-  
9 try with the most congested airspace;

10 (2) identify the equipment required at air traf-  
11 fic control facilities and the training required for air  
12 traffic controllers;

13 (3) develop procedures, in consultation with ap-  
14 propriate employee groups, to conduct air traffic  
15 management in mixed equipage environments; and

16 (4) establish a policy in these test regions, with  
17 consultation from appropriate employee groups, to  
18 provide incentives for equipage with ADS-B tech-  
19 nology by giving priority to aircraft equipped with  
20 such technology before the 2015 and 2018 equipage  
21 deadlines.

22 (d) CONDITIONAL EXTENSION OF DEADLINES FOR  
23 EQUIPPING AIRCRAFT WITH ADS-B TECHNOLOGY.—

24 (1) ADS-B OUT.—In the case that the Admin-  
25 istrator fails to complete the initial rulemaking de-

1 scribed in subparagraph (A) of subsection (b)(1) on  
2 or before the date that is 45 days after the date of  
3 the enactment of this Act, the deadline described in  
4 clause (ii) of such subparagraph shall be extended by  
5 an amount of time that is equal to the amount of  
6 time of the period beginning on the date that is 45  
7 days after the date of the enactment of this Act and  
8 ending on the date on which the Administrator com-  
9 pletes such initial rulemaking.

10 (2) ADS-B IN.—In the case that the Adminis-  
11 trator fails to initiate the rulemaking required by  
12 paragraph (2) of subsection (b) on or before the  
13 date that is 45 days after the date of the enactment  
14 of this Act, the deadline described in subparagraph  
15 (B) of such paragraph shall be extended by an  
16 amount of time that is equal to the amount of time  
17 of the period beginning on the date that is 45 days  
18 after the date of the enactment of this Act and end-  
19 ing on the date on which the Administrator initiates  
20 such rulemaking.

21 **SEC. 316. EQUIPAGE INCENTIVES.**

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

24 (1) identifies incentive options to encourage the  
25 equipage of aircraft with NextGen technologies, in-

1 including a policy that gives priority to aircraft  
2 equipped with ADS-B technology;

3 (2) identifies the costs and benefits of each op-  
4 tion; and

5 (3) includes input from industry stakeholders,  
6 including passenger and cargo air carriers, aerospace  
7 manufacturers, and general aviation aircraft opera-  
8 tors.

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

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

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

16 **SEC. 317. PERFORMANCE METRICS.**

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

20 (1) the allowable operations per hour on run-  
21 ways;

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

23 (3) fuel burned between key city pairs;

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

1           (5) average distance flown between key city  
2       pairs;

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

5           (7) uninterrupted climb or descent;

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

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

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

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

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

20       (d) REPORTS.—

21           (1) INITIAL REPORT.—Not later than 90 days  
22       after the date of enactment of this Act, the Adminis-  
23       trator shall submit to the Senate Committee on  
24       Commerce, Science, and Transportation and the

1 House of Representatives Committee on Transpor-  
2 tation and Infrastructure that contains—

3 (A) a description of the metrics that will  
4 be used to measure the Administration’s  
5 progress in implementing NextGen Air Trans-  
6 portation System capabilities and operational  
7 results; and

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

10 (2) ANNUAL PROGRESS REPORT.—The Admin-  
11 istrator shall submit an annual progress report to  
12 those committees on the Administration’s progress  
13 in implementing NextGen Air Transportation Sys-  
14 tem.

15 **SEC. 318. CERTIFICATION STANDARDS AND RESOURCES.**

16 (a) IN GENERAL.—Within 6 months after the date  
17 of enactment of this Act, the Administrator shall develop  
18 a plan to accelerate and streamline the process for certifi-  
19 cation of NextGen technologies, including—

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

22 (2) identification of the specific activities need-  
23 ed to certify core NextGen technologies, including  
24 the establishment of NextGen technical requirements  
25 for the manufacture of equipment, installation of equi-

1 page, airline operational procedures, pilot training  
2 standards, air traffic control procedures, and air  
3 traffic controller training;

4 (3) staffing requirements for the Air Certifi-  
5 cation Service and the Flight Standards Service, and  
6 measures addressing concerns expressed by the De-  
7 partment of Transportation Inspector General and  
8 the Comptroller General regarding staffing needs for  
9 modernization;

10 (4) an assessment of the extent to which the  
11 Administration will use third parties in the certifi-  
12 cation process, and the cost and benefits of this ap-  
13 proach; and

14 (5) performance metrics to measure the Admin-  
15 istration's progress.

16 (b) CERTIFICATION INTEGRITY.—The Administrator  
17 shall make no distinction between public or privately  
18 owned equipment, systems, or services used in the Na-  
19 tional Airspace System when determining certification re-  
20 quirements.

21 **SEC. 319. REPORT ON FUNDING FOR NEXTGEN TECH-**  
22 **NOLOGY.**

23 Not later than 120 days after the date of the enact-  
24 ment of this Act, the Administrator of the Federal Avia-

1 tion Administration shall submit to Congress a report that  
2 contains—

3 (1) a financing proposal that—

4 (A) uses innovative methods to fully fund  
5 the development and implementation of tech-  
6 nology for the Next Generation Air Transpor-  
7 tation System in a manner that does not in-  
8 crease the Federal deficit; and

9 (B) takes into consideration opportunities  
10 for involvement by public-private partnerships;  
11 and

12 (C) recommends creative financing pro-  
13 posals other than user fees or higher taxes; and

14 (2) recommendations with respect to how the  
15 Administrator and Congress can provide operational  
16 benefits, such as benefits relating to preferred air-  
17 space, routings, or runway access, for all aircraft, in-  
18 cluding air carriers and general aviation, that equip  
19 their aircraft with technology necessary for the oper-  
20 ation of the Next Generation Air Transportation  
21 System before the date by which the Administrator  
22 requires the use of such technology.

23 **SEC. 320. UNMANNED AERIAL SYSTEMS.**

24 (a) IN GENERAL.—Within 1 year after the date of  
25 enactment of this Act, the Administrator shall develop a



1 plan to accelerate the integration of unmanned aerial sys-  
2 tems into the National Airspace System that—

3 (1) creates a pilot project to integrate such ve-  
4 hicles into the National Airspace System at 4 test  
5 sites in the National Airspace System by 2012;

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

9 (3) establishes a process to develop—

10 (A) air traffic requirements for all un-  
11 manned aerial systems at the test sites; and

12 (B) certification and flight standards for  
13 nonmilitary unmanned aerial systems at the  
14 test sites;

15 (4) dedicates funding for unmanned aerial sys-  
16 tems research and development relating to—

17 (A) air traffic requirements; and

18 (B) certification and flight standards for  
19 nonmilitary unmanned aerial systems in the  
20 National Airspace System;

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

1           (6) addresses both military and nonmilitary un-  
2           manned aerial system operations;

3           (7) ensures that the unmanned aircraft systems  
4           integration plan is incorporated in the Administra-  
5           tion's NextGen Air Transportation System imple-  
6           mentation plan; and

7           (8) provides for integration into the National  
8           Airspace System of safety standards and navigation  
9           procedures validated—

10                   (A) under the pilot project created pursu-  
11                   ant to paragraph (1); or

12                   (B) through other related research and de-  
13                   velopment activities carried out pursuant to  
14                   paragraph (4).

15           (b) SELECTION OF TEST SITES.—

16                   (1) INCREASED NUMBER OF TEST SITES; DEAD-  
17                   LINE FOR PILOT PROJECT.—Notwithstanding sub-  
18                   section (a)(1), the plan developed under subsection  
19                   (a) shall include a pilot project to integrate un-  
20                   manned aerial systems into the National Airspace  
21                   System at 6 test sites in the National Airspace Sys-  
22                   tem by December 31, 2012.

23                   (2) TEST SITE CRITERIA.—The Administrator  
24                   of the Federal Aviation Administration shall take  
25                   into consideration geographical and climate diversity

1 and appropriate facilities in determining where the  
2 test sites to be established under the pilot project re-  
3 quired by subsection (a)(1) are to be located.

4 (c) CERTIFICATION AND FLIGHT STANDARDS FOR  
5 MILITARY UNMANNED AERIAL SYSTEMS.—The Secretary  
6 of Defense shall establish a process to develop certification  
7 and flight standards for military unmanned aerial systems  
8 at the test sites referred to in subsection (a)(1).

9 (d) CERTIFICATION PROCESS.—The Administrator of  
10 the Federal Aviation Administration shall expedite the ap-  
11 proval process for requests for certificates of authorization  
12 at test sites referred to in subsection (a)(1).

13 (e) REPORT ON SYSTEMS AND DETECTION TECH-  
14 NIQUES.—Not later than 180 days after the date of the  
15 enactment of this Act, the Administrator of the Federal  
16 Aviation Administration shall submit to the Committee on  
17 Commerce, Science, and Transportation of the Senate and  
18 the Committee on Transportation and Infrastructure of  
19 the House of Representatives a report describing and as-  
20 sessing the progress being made in establishing special use  
21 airspace to fill the immediate need of the Department of  
22 Defense to develop detection techniques for small un-  
23 manned aerial vehicles and to validate sensor integration  
24 and operation of unmanned aerial systems.

1 **SEC. 321. SURFACE SYSTEMS PROGRAM OFFICE.**

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

4 (1) evaluate the Airport Surface Detection  
5 Equipment-Model X program for its potential con-  
6 tribution to implementation of the NextGen initia-  
7 tive;

8 (2) evaluate airport surveillance technologies  
9 and associated collaborative surface management  
10 software for potential contributions to implementa-  
11 tion of NextGen surface management;

12 (3) accelerate implementation of the program;  
13 and

14 (4) carry out such additional duties as the Ad-  
15 ministrator may require.

16 (b) EXPEDITED CERTIFICATION AND UTILIZA-  
17 TION.—The Administrator shall—

18 (1) consider options for expediting the certifi-  
19 cation of Ground Based Augmentation System tech-  
20 nology; and

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

24 **SEC. 322. STAKEHOLDER COORDINATION.**

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

1 each exclusive collective bargaining representative of em-  
2 ployees of the Administration who are likely to be affected  
3 by the planning, development, and deployment of air traf-  
4 fic control modernization projects (including the Next  
5 Generation Air Transportation System) in, and collabo-  
6 rating with, such employees in the planning, development,  
7 and deployment of those projects.

8 (b) PARTICIPATION.—

9 (1) BARGAINING OBLIGATIONS AND RIGHTS.—

10 Participation in the process described in subsection  
11 (a) shall not be construed as a waiver of any bar-  
12 gaining obligations or rights under section  
13 40122(a)(1) or 40122(g)(2)(C) of title 49, United  
14 States Code.

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

19 (A) serve in a collaborative and advisory  
20 capacity; and

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

1 (c) REPORT.—No later than 180 days after the date  
2 of enactment of this Act, the Administrator shall submit  
3 a report on the implementation of this section to the Sen-  
4 ate Committee on Commerce, Science, and Transportation  
5 and the House of Representatives Committee on Trans-  
6 portation and Infrastructure.

7 **SEC. 323. FAA TASK FORCE ON AIR TRAFFIC CONTROL FA-**  
8 **CILITY CONDITIONS.**

9 (a) ESTABLISHMENT.—The Administrator shall es-  
10 tablish a special task force to be known as the “FAA Task  
11 Force on Air Traffic Control Facility Conditions”.

12 (b) MEMBERSHIP.—

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

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

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

20 (2) QUALIFICATIONS.—Of the members ap-  
21 pointed by the Administrator under paragraph

22 (1)(A)—

23 (A) 4 members shall be specialists on toxic  
24 mold abatement, “sick building syndrome,” and  
25 other hazardous building conditions that can

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

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

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

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

12          (5) TRAVEL EXPENSES.—Members shall serve  
13          without pay but shall receive travel expenses, includ-  
14          ing per diem in lieu of subsistence, in accordance  
15          with subchapter I of chapter 57 of title 5, United  
16          States Code.

17          (c) CHAIRPERSON.—The Administrator shall des-  
18          ignate, from among the individuals appointed under sub-  
19          section (b)(1), an individual to serve as chairperson of the  
20          Task Force.

21          (d) TASK FORCE PERSONNEL MATTERS.—

22                  (1) STAFF.—The Task Force may appoint and  
23          fix the pay of such personnel as it considers appro-  
24          priate.

1           (2) STAFF OF FEDERAL AGENCIES.—Upon re-  
2           quest of the Chairperson of the Task Force, the  
3           head of any department or agency of the United  
4           States may detail, on a reimbursable basis, any of  
5           the personnel of that department or agency to the  
6           Task Force to assist it in carrying out its duties  
7           under this section.

8           (3) OTHER STAFF AND SUPPORT.—Upon re-  
9           quest of the Task Force or a panel of the Task  
10          Force, the Administrator shall provide the Task  
11          Force or panel with professional and administrative  
12          staff and other support, on a reimbursable basis, to  
13          the Task Force to assist it in carrying out its duties  
14          under this section.

15          (e) OBTAINING OFFICIAL DATA.—The Task Force  
16          may secure directly from any department or agency of the  
17          United States information (other than information re-  
18          quired by any statute of the United States to be kept con-  
19          fidential by such department or agency) necessary for the  
20          Task Force to carry out its duties under this section.  
21          Upon request of the chairperson of the Task Force, the  
22          head of that department or agency shall furnish such in-  
23          formation to the Task Force.

24          (f) DUTIES.—



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

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

6           (B) reports from employees of the Admin-  
7 istration relating to respiratory ailments and  
8 other health conditions resulting from exposure  
9 to mold, asbestos, poor air quality, radiation  
10 and facility-related hazards in facilities of the  
11 Administration;

12           (C) conditions of such facilities that could  
13 interfere with such employees' ability to effec-  
14 tively and safely perform their duties;

15           (D) the ability of managers and super-  
16 visors of such employees to promptly document  
17 and seek remediation for unsafe facility condi-  
18 tions;

19           (E) whether employees of the Administra-  
20 tion who report facility-related illnesses are  
21 treated fairly;

22           (F) utilization of scientifically approved re-  
23 mediation techniques in a timely fashion once  
24 hazardous conditions are identified in a facility  
25 of the Administration; and

1           (G) resources allocated to facility mainte-  
2           nance and renovation by the Administration.

3           (2) FACILITY CONDITION INDICES.—The Task  
4           Force shall review the facility condition indices of  
5           the Administration for inclusion in the recommenda-  
6           tions under subsection (g).

7           (g) RECOMMENDATIONS.—Based on the results of  
8           the study and review of the facility condition indices under  
9           subsection (f), the Task Force shall make recommenda-  
10          tions as it considers necessary to—

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

14           (2) ensure that the Administration is using sci-  
15           entifically approved remediation techniques in all fa-  
16           cilities; and

17           (3) assist the Administration in making pro-  
18           grammatic changes so that aging air traffic control  
19           facilities do not deteriorate to unsafe levels.

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

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

4 (i) IMPLEMENTATION.—Within 30 days after receipt  
5 of the Task Force report under subsection (h), the Admin-  
6 istrator shall submit to the House of Representatives  
7 Committee on Transportation and Infrastructure and the  
8 Senate Committee on Commerce, Science, and Transpor-  
9 tation a report that includes a plan and timeline to imple-  
10 ment the recommendations of the Task Force and to align  
11 future budgets and priorities of the Administration ac-  
12 cordingly.

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

16 (k) APPLICABILITY OF THE FEDERAL ADVISORY  
17 COMMITTEE ACT.—The Federal Advisory Committee Act  
18 (5 U.S.C. App.) shall not apply to the Task Force.

19 **SEC. 324. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.**

20 (a) IN GENERAL.—

21 (1) COOPERATIVE AGREEMENTS.—Subject to  
22 the provisions of this section, the Secretary of  
23 Transportation may enter into cooperative agree-  
24 ments with not to exceed 5 States for the establish-  
25 ment of State ADS-B equipage banks for making

1 loans and providing other assistance to public enti-  
2 ties for projects eligible for assistance under this  
3 section.

4 (b) FUNDING.—

5 (1) SEPARATE ACCOUNT.—An ADS–B equipage  
6 bank established under this section shall maintain a  
7 separate aviation trust fund account for Federal  
8 funds contributed to the bank under paragraph (2).  
9 No Federal funds contributed or credited to an ac-  
10 count of an ADS–B equipage bank established under  
11 this section may be commingled with Federal funds  
12 contributed or credited to any other account of such  
13 bank.

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

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

1       (d) QUALIFYING PROJECTS.—Federal funds in the  
2 ADS–B equipage account of an ADS–B equipage bank es-  
3 tablished under this section may be used only to provide  
4 assistance with respect to aircraft ADS–B and related avi-  
5 onics equipage.

6       (e) REQUIREMENTS.—In order to establish an ADS–  
7 B equipage bank under this section, each State estab-  
8 lishing such a bank shall—

9           (1) contribute, at a minimum, in each account  
10 of the bank from non-Federal sources an amount  
11 equal to 50 percent of the amount of each capitaliza-  
12 tion grant made to the State and contributed to the  
13 bank;

14           (2) ensure that the bank maintains on a con-  
15 tinuing basis an investment grade rating on its debt  
16 issuances or has a sufficient level of bond or debt fi-  
17 nancing instrument insurance to maintain the viabil-  
18 ity of the bank;

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

22                   (A) credited to the account;

23                   (B) available for use in providing loans  
24 and other assistance to projects eligible for as-  
25 sistance from the account; and

1           (C) invested in United States Treasury se-  
2           curities, bank deposits, or such other financing  
3           instruments as the Secretary may approve to  
4           earn interest to enhance the leveraging of  
5           projects assisted by the bank;

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

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

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

18 **SEC. 325. IMPLEMENTATION OF INSPECTOR GENERAL ATC**  
19 **RECOMMENDATIONS.**

20           (a) IN GENERAL.—As soon as practicable after the  
21           date of enactment of this Act, but no later than 1 year  
22           after that date, the Administrator of the Federal Aviation  
23           Administration shall—

24           (1) provide the Los Angeles International Air  
25           Traffic Control Tower facility, the Southern Cali-

1       fornia Terminal Radar Approach Control facility,  
2       and the Northern California Terminal Radar Ap-  
3       proach Control facility a sufficient number of con-  
4       tract instructors, classroom space (including off-site  
5       locations as needed), and simulators for a surge in  
6       the number of new air traffic controllers at those fa-  
7       cilities;

8               (2) to the greatest extent practicable, distribute  
9       the placement of new trainee air traffic controllers  
10      at those facilities evenly across the calendar year in  
11      order to avoid training bottlenecks;

12              (3) commission an independent analysis, in con-  
13      sultation with the Administration and the exclusive  
14      bargaining representative of air traffic controllers  
15      certified under section 7111 of title 5, United States  
16      Code, of overtime scheduling practices at those fa-  
17      cilities; and

18              (4) to the greatest extent practicable, provide  
19      priority to certified professional controllers-in-train-  
20      ing when filling staffing vacancies at those facilities.

21      (b) STAFFING ANALYSES AND REPORTS.—For the  
22      purposes of—

23              (1) the Federal Aviation Administration’s an-  
24      nual controller workforce plan,

1           (2) the Administration’s facility-by-facility au-  
2           thorized staffing ranges, and

3           (3) any report of air traffic controller staffing  
4           levels submitted to the Congress,

5 the Administrator may not consider an individual to be  
6 an air traffic controller unless that individual is a certified  
7 professional controller.

8 **SEC. 326. SEMIANNUAL REPORT ON STATUS OF GREENER**  
9                                   **SKIES PROJECT.**

10          (a) INITIAL REPORT.—Not later than 180 days after  
11 the date of the enactment of this Act, the Administrator  
12 shall submit to Congress a report on the strategy of the  
13 Administrator for implementing, on an accelerated basis,  
14 the NextGen operational capabilities produced by the  
15 Greener Skies project, as recommended in the final report  
16 of the RTCA NextGen Mid-Term Implementation Task  
17 Force that was issued on September 9, 2009.

18          (b) SUBSEQUENT REPORTS.—

19               (1) IN GENERAL.—Not later than 180 days  
20 after the Administrator submits to Congress the re-  
21 port required by subsection (a) and not less fre-  
22 quently than once every 180 days thereafter until  
23 September 30, 2011, the Administrator shall submit  
24 to the Committee on Commerce, Science, and Trans-  
25 portation of the Senate and to the Committee on



1 Transportation and Infrastructure of the House of  
2 Representatives a report on the progress of the Ad-  
3 ministrator in carrying out the strategy described in  
4 the report submitted under subsection (a).

5 (2) CONTENTS.—Each report submitted under  
6 paragraph (1) shall include the following:

7 (A) A timeline for full implementation of  
8 the strategy described in the report submitted  
9 under subsection (a).

10 (B) A description of the progress made in  
11 carrying out such strategy.

12 (C) A description of the challenges, if any,  
13 encountered by the Administrator in carrying  
14 out such strategy.

15 **SEC. 327. DEFINITIONS.**

16 In this title:

17 (1) ADMINISTRATION.—The term “Administra-  
18 tion” means the Federal Aviation Administration.

19 (2) ADMINISTRATOR.—The term “Adminis-  
20 trator” means the Administrator of the Federal  
21 Aviation Administration.

22 (3) NEXTGEN.—The term “NextGen” means  
23 the Next Generation Air Transportation System.

24 (4) SECRETARY.—The term “Secretary” means  
25 the Secretary of Transportation.

1 **SEC. 328. FINANCIAL INCENTIVES FOR NEXTGEN EQUI-**  
 2 **PAGE.**

3 (a) IN GENERAL.—The Administrator of the Federal  
 4 Aviation Administration may enter into agreements to  
 5 fund the costs of equipping aircraft with communications,  
 6 surveillance, navigation, and other avionics to enable  
 7 NextGen air traffic control capabilities.

8 (b) FUNDING INSTRUMENT.—The Administrator  
 9 may make grants or other instruments authorized under  
 10 section 106(l)(6) of title 49, United States Code, to carry  
 11 out subsection (a).

12 **TITLE IV—AIRLINE SERVICE**  
 13 **AND SMALL COMMUNITY AIR**  
 14 **SERVICE IMPROVEMENTS**

15 **SUBTITLE A—CONSUMER PROTECTION**

16 **SEC. 401. AIRLINE CUSTOMER SERVICE COMMITMENT.**

17 (a) IN GENERAL.—Chapter 417 is amended by add-  
 18 ing at the end the following:

19 “SUBCHAPTER IV—AIRLINE CUSTOMER  
 20 SERVICE

21 “§ 41781. Air carrier and airport contingency plans  
 22 for long on-board tarmac delays

23 “(a) DEFINITION OF TARMAC DELAY.—The term  
 24 ‘tarmac delay’ means the holding of an aircraft on the  
 25 ground before taking off or after landing with no oppor-  
 26 tunity for its passengers to deplane.

1       “(b) SUBMISSION OF AIR CARRIER AND AIRPORT  
2 PLANS.—Not later than 60 days after the date of the en-  
3 actment of the FAA Air Transportation Modernization  
4 and Safety Improvement Act, each air carrier and airport  
5 operator shall submit, in accordance with the requirements  
6 under this section, a proposed contingency plan to the Sec-  
7 retary of Transportation for review and approval.

8       “(c) MINIMUM STANDARDS.—The Secretary of  
9 Transportation shall establish minimum standards for ele-  
10 ments in contingency plans required to be submitted under  
11 this section to ensure that such plans effectively address  
12 long on-board tarmac delays and provide for the health  
13 and safety of passengers and crew.

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

16           “(1) PROVISION OF ESSENTIAL SERVICES.—  
17       Each air carrier shall provide for the essential needs  
18       of passengers on board an aircraft at an airport in  
19       any case in which the departure of a flight is de-  
20       layed or disembarkation of passengers on an arriving  
21       flight that has landed is substantially delayed, in-  
22       cluding—

23                   “(A) adequate food and potable water;

24                   “(B) adequate restroom facilities;

1           “(C) cabin ventilation and comfortable  
2 cabin temperatures; and

3           “(D) access to necessary medical treat-  
4 ment.

5           “(2) RIGHT TO DEPLANE.—

6           “(A) IN GENERAL.—Each air carrier shall  
7 submit a proposed contingency plan to the Sec-  
8 retary of Transportation that identifies a clear  
9 time frame under which passengers would be  
10 permitted to deplane a delayed aircraft. After  
11 the Secretary has reviewed and approved the  
12 proposed plan, the air carrier shall make the  
13 plan available to the public.

14           “(B) DELAYS.—

15           “(i) IN GENERAL.—As part of the  
16 plan, except as provided under clause (iii),  
17 an air carrier shall provide passengers with  
18 the option of deplaning and returning to  
19 the terminal at which such deplaning could  
20 be safely completed, or deplaning at the  
21 terminal if—

22           “(I) 3 hours have elapsed after  
23 passengers have boarded the aircraft,  
24 the aircraft doors are closed, and the  
25 aircraft has not departed; or

1                   “(II) 3 hours have elapsed after  
2                   the aircraft has landed and the pas-  
3                   sengers on the aircraft have been un-  
4                   able to deplane.

5                   “(ii) FREQUENCY.—The option de-  
6                   scribed in clause (i) shall be offered to pas-  
7                   sengers at a minimum not less often than  
8                   once during each successive 3-hour period  
9                   that the plane remains on the ground.

10                  “(iii) EXCEPTIONS.—This subpara-  
11                  graph shall not apply if—

12                   “(I) the pilot of such aircraft  
13                   reasonably determines that the air-  
14                   craft will depart or be unloaded at the  
15                   terminal not later than 30 minutes  
16                   after the 3 hour delay; or

17                   “(II) the pilot of such aircraft  
18                   reasonably determines that permitting  
19                   a passenger to deplane would jeop-  
20                   ardize passenger safety or security.

21                  “(C) APPLICATION TO DIVERTED  
22                  FLIGHTS.—This section applies to aircraft with-  
23                  out regard to whether they have been diverted  
24                  to an airport other than the original destina-  
25                  tion.

1           “(D) REPORTS.—Not later than 30 days  
2           after any flight experiences a tarmac delay last-  
3           ing at least 3 hours, the air carrier responsible  
4           for such flight shall submit a written descrip-  
5           tion of the incident and its resolution to the  
6           Aviation Consumer Protection Office of the De-  
7           partment of Transportation.

8           “(e) AIRPORT PLANS.—Each airport operator shall  
9           submit a proposed contingency plan under subsection (b)  
10          that contains a description of—

11           “(1) how the airport operator will provide for  
12          the deplanement of passengers following a long  
13          tarmac delay; and

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

18          “(f) UPDATES.—The Secretary shall require periodic  
19          reviews and updates of the plans as necessary.

20          “(g) APPROVAL.—

21           “(1) IN GENERAL.—Not later than 6 months  
22          after the date of the enactment of this section, the  
23          Secretary of Transportation shall—

24           “(A) review the initial contingency plans  
25          submitted under subsection (b); and

1           “(B) approve plans that closely adhere to  
2           the standards described in subsections (d) or  
3           (e), whichever is applicable.

4           “(2) UPDATES.—Not later than 60 days after  
5           the submission of an update under subsection (f) or  
6           an initial contingency plan by a new air carrier or  
7           airport, the Secretary shall—

8           “(A) review the plan; and

9           “(B) approve the plan if it closely adheres  
10          to the standards described in subsections (d) or  
11          (e), whichever is applicable.

12          “(h) CIVIL PENALTIES.—The Secretary may assess  
13          a civil penalty under section 46301 against any air carrier  
14          or airport operator that does not submit, obtain approval  
15          of, or adhere to a contingency plan submitted under this  
16          section.

17          “(i) PUBLIC ACCESS.—Each air carrier and airport  
18          operator required to submit a contingency plan under this  
19          section shall ensure public access to an approved plan  
20          under this section by—

21                 “(1) including the plan on the Internet Web  
22                 site of the carrier or airport; or

23                 “(2) disseminating the plan by other means, as  
24                 determined by the Secretary.

1 **“§ 41782. Air passenger complaints hotline and infor-**  
 2 **mation**

3 “(a) AIR PASSENGER COMPLAINTS HOTLINE TELE-  
 4 PHONE NUMBER.—The Secretary of Transportation shall  
 5 establish a consumer complaints hotline telephone number  
 6 for the use of air passengers.

7 “(b) PUBLIC NOTICE.—The Secretary shall notify  
 8 the public of the telephone number established under sub-  
 9 section (a).

10 “(c) AUTHORIZATION OF APPROPRIATIONS.—There  
 11 are authorized to be appropriated such sums as may be  
 12 necessary to carry out this section, which sums shall re-  
 13 main available until expended.”.

14 (b) CONFORMING AMENDMENT.—The table of con-  
 15 tents for chapter 417 is amended by adding at the end  
 16 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”.

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

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

21 “(f) CHRONICALLY DELAYED FLIGHTS.—

22 “(1) PUBLICATION OF LIST OF FLIGHTS.—

23 Each air carrier holding a certificate issued under



1 section 41102 that conducts scheduled passenger air  
2 transportation shall, on a monthly basis—

3 “(A) publish and update on the Internet  
4 website of the air carrier a list of chronically  
5 delayed flights operated by such air carrier; and

6 “(B) share such list with each entity that  
7 is authorized to book passenger air transpor-  
8 tation for such air carrier for inclusion on the  
9 Internet website of such entity.

10 “(2) DISCLOSURE TO CUSTOMERS WHEN PUR-  
11 CHASING TICKETS.—For each individual who books  
12 passenger air transportation on the Internet website  
13 of an air carrier, or the Internet website of an entity  
14 that is authorized to book passenger air transpor-  
15 tation for an air carrier, for any flight for which  
16 data is reported to the Department of Transpor-  
17 tation under part 234 of title 14, Code of Federal  
18 Regulations, such air carrier or entity, as the case  
19 may be, shall prominently disclose to such indi-  
20 vidual, before such individual makes such booking,  
21 the following:

22 “(A) The on-time performance for the  
23 flight if the flight is a chronically delayed flight.

24 “(B) The cancellation rate for the flight if  
25 the flight is a chronically canceled flight.

1           “(3) DEFINITIONS.—In this subsection:

2                   “(A) CHRONICALLY DELAYED FLIGHT.—

3           The term ‘chronically delayed flight’ means a  
4           regularly scheduled flight that has failed to ar-  
5           rive on time (as such term is defined in section  
6           234.2 of title 14, Code of Federal Regulations)  
7           at least 40 percent of the time during the most  
8           recent 3-month period for which data is avail-  
9           able.

10                   “(B) CHRONICALLY CANCELED FLIGHT.—

11           The term ‘chronically canceled flight’ means a  
12           regularly scheduled flight at least 30 percent of  
13           the departures of which have been canceled dur-  
14           ing the most recent 3-month period for which  
15           data is available.”.

16           (b) EFFECTIVE DATE.—The amendment made by  
17           subsection (a) shall take effect 180 days after the date  
18           of enactment of this Act.

19   **SEC. 403. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
20                   **PLAINT INVESTIGATIONS.**

21           (a) IN GENERAL.—Subject to the availability of ap-  
22           propriations, the Secretary of Transportation shall inves-  
23           tigate consumer complaints regarding—

24                   (1) flight cancellations;

1 (2) compliance with Federal regulations con-  
2 cerning overbooking seats flights;

3 (3) lost, damaged, or delayed baggage, and dif-  
4 ficulties with related airline claims procedures;

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

7 (5) incorrect or incomplete information about  
8 fares, discount fare conditions and availability, over-  
9 charges, and fare increases;

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

13 (7) deceptive or misleading advertising.

14 (b) BUDGET NEEDS REPORT.—The Secretary shall  
15 provide, as an annex to its annual budget request, an esti-  
16 mate of resources which would have been sufficient to in-  
17 vestigate all such claims the Department of Transpor-  
18 tation received in the previous fiscal year. The annex shall  
19 be transmitted to the Congress when the President sub-  
20 mits the budget of the United States to the Congress  
21 under section 1105 of title 31, United States Code.

22 **SEC. 404. ESTABLISHMENT OF ADVISORY COMMITTEE FOR**  
23 **AVIATION CONSUMER PROTECTION.**

24 (a) IN GENERAL.—The Secretary of Transportation  
25 shall establish an advisory committee for aviation con-

1 sumer protection to advise the Secretary in carrying out  
2 airline customer service improvements, including those re-  
3 quired by subchapter IV of chapter 417 of title 49, United  
4 States Code.

5 (b) MEMBERSHIP.—The Secretary shall appoint  
6 members of the advisory committee comprised of one rep-  
7 resentative each of—

8 (1) air carriers;

9 (2) airport operators;

10 (3) State or local governments who has exper-  
11 tise in consumer protection matters; and

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

14 (c) VACANCIES.—A vacancy in the advisory com-  
15 mittee shall be filled in the manner in which the original  
16 appointment was made.

17 (d) TRAVEL EXPENSES.—Members of the advisory  
18 committee shall serve without pay but shall receive travel  
19 expenses, including per diem in lieu of subsistence, in ac-  
20 cordance with subchapter I of chapter 57 of title 5, United  
21 States Code.

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

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

3 (1) evaluating existing aviation consumer pro-  
4 tection programs and providing recommendations for  
5 the improvement of such programs, if needed; and

6 (2) providing recommendations to establish ad-  
7 ditional aviation consumer protection programs, if  
8 needed.

9 (g) REPORT.—Not later than February 1 of each of  
10 the first 2 calendar years beginning after the date of en-  
11 actment of this Act, the Secretary shall transmit to Con-  
12 gress a report containing—

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

15 (2) an explanation of how the Secretary has im-  
16 plemented each recommendation and, for each rec-  
17 ommendation not implemented, the Secretary's rea-  
18 son for not implementing the recommendation.

19 **SEC. 405. DISCLOSURE OF PASSENGER FEES.**

20 (a) IN GENERAL.—Within 180 days after the date  
21 of enactment of this Act, the Secretary of Transportation  
22 shall complete a rulemaking that requires each air carrier  
23 operating in the United States under part 121 of title 49,  
24 Code of Federal Regulations, to make available to the pub-  
25 lic and to the Secretary a list of all passenger fees and

1 charges (other than airfare) that may be imposed by the  
2 air carrier, including fees for—

3 (1) checked baggage or oversized or heavy bag-  
4 gage;

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

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

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

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

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

17 (1) may require an air carrier to make such in-  
18 formation on any public website maintained by an  
19 air carrier, to make such information available to  
20 travel agencies, and to notify passengers of the  
21 availability of such information when advertising air-  
22 fares; and

23 (2) shall require air carriers to update the in-  
24 formation as necessary, but no less frequently than  
25 every 90 days unless there has been no increase in

1 the amount or type of fees shown in the most recent  
2 publication.

3 **SEC. 406. DISCLOSURE OF AIR CARRIERS OPERATING**  
4 **FLIGHTS FOR TICKETS SOLD FOR AIR TRANS-**  
5 **PORTATION.**

6 Section 41712 is amended by adding at the end the  
7 following:

8 “(c) DISCLOSURE REQUIREMENT FOR SELLERS OF  
9 TICKETS FOR FLIGHTS.—

10 “(1) IN GENERAL.—It shall be an unfair or de-  
11 ceptive practice under subsection (a) for any ticket  
12 agent, air carrier, foreign air carrier, or other person  
13 offering to sell tickets for air transportation on a  
14 flight of an air carrier to not disclose, whether ver-  
15 bally in oral communication or in writing in written  
16 or electronic communication, prior to the purchase  
17 of a ticket—

18 “(A) the name (including any business or  
19 corporate name) of the air carrier providing the  
20 air transportation; and

21 “(B) if the flight has more than one flight  
22 segment, the name of each air carrier providing  
23 the air transportation for each such flight seg-  
24 ment.

1           “(2) INTERNET OFFERS.—In the case of an  
2 offer to sell tickets described in paragraph (1) on an  
3 Internet Web site, disclosure of the information re-  
4 quired by paragraph (1) shall be provided on the  
5 first display of the Web site following a search of a  
6 requested itinerary in a format that is easily visible  
7 to a viewer.”.

8 **SEC. 407. NOTIFICATION REQUIREMENTS WITH RESPECT**  
9 **TO THE SALE OF AIRLINE TICKETS.**

10       (a) IN GENERAL.—The Office of Aviation Consumer  
11 Protection and Enforcement of the Department of Trans-  
12 portation shall establish rules to ensure that all consumers  
13 are able to easily and fairly compare airfares and charges  
14 paid when purchasing tickets for air transportation, in-  
15 cluding all taxes and fees.

16       (b) NOTICE OF TAXES AND FEES APPLICABLE TO  
17 TICKETS FOR AIR TRANSPORTATION.—Section 41712, as  
18 amended by this Act, is further amended by adding at the  
19 end the following:

20       “(d) NOTICE OF TAXES AND FEES APPLICABLE TO  
21 TICKETS FOR AIR TRANSPORTATION.—

22           “(1) IN GENERAL.—It shall be an unfair or de-  
23 ceptive practice under subsection (a) for an air car-  
24 rier, foreign air carrier, or ticket agent to sell a tick-  
25 et for air transportation on the Internet unless the



1 air carrier, foreign air carrier, or ticket agent, as the  
2 case may be—

3 “(A) displays information with respect to  
4 the taxes and fees described in paragraph (2),  
5 including the amount and a description of each  
6 such tax or fee, in reasonable proximity to the  
7 price listed for the ticket; and

8 “(B) provides to the purchaser of the tick-  
9 et information with respect to the taxes and  
10 fees described in paragraph (2), including the  
11 amount and a description of each such tax or  
12 fee, before requiring the purchaser to provide  
13 any personal information, including the name,  
14 address, phone number, e-mail address, or cred-  
15 it card information of the purchaser.

16 “(2) TAXES AND FEES DESCRIBED.—The taxes  
17 and fees described in this paragraph are all taxes,  
18 fees, and charges applicable to a ticket for air trans-  
19 portation, consisting of—

20 “(A) all taxes, fees, charges, and sur-  
21 charges included in the price paid by a pur-  
22 chaser for the ticket, including fuel surcharges  
23 and surcharges relating to peak or holiday trav-  
24 el; and

1           “(B) any fees for baggage, seating assign-  
2           ments; and

3           “(C) operational services that are charged  
4           when the ticket is purchased.”.

5       (c) REGULATIONS.—The Secretary of Transpor-  
6       tation, in consultation with the Administrator of the Fed-  
7       eral Aviation Administration, shall prescribe such regula-  
8       tions as may be necessary to carry out subsection (d) of  
9       section 41712 of title 49, United States Code, as added  
10      by subsection (b) of this section.

11      **SEC. 408. DISCLOSURE OF SEAT DIMENSIONS TO FACILI-**  
12                                   **TATE THE USE OF CHILD SAFETY SEATS ON**  
13                                   **AIRCRAFT.**

14      Not later than 180 days after the date of the enact-  
15      ment of this Act, the Administrator of the Federal Avia-  
16      tion Administration shall prescribe regulations requiring  
17      each air carrier operating under part 121 of title 14, Code  
18      of Federal Regulations, to post on the website of the air  
19      carrier the maximum dimensions of a child safety seat  
20      that can be used on each aircraft operated by the air car-  
21      rier to enable passengers to determine which child safety  
22      seats can be used on those aircraft.

1 SUBTITLE B—ESSENTIAL AIR SERVICE; SMALL  
2 COMMUNITIES

3 **SEC. 411. EAS CONNECTIVITY PROGRAM.**

4 Section 406(a) of the Vision 100—Century of Avia-  
5 tion Reauthorization Act (49 U.S.C. 40101 note) is  
6 amended by striking “may” and inserting “shall”.

7 **SEC. 412. EXTENSION OF FINAL ORDER ESTABLISHING**  
8 **MILEAGE ADJUSTMENT ELIGIBILITY.**

9 Section 409(d) of the Vision 100—Century of Avia-  
10 tion Reauthorization Act (49 U.S.C. 41731 note) is  
11 amended by striking “September 30, 2010.” and inserting  
12 “September 30, 2013.”.

13 **SEC. 413. EAS CONTRACT GUIDELINES.**

14 Section 41737(a)(1) is amended—

15 (1) by striking “and” after the semicolon in  
16 subparagraph (B);

17 (2) by striking “provided.” in subparagraph (C)  
18 and inserting “provided;”; and

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

20 “(D) include provisions under which the Sec-  
21 retary may encourage carriers to improve air service  
22 to small and rural communities by incorporating fi-  
23 nancial incentives in essential air service contracts  
24 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 to read  
8           as follows:

9 **“§ 41745. Conversion of lost eligibility airports**

10           “(a) IN GENERAL.—The Secretary shall establish a  
11           program to provide general aviation conversion funding for  
12           airports serving eligible places that the Secretary has de-  
13           termined no longer qualify for a subsidy.

14           “(b) GRANTS.—A grant under this section—

15                   “(1) may not exceed twice the compensation  
16                   paid to provide essential air service to the airport in  
17                   the fiscal year preceeding the fiscal year in which  
18                   the Secretary determines that the place served by  
19                   the airport is no longer an eligible place; and

20                   “(2) may be used—

21                           “(A) for airport development (as defined in  
22                           section 47102(3)) that will enhance general  
23                           aviation capacity at the airport;

24                           “(B) to defray operating expenses, if such  
25                           use is approved by the Secretary; or

1           “(C) to develop innovative air service op-  
2           tions, such as on-demand or air taxi operations,  
3           if such use is approved by the Secretary.

4           “(c) AIP REQUIREMENTS.—An airport sponsor that  
5 uses funds provided under this section for an airport de-  
6 velopment project shall comply with the requirements of  
7 subchapter I of chapter 471 applicable to airport develop-  
8 ment projects funded under that subchapter with respect  
9 to the project funded under this section.

10          “(d) LIMITATION.—The sponsor of an airport receiv-  
11 ing funding under this section is not eligible for funding  
12 under section 41736.”.

13          (b) CLERICAL AMENDMENT.—The table of sections  
14 for chapter 417 is amended by striking the item relating  
15 to section 41745 and inserting the following:

“417454. Conversion of lost eligibility airports.”.

16 **SEC. 415. EAS REFORM.**

17          Section 41742(a) is amended—

18           (1) by adding at the end of paragraph (1) “Any  
19 amount in excess of \$50,000,000 credited for any  
20 fiscal year to the account established under section  
21 45303(c) shall be obligated for programs under sec-  
22 tion 406 of the Vision 100—Century of Aviation Re-  
23 authorization Act (49 U.S.C. 40101 note) and sec-  
24 tion 41745 of this title. Amounts appropriated pur-

1 suant to this section shall remain available until ex-  
2 pended.”; and

3 (2) by striking “\$77,000,000” in paragraph (2)  
4 and inserting “\$150,000,000”.

5 **SEC. 416. SMALL COMMUNITY AIR SERVICE.**

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

7 (1) by striking “and” after the semicolon in  
8 subparagraph (D);

9 (2) by striking “fashion.” in subparagraph (E)  
10 and inserting “fashion; and”; and

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

12 “(F) multiple communities cooperate to  
13 submit a region or multistate application to im-  
14 prove air service.”.

15 (b) EXTENSION OF AUTHORIZATION.—Section  
16 41743(e)(2) is amended—

17 (1) by striking “is appropriated” and inserting  
18 “are appropriated”; and

19 (2) by striking “2009” and inserting “2011”.

20 **SEC. 417. EAS MARKETING.**

21 The Secretary of Transportation shall require all ap-  
22 plications to provide service under subchapter II of chap-  
23 ter 417 of title 49, United States Code, include a mar-  
24 keting plan.

1 **SEC. 418. RURAL AVIATION IMPROVEMENT.**

2 (a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY  
3 CAP.—

4 (1) IN GENERAL.—Subchapter II of chapter  
5 417 is amended by adding at the end the following:

6 **“§ 41749. Essential air service for eligible places**  
7 **above per passenger subsidy cap**

8 “(a) PROPOSALS.—A State or local government may  
9 submit a proposal to the Secretary of Transportation for  
10 compensation for an air carrier to provide air transpor-  
11 tation to a place described in subsection (b).

12 “(b) PLACE DESCRIBED.—A place described in this  
13 subsection is a place—

14 “(1) that is otherwise an eligible place; and

15 “(2) for which the per passenger subsidy ex-  
16 ceeds the dollar amount allowable under this sub-  
17 chapter.

18 “(c) DECISIONS.—Not later than 90 days after re-  
19 ceiving a proposal under subsection (a) for compensation  
20 for an air carrier to provide air transportation to a place  
21 described in subsection (b), the Secretary shall—

22 “(1) decide whether to provide compensation  
23 for the air carrier to provide air transportation to  
24 the place; and

1           “(2) approve the proposal if the State or local  
2 government or a person is willing and able to pay  
3 the difference between—

4                   “(A) the per passenger subsidy; and

5                   “(B) the dollar amount allowable for such  
6 subsidy under this subchapter.

7           “(d) COMPENSATION PAYMENTS.—

8                   “(1) IN GENERAL.—The Secretary shall pay  
9 compensation under this section at such time and in  
10 such manner as the Secretary determines is appro-  
11 priate.

12                   “(2) DURATION OF PAYMENTS.—The Secretary  
13 shall continue to pay compensation under this sec-  
14 tion only as long as—

15                   “(A) the State or local government or per-  
16 son agreeing to pay compensation under sub-  
17 section (c)(2) continues to pay such compensa-  
18 tion; and

19                   “(B) the Secretary decides the compensa-  
20 tion is necessary to maintain air transportation  
21 to the place.

22           “(e) REVIEW.—

23                   “(1) IN GENERAL.—The Secretary shall peri-  
24 odically review the type and level of air service pro-  
25 vided under this section.



1           “(2) CONSULTATION.—The Secretary may  
 2           make appropriate adjustments in the type and level  
 3           of air service to a place under this section based on  
 4           the review under paragraph (1) and consultation  
 5           with the affected community and the State or local  
 6           government or person agreeing to pay compensation  
 7           under subsection (c)(2).

8           “(f) ENDING, SUSPENDING, AND REDUCING AIR  
 9           TRANSPORTATION.—An air carrier providing air transpor-  
 10          tation to a place under this section may end, suspend, or  
 11          reduce such air transportation if, not later than 30 days  
 12          before ending, suspending, or reducing such air transpor-  
 13          tation, the air carrier provides notice of the intent of the  
 14          air carrier to end, suspend, or reduce such air transpor-  
 15          tation to—

16                 “(1) the Secretary;

17                 “(2) the affected community; and

18                 “(3) the State or local government or person  
 19                 agreeing to pay compensation under subsection  
 20                 (c)(2).”.

21           (2) CLERICAL AMENDMENT.—The table of con-  
 22           tents for chapter 417 is amended by adding after  
 23           the item relating to section 41748 the following new  
 24           item:

“41749. Essential air service for eligible places above per passenger subsidy  
 cap”.

1 (b) PREFERRED ESSENTIAL AIR SERVICE.—

2 (1) IN GENERAL.—Subchapter II of chapter  
3 417, as amended by subsection (a), is further  
4 amended by adding after section 41749 the fol-  
5 lowing:

6 **“§ 41750. Preferred essential air service**

7 “(a) PROPOSALS.—A State or local government may  
8 submit a proposal to the Secretary of Transportation for  
9 compensation for a preferred air carrier described in sub-  
10 section (b) to provide air transportation to an eligible  
11 place.

12 “(b) PREFERRED AIR CARRIER DESCRIBED.—A pre-  
13 ferred air carrier described in this subsection is an air car-  
14 rier that—

15 “(1) submits an application under section  
16 41733(c) to provide air transportation to an eligible  
17 place;

18 “(2) is not the air carrier that submits the low-  
19 est cost bid to provide air transportation to the eligi-  
20 ble place; and

21 “(3) is an air carrier that the affected commu-  
22 nity prefers to provide air transportation to the eligi-  
23 ble place instead of the air carrier that submits the  
24 lowest cost bid.

1       “(c) DECISIONS.—Not later than 90 days after re-  
2 ceiving a proposal under subsection (a) for compensation  
3 for a preferred air carrier described in subsection (b) to  
4 provide air transportation to an eligible place, the Sec-  
5 retary shall—

6           “(1) decide whether to provide compensation  
7 for the preferred air carrier to provide air transpor-  
8 tation to the eligible place; and

9           “(2) approve the proposal if the State or local  
10 government or a person is willing and able to pay  
11 the difference between—

12           “(A) the rate of compensation the Sec-  
13 retary would provide to the air carrier that sub-  
14 mits the lowest cost bid to provide air transpor-  
15 tation to the eligible place; and

16           “(B) the rate of compensation the pre-  
17 ferred air carrier estimates to be necessary to  
18 provide air transportation to the eligible place.

19       “(d) COMPENSATION PAYMENTS.—

20           “(1) IN GENERAL.—The Secretary shall pay  
21 compensation under this section at such time and in  
22 such manner as the Secretary determines is appro-  
23 priate.

1           “(2) DURATION OF PAYMENTS.—The Secretary  
2 shall continue to pay compensation under this sec-  
3 tion only as long as—

4           “(A) the State or local government or per-  
5 son agreeing to pay compensation under sub-  
6 section (c)(2) continues to pay such compensa-  
7 tion; and

8           “(B) the Secretary decides the compensa-  
9 tion is necessary to maintain air transportation  
10 to the eligible place.

11       “(e) REVIEW.—

12           “(1) IN GENERAL.—The Secretary shall peri-  
13 odically review the type and level of air service pro-  
14 vided under this section.

15           “(2) CONSULTATION.—The Secretary may  
16 make appropriate adjustments in the type and level  
17 of air service to an eligible place under this section  
18 based on the review under paragraph (1) and con-  
19 sultation with the affected community and the State  
20 or local government or person agreeing to pay com-  
21 pensation under subsection (c)(2).

22       “(f) ENDING, SUSPENDING, AND REDUCING AIR  
23 TRANSPORTATION.—A preferred air carrier providing air  
24 transportation to an eligible place under this section may  
25 end, suspend, or reduce such air transportation if, not

1 later than 30 days before ending, suspending, or reducing  
 2 such air transportation, the preferred air carrier provides  
 3 notice of the intent of the preferred air carrier to end,  
 4 suspend, or reduce such air transportation to—

5           “(1) the Secretary;

6           “(2) the affected community; and

7           “(3) the State or local government or person  
 8 agreeing to pay compensation under subsection  
 9 (c)(2).”.

10           (2) CLERICAL AMENDMENT.—The table of con-  
 11 tents for chapter 417, as amended by subsection (a),  
 12 is further amended by adding after the item relating  
 13 to section 41749 the following new item:

“41750. Preferred essential air service”.

14           (c) RESTORATION OF ELIGIBILITY TO A PLACE DE-  
 15 TERMINED BY THE SECRETARY TO BE INELIGIBLE FOR  
 16 SUBSIDIZED ESSENTIAL AIR SERVICE.—Section 41733 is  
 17 amended by adding at the end the following:

18           “(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED  
 19 ESSENTIAL AIR SERVICE.—

20           “(1) IN GENERAL.—If the Secretary of Trans-  
 21 portation terminates the eligibility of an otherwise  
 22 eligible place to receive basic essential air service by  
 23 an air carrier for compensation under subsection (c),  
 24 a State or local government may submit to the Sec-  
 25 retary a proposal for restoring such eligibility.

1           “(2) DETERMINATION BY SECRETARY.—If the  
2 per passenger subsidy required by the proposal sub-  
3 mitted by a State or local government under para-  
4 graph (1) does not exceed the per passenger subsidy  
5 cap provided under this subchapter, the Secretary  
6 shall issue an order restoring the eligibility of the  
7 otherwise eligible place to receive basic essential air  
8 service by an air carrier for compensation under  
9 subsection (c).”.

10 (d) OFFICE OF RURAL AVIATION.—

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

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

15           (1) to develop a uniform 4-year contract for air  
16 carriers providing essential air service to commu-  
17 nities under subchapter II of chapter 417 of title 49,  
18 United States Code;

19           (2) to develop a mechanism for comparing ap-  
20 plications submitted by air carriers under section  
21 41733(c) to provide essential air service to commu-  
22 nities, including comparing—

23           (A) estimates from air carriers on—

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

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

4                   (B) estimated schedules for air transpor-  
5                   tation; and

6                   (3) to select an air carrier from among air car-  
7                   riers applying to provide essential air service, based  
8                   on the criteria described in paragraph (2).

9                   (f) EXTENSION OF AUTHORITY TO MAKE AGREE-  
10                  MENTS UNDER THE ESSENTIAL AIR SERVICE PRO-  
11                  GRAM.—Section 41743(e)(2) is amended by striking  
12                  “2009” and inserting “2011”.

13                  (g) ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-  
14                  CANTLY INCREASED COSTS.—Section 41737 is amended  
15                  by adding at the end thereof the following:

16                  “(f) FUEL COST SUBSIDY DISREGARD.—Any amount  
17                  provided as an adjustment in compensation pursuant to  
18                  subsection (a)(1)(D) shall be disregarded for the purpose  
19                  of determining whether the amount of compensation pro-  
20                  vided under this subchapter with respect to an eligible  
21                  place exceeds the per passenger subsidy exceeds the dollar  
22                  amount allowable under this subchapter.”.

1 **SEC. 419. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PAR-**  
 2 **TICIPATION PROGRAM.**

3 (a) IN GENERAL.—Subchapter II of chapter 417 of  
 4 title 49, United States Code, is amended by striking sec-  
 5 tion 41747, and such title 49 shall be applied as if such  
 6 section 41747 had not been enacted.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 for chapter 417 of title 49, United States Code, is amend-  
 9 ed by striking the item relating to section 41747.

10 **SEC. 420. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**  
 11 **CATIONS THAT ARE 90 OR MORE MILES AWAY**  
 12 **FROM THE NEAREST MEDIUM OR LARGE HUB**  
 13 **AIRPORT.**

14 (a) IN GENERAL.—Section 41731(a)(1) is amend-  
 15 ed—

16 (1) in subparagraph (A), by redesignating  
 17 clauses (i) through (iii) as subclauses (I) through  
 18 (III), respectively;

19 (2) by redesignating subparagraphs (A) and  
 20 (B) as clauses (i) and (ii), respectively;

21 (3) in clause (i)(I), as redesignated, by insert-  
 22 ing “(A)” before “(i)(I)”;

23 (4) in subparagraph (A)(ii), as redesignated, by  
 24 striking the period at the end and inserting “; and”;  
 25 and

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



1           “(B) is located not less than 90 miles from  
2           the nearest medium or large hub airport.”.

3           (6) The Secretary may waive the requirements  
4           of this subsection as a result of geographic charac-  
5           teristics resulting in undue difficulty accessing the  
6           nearest medium or large hub airport.

7           (b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Sec-  
8           tion 41731 is amended by adding at the end the following:

9           “(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Sub-  
10          section (a)(1)(B) shall not apply with respect to locations  
11          in the State of Alaska.”.

12   **SEC. 421. LIMITATION ON ESSENTIAL AIR SERVICE TO LO-**  
13                           **CATIONS THAT AVERAGE 10 OR MORE**  
14                           **ENPLANEMENTS PER DAY.**

15          (a) IN GENERAL.—Section 41731(a)(1) is amend-  
16          ed—

17               (1) in subparagraph (A), by redesignating  
18               clauses (i) through (iii) as subclauses (I) through  
19               (III), respectively;

20               (2) by redesignating subparagraphs (A) and  
21               (B) as clauses (i) and (ii), respectively;

22               (3) in clause (i)(I), as redesignated, by insert-  
23               ing “(A)” before “(i)(I)”;

1           (4) in subparagraph (A)(ii), as redesignated, by  
 2           striking the period at the end and inserting “; and”;  
 3           and

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

5                   “(B) had an average of 10 enplanements  
 6                   per day or more in the most recent calendar  
 7                   year for which enplanement data is available to  
 8                   the Administrator.”.

9           (b) EXCEPTIONS FOR LOCATIONS IN ALASKA.—Sec-  
 10          tion 41731 is amended by adding at the end the following:

11                   “(c) EXCEPTION FOR LOCATIONS IN ALASKA.—Sub-  
 12                   section (a)(1)(B) shall not apply with respect to locations  
 13                   in the State of Alaska.”.

14           (c) WAIVERS.—Such section is further amended by  
 15          adding at the end the following:

16                   “(d) WAIVERS.—The Administrator may waive sub-  
 17                   section (a)(1)(B) with respect to a location if the Adminis-  
 18                   trator determines that the reason the location averages  
 19                   fewer than 10 enplanements per day is not because of in-  
 20                   herent issues with the location.”.

21                   SUBTITLE C—MISCELLANEOUS

22          **SEC. 431. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

24                   (1) by striking the section heading and insert-  
 25                   ing the following:

1 **“§ 47129. Resolution of airport-air carrier and foreign**  
 2 **air carrier disputes concerning airport**  
 3 **fees” ;**

4 (2) by inserting “AND FOREIGN AIR CARRIER”  
 5 after “CARRIER” in the heading for subsection (d);

6 (3) by inserting “AND FOREIGN AIR CARRIER”  
 7 after “CARRIER” in the heading for subsection  
 8 (d)(2);

9 (4) by striking “air carrier” each place it ap-  
 10 pears and inserting “air carrier or foreign air car-  
 11 rier”;

12 (5) by striking “air carrier’s” each place it ap-  
 13 pears and inserting “air carrier’s or foreign air car-  
 14 rier’s”;

15 (6) by striking “air carriers” and inserting “air  
 16 carriers or foreign air carriers”; and

17 (7) by striking “(as defined in section 40102 of  
 18 this title)” in subsection (a) and inserting “(as those  
 19 terms are defined in section 40102 of this title)”.

20 (b) CONFORMING AMENDMENT.—The table of con-  
 21 tents for chapter 471 is amended by striking the item re-  
 22 lating to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes con-  
 cerning airport fees”.

1 **SEC. 432. CONTRACT TOWER PROGRAM.**

2 (a) **COST-BENEFIT REQUIREMENT.**—Section  
3 47124(b)(1) is amended—

4 (1) by inserting “(A)” after “(1)”; and

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

6 “(B) If the Secretary determines that a tower already  
7 operating under this program has a benefit to cost ratio  
8 of less than 1.0, the airport sponsor or State or local gov-  
9 ernment having jurisdiction over the airport shall not be  
10 required to pay the portion of the costs that exceeds the  
11 benefit for a period of 18 months after such determination  
12 is made.

13 “(C) If the Secretary finds that all or part of an  
14 amount made available to carry out the program contin-  
15 ued under this paragraph is not required during a fiscal  
16 year, the Secretary may use during such fiscal year the  
17 amount not so required to carry out the program estab-  
18 lished under paragraph (3) of this section.”.

19 (b) **COSTS EXCEEDING BENEFITS.**—Subparagraph  
20 (D) of section 47124(b)(3) is amended—

21 (1) by striking “benefit.” and inserting “ben-  
22 efit, with the maximum allowable local cost share  
23 capped at 20 percent.”.

24 (c) **FUNDING.**—Subparagraph (E) of section  
25 47124(b)(3) is amended—

26 (1) by striking “and” after “2006,”; and



1           (1) the Armed Forces is comprised of approxi-  
2           mately 1,450,000 members who are stationed on ac-  
3           tive duty at more than 6,000 military bases in 146  
4           different countries;

5           (2) the United States is indebted to the mem-  
6           bers of the Armed Forces, many of whom are in  
7           grave danger due to their engagement in, or expo-  
8           sure to, combat;

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

14          (4) the unique demands of military service often  
15          preclude members of the Armed Forces from pur-  
16          chasing discounted advance airline tickets in order  
17          to visit their loved ones at home; and

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

22          (b) SENSE OF CONGRESS.—It is the sense of Con-  
23          gress that each United States air carrier should—

24                 (1) establish for all members of the Armed  
25          Forces on active duty reduced air fares that are

1 comparable to the lowest airfare for ticketed flights;  
2 and

3 (2) offer flexible terms that allow members of  
4 the Armed Forces on active duty to purchase, mod-  
5 ify, or cancel tickets without time restrictions, fees  
6 (including baggage fees), ancillary costs, or pen-  
7 alties.

8 **SEC. 434. AUTHORIZATION OF USE OF CERTAIN LANDS IN**  
9 **THE LAS VEGAS MCCARRAN INTERNATIONAL**  
10 **AIRPORT ENVIRONS OVERLAY DISTRICT FOR**  
11 **TRANSIENT LODGING AND ASSOCIATED FA-**  
12 **CILITIES.**

13 (a) IN GENERAL.—Notwithstanding any other provi-  
14 sion of law and except as provided in subsection (b), Clark  
15 County, Nevada, is authorized to permit transient lodging,  
16 including hotels, and associated facilities, including en-  
17 closed auditoriums, concert halls, sports arenas, and  
18 places of public assembly, on lands in the Las Vegas  
19 McCarran International Airport Environs Overlay District  
20 that fall below the forecasted 2017 65 dB day-night an-  
21 nual average noise level (DNL), as identified in the Noise  
22 Exposure Map Notice published by the Federal Aviation  
23 Administration in the Federal Register on July 24, 2007  
24 (72 Fed. Reg. 40357), and adopted into the Clark County  
25 Development Code in June 2008.

1 (b) LIMITATION.—No structure may be permitted  
2 under subsection (a) that would constitute a hazard to air  
3 navigation, result in an increase to minimum flight alti-  
4 tudes, or otherwise pose a significant adverse impact on  
5 airport or aircraft operations.

## 6 **TITLE V—SAFETY**

### 7 **SUBTITLE A—AVIATION SAFETY**

#### 8 **SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.**

9 Not later than December 31, 2009, the Administrator  
10 of the Federal Aviation Administration shall issue a plan  
11 to develop an installation and deployment schedule for sys-  
12 tems the Administration is installing to alert controllers  
13 and flight crews to potential runway incursions. The plan  
14 shall be integrated into the annual Federal Aviation Ad-  
15 ministration NextGen Implementation Plan.

#### 16 **SEC. 502. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-** 17 **TIFICATES.**

18 (a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec-  
19 tion 44703(d) is amended by adding at the end the fol-  
20 lowing:

21 “(3) JUDICIAL REVIEW.—A person substantially af-  
22 fected by an order of the Board under this subsection, or  
23 the Administrator when the Administrator decides that an  
24 order of the Board will have a significant adverse impact  
25 on carrying out this part, may obtain judicial review of



1 the order under section 46110 of this title. The Adminis-  
2 trator shall be made a party to the judicial review pro-  
3 ceedings. The findings of fact of the Board in any such  
4 case are conclusive if supported by substantial evidence.”.

5 (b) CONFORMING AMENDMENT.—Section 1153(c) is  
6 amended by striking “section 44709 or” and inserting  
7 “section 44703(d), 44709, or”.

8 **SEC. 503. RELEASE OF DATA RELATING TO ABANDONED**  
9 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
10 **TYPE CERTIFICATES.**

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

13 “(5) RELEASE OF DATA.—

14 “(A) Notwithstanding any other provision of  
15 law, the Administrator may designate, without the  
16 consent of the owner of record, engineering data in  
17 the agency’s possession related to a type certificate  
18 or a supplemental type certificate for an aircraft, en-  
19 gine, propeller or appliance as public data, and  
20 therefore releasable, upon request, to a person seek-  
21 ing to maintain the airworthiness of such product, if  
22 the Administrator determines that—

23 “(i) the certificate containing the requested  
24 data has been inactive for 3 years;

1           “(ii) the owner of record, or the owner of  
2           record’s heir, of the type certificate or supple-  
3           mental certificate has not been located despite  
4           a search of due diligence by the agency; and

5           “(iii) the designation of such data as pub-  
6           lic data will enhance aviation safety.

7           “(B) In this section, the term ‘engineering  
8           data’ means type design drawings and specifications  
9           for the entire product or change to the product, in-  
10          cluding the original design data, and any associated  
11          supplier data for individual parts or components ap-  
12          proved as part of the particular aeronautical product  
13          certificate.”.

14 **SEC. 504. DESIGN ORGANIZATION CERTIFICATES.**

15          Section 44704(e) is amended—

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

19           (2) by striking “testing” in paragraph (2) and  
20          inserting “production”; and

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

23           “(3) ISSUANCE OF CERTIFICATE BASED ON DE-  
24          SIGN ORGANIZATION CERTIFICATION.—The Adminis-

1       trator may rely on the Design Organization for cer-  
2       tification of compliance under this section.”.

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

5       (a) IN GENERAL.—Chapter 401 is amended by add-  
6       ing at the end thereof the following:

7       **“§ 40130. FAA access to criminal history records or**  
8                                   **databases systems**

9       “(a) ACCESS TO RECORDS OR DATABASES SYS-  
10       TEMS.—

11               “(1) Notwithstanding section 534 of title 28  
12       and the implementing regulations for such section  
13       (28 C.F.R. part 20), the Administrator of the Fed-  
14       eral Aviation Administration is authorized to access  
15       a system of documented criminal justice information  
16       maintained by the Department of Justice or by a  
17       State but may do so only for the purpose of carrying  
18       out its civil and administrative responsibilities to  
19       protect the safety and security of the National Air-  
20       space System or to support the missions of the De-  
21       partment of Justice, the Department of Homeland  
22       Security, and other law enforcement agencies. The  
23       Administrator shall be subject to the same condi-  
24       tions or procedures established by the Department  
25       of Justice or State for access to such an information

1 system by other governmental agencies with access  
2 to the system.

3 “(2) The Administrator may not use the access  
4 authorized under paragraph (1) to conduct criminal  
5 investigations.

6 “(b) DESIGNATED EMPLOYEES.—The Administrator  
7 shall, by order, designate those employees of the Adminis-  
8 tration who shall carry out the authority described in sub-  
9 section (a). Such designated employees may—

10 “(1) have access to and receive criminal history,  
11 driver, vehicle, and other law enforcement informa-  
12 tion contained in the law enforcement databases of  
13 the Department of Justice, or of any jurisdiction in  
14 a State in the same manner as a police officer em-  
15 ployed by a State or local authority of that State  
16 who is certified or commissioned under the laws of  
17 that State;

18 “(2) use any radio, data link, or warning sys-  
19 tem of the Federal Government and of any jurisdic-  
20 tion in a State that provides information about  
21 wanted persons, be-on-the-lookout notices, or war-  
22 rant status or other officer safety information to  
23 which a police officer employed by a State or local  
24 authority in that State who is certified or commis-

1 sion under the laws of that State has access and in  
 2 the same manner as such police officer; or

3 “(3) receive Federal, State, or local government  
 4 communications with a police officer employed by a  
 5 State or local authority in that State in the same  
 6 manner as a police officer employed by a State or  
 7 local authority in that State who is commissioned  
 8 under the laws of that State.

9 “(c) **SYSTEM OF DOCUMENTED CRIMINAL JUSTICE**  
 10 **INFORMATION DEFINED.**—In this section the term ‘sys-  
 11 tem of documented criminal justice information’ means  
 12 any law enforcement databases, systems, or communica-  
 13 tions containing information concerning identification,  
 14 criminal history, arrests, convictions, arrest warrants, or  
 15 wanted or missing persons, including the National Crime  
 16 Information Center and its incorporated criminal history  
 17 databases and the National Law Enforcement Tele-  
 18 communications System.”.

19 (b) **CONFORMING AMENDMENT.**—The table of con-  
 20 tents for chapter 401 is amended by inserting after the  
 21 item relating to section 40129 the following:

“40130. FAA access to criminal history records or databases systems”.

22 **SEC. 506. PILOT FATIGUE.**

23 (a) **FLIGHT AND DUTY TIME REGULATIONS.**—

24 (1) **IN GENERAL.**—In accordance with para-  
 25 graph (2), the Administrator of the Federal Aviation

1 Administration shall issue regulations, based on the  
2 best available scientific information—

3 (A) to specify limitations on the hours of  
4 flight and duty time allowed for pilots to ad-  
5 dress problems relating to pilot fatigue; and

6 (B) to require part 121 air carriers to de-  
7 velop and implement fatigue risk management  
8 plans.

9 (2) DEADLINES.—The Administrator shall  
10 issue—

11 (A) not later than 180 days after the date  
12 of enactment of this Act, a notice of proposed  
13 rulemaking under paragraph (1); and

14 (B) not later than one year after the date  
15 of enactment of this Act, a final rule under  
16 paragraph (1).

17 (b) FATIGUE RISK MANAGEMENT PLAN.—

18 (1) SUBMISSION OF FATIGUE RISK MANAGE-  
19 MENT PLAN BY PART 121 AIR CARRIERS.—Not later  
20 than 90 days after the date of enactment of this  
21 Act, each part 121 air carrier shall submit to the  
22 Administrator for review and approval a fatigue risk  
23 management plan.

1           (2) CONTENTS OF PLAN.—A fatigue risk man-  
2           agement plan submitted by a part 121 air carrier  
3           under paragraph (1) shall include the following:

4                   (A) Current flight time and duty period  
5           limitations.

6                   (B) A rest scheme that enables the man-  
7           agement of fatigue, including annual training to  
8           increase awareness of—

9                           (i) fatigue;

10                           (ii) the effects of fatigue on pilots;

11                           and

12                           (iii) fatigue countermeasures.

13                   (C) Development and use of a methodology  
14           that continually assesses the effectiveness of the  
15           program, including the ability of the program—

16                           (i) to improve alertness; and

17                           (ii) to mitigate performance errors.

18           (3) PLAN UPDATES.—A part 121 air carrier  
19           shall update its fatigue risk management plan under  
20           paragraph (1) every 2 years and submit the update  
21           to the Administrator for review and approval.

22           (4) APPROVAL.—

23                   (A) INITIAL APPROVAL OR MODIFICA-  
24           TION.—Not later than 9 months after the date  
25           of enactment of this Act, the Administrator

1 shall review and approve or require modification  
2 to fatigue risk management plans submitted  
3 under this subsection to ensure that pilots are  
4 not operating aircraft while fatigued.

5 (B) UPDATE APPROVAL OR MODIFICA-  
6 TION.—Not later than 9 months after submis-  
7 sion of a plan update under paragraph (3), the  
8 Administrator shall review and approve or re-  
9 quire modification to such update.

10 (5) CIVIL PENALTIES.—A violation of this sub-  
11 section by a part 121 air carrier shall be treated as  
12 a violation of chapter 447 of title 49, United States  
13 Code, for purposes of the application of civil pen-  
14 alties under chapter 463 of that title.

15 (6) LIMITATION ON APPLICABILITY.—The re-  
16 quirements of this subsection shall cease to apply to  
17 a part 121 air carrier on and after the effective date  
18 of the regulations to be issued under subsection (a).

19 (c) EFFECT OF COMMUTING ON FATIGUE.—

20 (1) IN GENERAL.—Not later than 60 days after  
21 the date of enactment of this Act, the Administrator  
22 shall enter into appropriate arrangements with the  
23 National Academy of Sciences to conduct a study of  
24 the effects of commuting on pilot fatigue and report  
25 its findings to the Administrator.



1           (2) STUDY.—In conducting the study, the Na-  
2           tional Academy of Sciences shall consider—

3                   (A) the prevalence of pilot commuting in  
4                   the commercial air carrier industry, including  
5                   the number and percentage of pilots who com-  
6                   mute;

7                   (B) information relating to commuting by  
8                   pilots, including distances traveled, time zones  
9                   crossed, time spent, and methods used;

10                  (C) research on the impact of commuting  
11                  on pilot fatigue, sleep, and circadian rhythms;

12                  (D) commuting policies of commercial air  
13                  carriers (including passenger and all-cargo air  
14                  carriers), including pilot check-in requirements  
15                  and sick leave and fatigue policies;

16                  (E) post-conference materials from the  
17                  Federal Aviation Administration’s June 2008  
18                  symposium entitled “Aviation Fatigue Manage-  
19                  ment Symposium: Partnerships for Solutions”;

20                  (F) Federal Aviation Administration and  
21                  international policies and guidance regarding  
22                  commuting; and

23                  (G) any other matters as the Adminis-  
24                  trator considers appropriate.

1           (3) PRELIMINARY FINDINGS.—Not later than  
2           90 days after the date of entering into arrangements  
3           under paragraph (1), the National Academy of  
4           Sciences shall submit to the Administrator its pre-  
5           liminary findings under the study.

6           (4) REPORT.—Not later than 6 months after  
7           the date of entering into arrangements under para-  
8           graph (1), the National Academy of Sciences shall  
9           submit a report to the Administrator containing its  
10          findings under the study and any recommendations  
11          for regulatory or administrative actions by the Fed-  
12          eral Aviation Administration concerning commuting  
13          by pilots.

14          (5) RULEMAKING.—Following receipt of the re-  
15          port of the National Academy of Sciences under  
16          paragraph (4), the Administrator shall—

17                (A) consider the findings and recommenda-  
18                tions in the report; and

19                (B) update, as appropriate based on sci-  
20                entific data, regulations required by subsection  
21                (a) on flight and duty time.

22 **SEC. 507. INCREASING SAFETY FOR HELICOPTER AND**  
23 **FIXED WING EMERGENCY MEDICAL SERVICE**  
24 **OPERATORS AND PATIENTS.**

25          (a) COMPLIANCE REGULATIONS.—

1           (1) IN GENERAL.—Except as provided in para-  
2           graph (2), not later than 18 months after the date  
3           of enactment of this Act, helicopter and fixed wing  
4           aircraft certificate holders providing emergency med-  
5           ical services shall comply with part 135 of title 14,  
6           Code of Federal Regulations, if there is a medical  
7           crew on board, without regard to whether there are  
8           patients on board.

9           (2) EXCEPTION.—If a certificate holder de-  
10          scribed in paragraph (1) is operating under instru-  
11          ment flight rules or is carrying out training there-  
12          for—

13                 (A) the weather minimums and duty and  
14                 rest time regulations under such part 135 of  
15                 such title shall apply; and

16                 (B) the weather reporting requirement at  
17                 the destination shall not apply until such time  
18                 as the Administrator of the Federal Aviation  
19                 Administration determines that portable, reli-  
20                 able, and accurate ground-based weather meas-  
21                 uring and reporting systems are available.

22          (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION  
23          PROGRAM.—

24                 (1) INITIATION.—Not later than 60 days after  
25                 the date of enactment of this Act, the Administrator

1 of the Federal Aviation Administration shall initiate  
2 a rulemaking—

3 (A) to create a standardized checklist of  
4 risk evaluation factors based on Notice  
5 8000.301, which was issued by the Administra-  
6 tion on August 1, 2005; and

7 (B) to require helicopter and fixed wing  
8 aircraft emergency medical service operators to  
9 use the checklist created under subparagraph  
10 (A) to determine whether a mission should be  
11 accepted.

12 (2) COMPLETION.—The rulemaking initiated  
13 under paragraph (1) shall be completed not later  
14 than 18 months after it is initiated.

15 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-  
16 PATCH PROCEDURES.—

17 (1) INITIATION.—Not later than 60 days after  
18 the date of enactment of this Act, the Administrator  
19 of the Federal Aviation Administration shall initiate  
20 a rulemaking—

21 (A) to require that helicopter and fixed  
22 wing emergency medical service operators for-  
23 malize and implement performance based flight  
24 dispatch and flight-following procedures; and

1           (B) to develop a method to assess and en-  
2           sure that such operators comply with the re-  
3           quirements described in subparagraph (A).

4           (2) COMPLETION.—The rulemaking initiated  
5           under paragraph (1) shall be completed not later  
6           than 18 months after it is initiated.

7           (d) IMPROVING SITUATIONAL AWARENESS.—Within  
8           1 year after the date of enactment of this Act, any heli-  
9           copter or fixed-wing aircraft used for emergency medical  
10          service shall have on board a device that performs the  
11          function of a terrain awareness and warning system and  
12          a means of displaying that information that meets the re-  
13          quirements of the applicable Federal Aviation Administra-  
14          tion Technical Standard Order or other guidance pre-  
15          scribed by the Administrator.

16          (e) IMPROVING THE DATA AVAILABLE ON AIR MED-  
17          ICAL OPERATIONS.—

18           (1) IN GENERAL.—The Administrator of the  
19          Federal Aviation Administration shall require each  
20          certificate holder for helicopters and fixed-wing air-  
21          craft used for emergency medical service operations  
22          to report not later than 1 year after the date of en-  
23          actment of this Act and annually thereafter on—

24                   (A) the number of aircraft and helicopters  
25          used to provide air ambulance services, the reg-

1           istration number of each of these aircraft or  
2           helicopters, and the base location of each of  
3           these aircraft or helicopters;

4                   (B) the number of flights and hours flown  
5           by each such aircraft or helicopter used by the  
6           certificate holder to provide such services dur-  
7           ing the reporting period;

8                   (C) the number of flights and the purpose  
9           of each flight for each aircraft or helicopter  
10          used by the certificate holder to provide such  
11          services during the reporting period;

12                   (D) the number of flight requests for a  
13          helicopter providing helicopter air ambulance  
14          services that were accepted or declined by the  
15          certificate holder and the type of each such  
16          flight request (such as scene response, inter-fa-  
17          cility transport, organ transport, or ferry or  
18          repositioning flight);

19                   (E) the number of accidents involving heli-  
20          copters operated by the certificate holder while  
21          providing helicopter air ambulance services and  
22          a description of the accidents;

23                   (F) the number of flights and hours flown  
24          under instrument flight rules by helicopters op-

1 erated by the certificate holder while providing  
2 helicopter air ambulance services;

3 (G) the time of day of each flight flown by  
4 helicopters operated by the certificate holder  
5 while providing helicopter air ambulance serv-  
6 ices; and

7 (H) The number of incidents where more  
8 helicopters arrive to transport patients than is  
9 needed in a flight request or scene response.

10 (2) REPORT TO CONGRESS.—The Adminis-  
11 trator of the Federal Aviation Administration shall  
12 report to Congress on the information received pur-  
13 suant to paragraph (1) of this subsection no later  
14 than 18 months after the date of enactment of this  
15 Act.

16 (f) IMPROVING THE DATA AVAILABLE TO NTSB IN-  
17 VESTIGATORS AT CRASH SITES.—

18 (1) STUDY.—Not later than 120 days after the  
19 date of enactment of this Act, the Administrator of  
20 the Federal Aviation Administration shall issue a re-  
21 port that indicates the availability, survivability, size,  
22 weight, and cost of devices that perform the function  
23 of recording voice communications and flight data  
24 information on existing and new helicopters and ex-

1 isting and new fixed wing aircraft used for emer-  
2 gency medical service operations.

3 (2) RULEMAKING.—Not later than 1 year after  
4 the date of enactment of this Act, the Administrator  
5 of the Federal Aviation Administration shall issue  
6 regulations that require devices that perform the  
7 function of recording voice communications and  
8 flight data information on board aircraft described  
9 in paragraph (1).

10 **SEC. 508. CABIN CREW COMMUNICATION.**

11 (a) IN GENERAL.—Section 44728 is amended—

12 (1) by redesignating subsection (f) as sub-  
13 section (g); and

14 (2) by inserting after subsection (e) the fol-  
15 lowing:

16 “(f) MINIMUM LANGUAGE SKILLS.—

17 “(1) IN GENERAL.—No certificate holder may  
18 use any person to serve, nor may any person serve,  
19 as a flight attendant under this part, unless that  
20 person has demonstrated to an individual qualified  
21 to determine proficiency the ability to read, speak,  
22 and write English well enough to—

23 “(A) read material written in English and  
24 comprehend the information;





1 through a report to Congress for the completion of  
2 work begun under the August 2000 memorandum of  
3 understanding between the 2 Administrations and to  
4 address issues needing further action in the Admin-  
5 istrations' joint report in December 2000; and

6 (2) initiate development of a policy statement to  
7 set forth the circumstances in which Occupational  
8 Safety and Health Administration requirements may  
9 be applied to crewmembers while working in the air-  
10 craft.

11 (b) POLICY STATEMENT.—The policy statement to be  
12 developed under subsection (a)(2) shall be completed with-  
13 in 18 months after the date of enactment of this Act and  
14 shall satisfy the following principles:

15 (1) The establishment of a coordinating body  
16 similar to the Aviation Safety and Health Joint  
17 Team established by the August 2000 memorandum  
18 of understanding that includes representatives des-  
19 ignated by both Administrations—

20 (A) to examine the applicability of current  
21 and future Occupational Safety and Health Ad-  
22 ministration regulations;

23 (B) to recommend policies for facilitating  
24 the training of Federal Aviation Administration  
25 inspectors; and

1 (C) to make recommendations that will  
2 govern the inspection and enforcement of safety  
3 and health standards on board aircraft in oper-  
4 ation and all work-related environments.

5 (2) Any standards adopted by the Federal Avia-  
6 tion Administration shall set forth clearly—

7 (A) the circumstances under which an em-  
8 ployer is required to take action to address oc-  
9 cupational safety and health hazards;

10 (B) the measures required of an employer  
11 under the standard; and

12 (C) the compliance obligations of an em-  
13 ployer under the standard.

14 **SEC. 510. ACCELERATION OF DEVELOPMENT AND IMPLE-**  
15 **MENTATION OF REQUIRED NAVIGATION PER-**  
16 **FORMANCE APPROACH PROCEDURES.**

17 (a) IN GENERAL.—

18 (1) ANNUAL MINIMUM REQUIRED NAVIGATION  
19 PERFORMANCE PROCEDURES.—The Administrator  
20 shall set a target of achieving a minimum of 200  
21 Required Navigation Performance procedures each  
22 fiscal year through fiscal year 2012, with 25 percent  
23 of that target number meeting the low visibility ap-  
24 proach criteria consistent with the NextGen Imple-  
25 mentation Plan.

1           (2) USE OF THIRD PARTIES.—The Adminis-  
2           trator is authorized to provide third parties the abil-  
3           ity to design, flight check, and implement Required  
4           Navigation Performance approach procedures.

5           (b) DOT INSPECTOR GENERAL REVIEW OF OPER-  
6           ATIONAL AND APPROACH PROCEDURES BY A THIRD  
7           PARTY.—

8           (1) REVIEW.—The Inspector General of the De-  
9           partment of Transportation shall conduct a review  
10          regarding the effectiveness of the oversight activities  
11          conducted by the Administration in connection with  
12          any agreement with or delegation of authority to a  
13          third party for the development of flight procedures,  
14          including public use procedures, for the National  
15          Airspace System.

16          (2) ASSESSMENTS.—The Inspector General  
17          shall include, at a minimum, in the review—

18                (A) an assessment of the extent to which  
19                the Administration is relying or intends to rely  
20                on a third party for the development of new  
21                procedures and a determination of whether the  
22                Administration has established sufficient mech-  
23                anisms and staffing to provide safety oversight  
24                functions, which may include quality assurance  
25                processes, flight checks, integration of proce-

1           dures into the National Aviation System, and  
2           operational assessments of procedures developed  
3           by third parties; and

4                   (B) an assessment regarding whether the  
5           Administration has sufficient existing personnel  
6           and technical resources or mechanisms to de-  
7           velop such flight procedures in a safe and effi-  
8           cient manner to meet the demands of the Na-  
9           tional Airspace System without the use of third  
10          party resources.

11          (c) REPORT.—No later than 1 year after the date of  
12       enactment of this Act, the Inspector General shall submit  
13       to the Senate Committee on Commerce, Science, and  
14       Transportation and the House of Representatives Com-  
15       mittee on Transportation and Infrastructure a report on  
16       the results of the review conducted under this section.

17       **SEC. 511. IMPROVED SAFETY INFORMATION.**

18          Not later than December 31, 2009, the Administrator  
19       of the Federal Aviation Administration shall issue a final  
20       rule in docket No. FAA–2008–0188, Re-registration and  
21       Renewal of Aircraft Registration. The final rule shall in-  
22       clude—

23                   (1) provision for the expiration of a certificate  
24       for an aircraft registered as of the date of enactment

1 of this Act, with re-registration requirements for  
2 those aircraft that remain eligible for registration;

3 (2) provision for the periodic expiration of all  
4 certificates issued after the effective date of the rule  
5 with a registration renewal process; and

6 (3) other measures to promote the accuracy and  
7 efficient operation and value of the Administration's  
8 aircraft registry.

9 **SEC. 512. VOLUNTARY DISCLOSURE REPORTING PROCESS**  
10 **IMPROVEMENTS.**

11 (a) IN GENERAL.—Within 180 days after the date  
12 of enactment of this Act, the Administrator of the Federal  
13 Aviation Administration shall—

14 (1) take such action as may be necessary to en-  
15 sure that the Voluntary Disclosure Reporting Proc-  
16 ess requires inspectors—

17 (A) to evaluate corrective action proposed  
18 by an air carrier with respect to a matter dis-  
19 closed by that air carrier is sufficiently com-  
20 prehensive in scope and application and applies  
21 to all affected aircraft operated by that air car-  
22 rier before accepting the proposed voluntary  
23 disclosure;

1 (B) to verify that corrective action so iden-  
2 tified by an air carrier is completed within the  
3 timeframe proposed; and

4 (C) to verify by inspection that the car-  
5 rier's corrective action adequately corrects the  
6 problem that was disclosed; and

7 (2) establish a second level supervisory review  
8 of disclosures under the Voluntary Disclosure Re-  
9 porting Process before any proposed disclosure is ac-  
10 cepted and closed that will ensure that a matter dis-  
11 closed by an air carrier—

12 (A) has not been previously identified by a  
13 Federal Aviation Administration inspector; and

14 (B) has not been previously disclosed by  
15 the carrier in the preceding 5 years.

16 (b) GAO STUDY.—

17 (1) IN GENERAL.—The Comptroller General  
18 shall conduct a study of the Voluntary Disclosure  
19 Reporting Program.

20 (2) REVIEW.—In conducting the study, the  
21 Comptroller General shall examine, at a minimum,  
22 whether—

23 (A) there is evidence that voluntary dislo-  
24 sure is resulting in regulated entities discov-  
25 ering and correcting violations to a greater ex-

1           tent than would otherwise occur if there was no  
2           program for immunity from enforcement action;

3           (B) the voluntary disclosure program  
4           makes the Federal Aviation Administration  
5           aware of violations that it would not have dis-  
6           covered if there was not a program, and if a  
7           violation is disclosed voluntarily, whether the  
8           Administration insists on stronger corrective ac-  
9           tions than would have occurred if the regulated  
10          entity knew of a violation, but the Administra-  
11          tion did not;

12          (C) the information the Administration  
13          gets under the program leads to fewer viola-  
14          tions by other entities, either because the infor-  
15          mation leads other entities to look for similar  
16          violations or because the information leads Ad-  
17          ministration investigators to look for similar  
18          violations at other entities; and

19          (D) there is any evidence that voluntary  
20          disclosure has improved compliance with regula-  
21          tions, either for the entities making disclosures  
22          or for the industry generally.

23          (3) REPORT.—Not later than one year after the  
24          date of enactment of this Act, the Comptroller Gen-  
25          eral shall submit a report to the Senate Committee



1 on Commerce, Science, and Transportation and the  
2 House of Representatives Committee on Transpor-  
3 tation and Infrastructure on the results of the study  
4 conducted under this subsection.

5 **SEC. 513. PROCEDURAL IMPROVEMENTS FOR INSPEC-**  
6 **TIONS.**

7 (a) IN GENERAL.—Section 44711 is amended by  
8 adding at the end the following:

9 “(d) POST-EMPLOYMENT RESTRICTIONS FOR FLIGHT  
10 STANDARDS INSPECTORS.—

11 “(1) PROHIBITION.—A person holding an oper-  
12 ating certificate issued under title 14, Code of Fed-  
13 eral Regulations, may not knowingly employ, or  
14 make a contractual arrangement which permits, an  
15 individual to act as an agent or representative of the  
16 certificate holder in any matter before the Federal  
17 Aviation Administration if the individual, in the pre-  
18 ceding 3-year period—

19 “(A) served as, or was responsible for over-  
20 sight of, a flight standards inspector of the Ad-  
21 ministration; and

22 “(B) had responsibility to inspect, or over-  
23 see inspection of, the operations of the certifi-  
24 cate holder.

1           “(2) WRITTEN AND ORAL COMMUNICATIONS.—

2           For purposes of paragraph (1), an individual shall  
3           be considered to be acting as an agent or representa-  
4           tive of a certificate holder in a matter before the  
5           Federal Aviation Administration if the individual  
6           makes any written or oral communication on behalf  
7           of the certificate holder to the Administration (or  
8           any of its officers or employees) in connection with  
9           a particular matter, whether or not involving a spe-  
10          cific party and without regard to whether the indi-  
11          vidual has participated in, or had responsibility for,  
12          the particular matter while serving as a flight stand-  
13          ards inspector of the Administration.”.

14          (b) APPLICABILITY.—The amendment made by sub-  
15          section (a) shall not apply to an individual employed by  
16          a certificate holder as of the date of enactment of this  
17          Act.

18          **SEC. 514. INDEPENDENT REVIEW OF SAFETY ISSUES.**

19          Within 30 days after the date of enactment of this  
20          Act, the Comptroller General shall initiate a review and  
21          investigation of air safety issues identified by Federal  
22          Aviation Administration employees and reported to the  
23          Administrator. The Comptroller General shall report the  
24          Government Accountability Office’s findings and rec-  
25          ommendations to the Administrator, the Senate Com-

1 mittee on Commerce, Science, and Transportation, and  
2 the House of Representatives Committee on Transpor-  
3 tation and Infrastructure on an annual basis.

4 **SEC. 515. NATIONAL REVIEW TEAM.**

5 (a) IN GENERAL.—Within 180 days after the date  
6 of enactment of this Act, the Administrator of the Federal  
7 Aviation Administration shall establish a national review  
8 team within the Administration to conduct periodic, unan-  
9 nounced, and random reviews of the Administration’s  
10 oversight of air carriers and report annually its findings  
11 and recommendations to the Administrator, the Senate  
12 Commerce, Science, and Transportation Committee, and  
13 the House of Representatives Committee on Transpor-  
14 tation and Infrastructure.

15 (b) LIMITATION.—The Administrator shall prohibit a  
16 member of the National Review Team from participating  
17 in any review or audit of an air carrier under subsection  
18 (a) if the member has previously had responsibility for in-  
19 specting, or overseeing the inspection of, the operations  
20 of that air carrier.

21 (c) INSPECTOR GENERAL REPORTS.—The Inspector  
22 General of the Department of Transportation shall provide  
23 progress reports to the Senate Committee on Commerce,  
24 Science, and Transportation and the House of Represent-

1 atives Committee on Transportation and Infrastructure on  
2 the review teams and their effectiveness.

3 **SEC. 516. FAA ACADEMY IMPROVEMENTS.**

4 (a) REVIEW.—Within 1 year after the date of enact-  
5 ment of this Act, the Administrator of the Federal Avia-  
6 tion Administration shall conduct a comprehensive review  
7 and evaluation of its Academy and facility training efforts.

8 (b) FACILITY TRAINING PROGRAM.—The Adminis-  
9 trator shall—

10 (1) clarify responsibility for oversight and direc-  
11 tion of the Academy’s facility training program at  
12 the national level;

13 (2) communicate information concerning that  
14 responsibility to facility managers; and

15 (3) establish standards to identify the number  
16 of developmental controllers that can be accommo-  
17 dated at each facility, based on—

18 (A) the number of available on-the-job-  
19 training instructors;

20 (B) available classroom space;

21 (C) the number of available simulators;

22 (D) training requirements; and

23 (E) the number of recently placed new per-  
24 sonnel already in training.

1 **SEC. 517. REDUCTION OF RUNWAY INCURSIONS AND OPER-**  
2 **ATIONAL ERRORS.**

3 (a) PLAN.—The Administrator of the Federal Avia-  
4 tion Administration shall develop a plan for the reduction  
5 of runway incursions by reviewing every commercial serv-  
6 ice airport (as defined in section 47102 of title 49, United  
7 States Code) in the United States and initiating action  
8 to improve airport lighting, provide better signage, and  
9 improve runway and taxiway markings.

10 (b) PROCESS.—Within 1 year after the date of enact-  
11 ment of this Act, the Administrator of the Federal Avia-  
12 tion Administration shall develop a process for tracking  
13 and investigating operational errors and runway incur-  
14 sions that includes—

15 (1) identifying the office responsible for estab-  
16 lishing regulations regarding operational errors and  
17 runway incursions;

18 (2) identifying who is responsible for tracking  
19 and investigating operational errors and runway in-  
20 cursions and taking remedial actions;

21 (3) identifying who is responsible for tracking  
22 operational errors and runway incursions, including  
23 a process for lower level employees to report to high-  
24 er supervisory levels; and

25 (4) periodic random audits of the oversight  
26 process.

1 **SEC. 518. AVIATION SAFETY WHISTLEBLOWER INVESTIGA-**  
2 **TION OFFICE.**

3 Section 106 is amended by adding at the end the fol-  
4 lowing:

5 “(s) AVIATION SAFETY WHISTLEBLOWER INVES-  
6 TIGATION OFFICE.—

7 “(1) ESTABLISHMENT.—There is established in  
8 the Administration an Aviation Safety Whistleblower  
9 Investigation Office.

10 “(2) DIRECTOR.—

11 “(A) APPOINTMENT.—The head of the Of-  
12 fice shall be the Director, who shall be ap-  
13 pointed by the Secretary of Transportation.

14 “(B) QUALIFICATIONS.—The Director  
15 shall have a demonstrated ability in investiga-  
16 tions and knowledge of or experience in avia-  
17 tion.

18 “(C) TERM.—The Director shall be ap-  
19 pointed for a term of 5 years.

20 “(D) VACANCY.—Any individual appointed  
21 to fill a vacancy in the position of the Director  
22 occurring before the expiration of the term for  
23 which the individual’s predecessor was ap-  
24 pointed shall be appointed for the remainder of  
25 that term.

26 “(3) COMPLAINTS AND INVESTIGATIONS.—

1           “(A) AUTHORITY OF DIRECTOR.—The Di-  
2           rector shall—

3                   “(i) receive complaints and informa-  
4                   tion submitted by employees of persons  
5                   holding certificates issued under title 14,  
6                   Code of Federal Regulations, and employ-  
7                   ees of the Administration concerning the  
8                   possible existence of an activity relating to  
9                   a violation of an order, regulation, or  
10                  standard of the Administration or any  
11                  other provision of Federal law relating to  
12                  aviation safety;

13                   “(ii) assess complaints and informa-  
14                   tion submitted under clause (i) and deter-  
15                   mine whether a substantial likelihood ex-  
16                   ists that a violation of an order, regulation,  
17                   or standard of the Administration or any  
18                   other provision of Federal law relating to  
19                   aviation safety may have occurred; and

20                   “(iii) based on findings of the assess-  
21                   ment conducted under clause (ii), make  
22                   recommendations to the Administrator in  
23                   writing for further investigation or correc-  
24                   tive actions.

1           “(B) DISCLOSURE OF IDENTITIES.—The  
2 Director shall not disclose the identity of an in-  
3 dividual who submits a complaint or informa-  
4 tion under subparagraph (A)(i) unless—

5                   “(i) the individual consents to the dis-  
6 closure in writing; or

7                   “(ii) the Director determines, in the  
8 course of an investigation, that the dislo-  
9 sure is unavoidable.

10           “(C) INDEPENDENCE OF DIRECTOR.—The  
11 Secretary, the Administrator, or any officer or  
12 employee of the Administration may not pre-  
13 vent or prohibit the Director from initiating,  
14 carrying out, or completing any assessment of  
15 a complaint or information submitted subpara-  
16 graph (A)(i) or from reporting to Congress on  
17 any such assessment.

18           “(D) ACCESS TO INFORMATION.—In con-  
19 ducting an assessment of a complaint or infor-  
20 mation submitted under subparagraph (A)(i),  
21 the Director shall have access to all records, re-  
22 ports, audits, reviews, documents, papers, rec-  
23 ommendations, and other material necessary to  
24 determine whether a substantial likelihood ex-  
25 ists that a violation of an order, regulation, or



1 standard of the Administration or any other  
2 provision of Federal law relating to aviation  
3 safety may have occurred.

4 “(4) RESPONSES TO RECOMMENDA-  
5 TIONS.—The Administrator shall respond to a  
6 recommendation made by the Director under  
7 subparagraph (A)(iii) in writing and retain  
8 records related to any further investigations or  
9 corrective actions taken in response to the rec-  
10 ommendation.

11 “(5) INCIDENT REPORTS.—If the Director de-  
12 termines there is a substantial likelihood that a vio-  
13 lation of an order, regulation, or standard of the Ad-  
14 ministration or any other provision of Federal law  
15 relating to aviation safety may have occurred that  
16 requires immediate corrective action, the Director  
17 shall report the potential violation expeditiously to  
18 the Administrator and the Inspector General of the  
19 Department of Transportation.

20 “(6) REPORTING OF CRIMINAL VIOLATIONS TO  
21 INSPECTOR GENERAL.—If the Director has reason-  
22 able grounds to believe that there has been a viola-  
23 tion of Federal criminal law, the Director shall re-  
24 port the violation expeditiously to the Inspector Gen-  
25 eral.

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”;

1           (2) to clarify that in regulating safety the only  
2 customers of the Administration are members of the  
3 traveling public; and

4           (3) to clarify that air carriers and other entities  
5 regulated by the Administration do not have the  
6 right to select the employees of the Administration  
7 who will inspect their operations.

8       (b) SAFETY PRIORITY.—In carrying out the Adminis-  
9 trator’s responsibilities, the Administrator shall ensure  
10 that safety is given a higher priority than preventing the  
11 dissatisfaction of an air carrier or other entity regulated  
12 by the Administration with an employee of the Adminis-  
13 tration.

14 **SEC. 520. HEADQUARTERS REVIEW OF AIR TRANSPOR-**  
15 **TATION OVERSIGHT SYSTEM DATABASE.**

16       (a) REVIEWS.—The Administrator of the Federal  
17 Aviation Administration shall establish a process by which  
18 the air transportation oversight system database of the  
19 Administration is reviewed by a team of employees of the  
20 Agency on a monthly basis to ensure that—

21           (1) any trends in regulatory compliance are  
22 identified; and

23           (2) appropriate corrective actions are taken in  
24 accordance with Agency regulations, advisory direc-  
25 tives, policies, and procedures.

1 (b) MONTHLY TEAM REPORTS.—

2 (1) IN GENERAL.—The team of employees con-  
3 ducting a monthly review of the air transportation  
4 oversight system database under subsection (a) shall  
5 submit to the Administrator, the Associate Adminis-  
6 trator for Aviation Safety, and the Director of  
7 Flight Standards a report on the results of the re-  
8 view.

9 (2) CONTENTS.—A report submitted under  
10 paragraph (1) shall identify—

11 (A) any trends in regulatory compliance  
12 discovered by the team of employees in con-  
13 ducting the monthly review; and

14 (B) any corrective actions taken or pro-  
15 posed to be taken in response to the trends.

16 (c) QUARTERLY REPORTS TO CONGRESS.—The Ad-  
17 ministrator, on a quarterly basis, shall submit a report  
18 to the Senate Committee on Commerce, Science, and  
19 Transportation and the House of Representatives Com-  
20 mittee on Transportation and Infrastructure on the re-  
21 sults of reviews of the air transportation oversight system  
22 database conducted under this section, including copies of  
23 reports received under subsection (b).

1 **SEC. 521. INSPECTION OF FOREIGN REPAIR STATIONS.**

2 (a) IN GENERAL.—Chapter 447 is amended by add-  
3 ing at the end the following:

4 **“§ 44730. Inspection of foreign repair stations**

5 “(a) IN GENERAL.—Within 1 year after the date of  
6 enactment of the FAA Air Transportation Modernization  
7 and Safety Improvement Act the Administrator of the  
8 Federal Aviation Administration shall establish and imple-  
9 ment a safety assessment system for all part 145 repair  
10 stations based on the type, scope, and complexity of work  
11 being performed. The system shall—

12 “(1) ensure that repair stations outside the  
13 United States are subject to appropriate inspections  
14 based on identified risk and consistent with existing  
15 United States requirements;

16 “(2) consider inspection results and findings  
17 submitted by foreign civil aviation authorities oper-  
18 ating under a maintenance safety or maintenance  
19 implementation agreement with the United States in  
20 meeting the requirements of the safety assessment  
21 system; and

22 “(3) require all maintenance safety or mainte-  
23 nance implementation agreements to provide an op-  
24 portunity for the Federal Aviation Administration to  
25 conduct independent inspections of covered part 145

1 repair stations when safety concerns warrant such  
2 inspections.

3 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The  
4 Administrator shall notify the Senate Committee on Com-  
5 merce, Science, and Transportation and the House of Rep-  
6 resentatives Committee on Transportation and Infrastruc-  
7 ture within 30 days after initiating formal negotiations  
8 with foreign aviation authorities or other appropriate for-  
9 eign government agencies on a new maintenance safety or  
10 maintenance implementation agreement.

11 “(c) ANNUAL REPORT.—The Administrator shall  
12 publish an annual report on the Federal Aviation Adminis-  
13 tration’s oversight of part 145 repair stations and imple-  
14 mentation of the safety assessment system required by  
15 subsection (a). The report shall—

16 “(1) describe in detail any improvements in the  
17 Federal Aviation Administration’s ability to identify  
18 and track where part 121 air carrier repair work is  
19 performed;

20 “(2) include a staffing model to determine the  
21 best placement of inspectors and the number of in-  
22 spectors needed;

23 “(3) describe the training provided to inspec-  
24 tors; 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-

1 administrator and consistent with the applicable laws  
2 of the country in which the repair station is located.

3 “(e) BIENNIAL INSPECTIONS.—The Administrator  
4 shall require part 145 repair stations to be inspected twice  
5 each year by Federal Aviation Administration safety in-  
6 spectors, regardless of where the station is located, in a  
7 manner consistent with United States obligations under  
8 international agreements.

9 “(f) DEFINITIONS.—In this section:

10 “(1) PART 121 AIR CARRIER.—The term ‘part  
11 121 air carrier’ means an air carrier that holds a  
12 certificate issued under part 121 of title 14, Code of  
13 Federal Regulations.

14 “(2) PART 145 REPAIR STATION.—The term  
15 ‘part 145 repair station’ means a repair station that  
16 holds a certificate issued under part 145 of title 14,  
17 Code of Federal Regulations.”.

18 (b) CONFORMING AMENDMENT.—The table of con-  
19 tents for chapter 447 is amended by adding at the end  
20 thereof the following:

“44730. Inspection of foreign repair stations”.

21 **SEC. 522. NON-CERTIFICATED MAINTENANCE PROVIDERS.**

22 (a) REGULATIONS.—Not later than 3 years after the  
23 date of enactment of this Act, the Administrator of the  
24 Federal Aviation Administration shall issue regulations re-  
25 quiring that all covered maintenance work on aircraft used



1 to provide air transportation under part 121 of title 14,  
2 Code of Federal Regulations, be performed by individuals  
3 in accordance with subsection (b).

4 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN  
5 WORK.—No individual may perform covered maintenance  
6 work on aircraft used to provide air transportation under  
7 part 121 of title 14, Code of Federal Regulations unless  
8 that individual is employed by—

9 (1) a part 121 air carrier;

10 (2) a part 145 repair station or a person au-  
11 thORIZED under section 43.17 of title 14, Code of  
12 Federal Regulations;

13 (3) a person that provides contract maintenance  
14 workers or services to a part 145 repair station or  
15 part 121 air carrier, and the individual—

16 (A) meets the requirements of the part  
17 121 air carrier or the part 145 repair station;

18 (B) performs the work under the direct su-  
19 pervision and control of the part 121 air carrier  
20 or the part 145 repair station directly in charge  
21 of the maintenance services; and

22 (C) carries out the work in accordance  
23 with the part 121 air carrier's maintenance  
24 manual;

1           (4) by the holder of a type certificate, produc-  
2           tion certificate, or other production approval issued  
3           under part 21 of title 14, Code of Federal Regula-  
4           tions, and the holder of such certificate or ap-  
5           proval—

6                   (A) originally produced, and continues to  
7           produce, the article upon which the work is to  
8           be performed; and

9                   (B) is acting in conjunction with a part  
10          121 air carrier or a part 145 repair station.

11       (d) DEFINITIONS.—In this section:

12           (1) COVERED MAINTENANCE WORK.—The term  
13           “covered maintenance work” means maintenance  
14           work that is essential maintenance, regularly sched-  
15           uled maintenance, or a required inspection item, as  
16           determined by the Administrator.

17           (2) PART 121 AIR CARRIER.—The term “part  
18           121 air carrier” has the meaning given that term in  
19           section 44730(f)(1) of title 49, United States Code.

20           (3) PART 145 REPAIR STATION.—The term  
21           “part 145 repair station” has the meaning given  
22           that term in section 44730(f)(2) of title 49, United  
23           States Code.

1 **SEC. 523. USE OF EXPLOSIVE PEST CONTROL DEVICES.**

2 Not later than 180 days after the date of enactment  
3 of this Act, the Administrator of the Federal Aviation Ad-  
4 ministration shall submit to Congress a report that—

5 (1) describes the use throughout the United  
6 States of explosive pest control devices in mitigating  
7 bird strikes in flight operations;

8 (2) evaluates the utility, cost-effectiveness, and  
9 safety of using explosive pest control devices in wild-  
10 life management; and

11 (3) evaluates the potential impact on flight  
12 safety and operations if explosive pest control de-  
13 vices were made unavailable or more costly during  
14 subsequent calendar years.

15 **SUBTITLE B—FLIGHT SAFETY**

16 **SEC. 551. FAA PILOT RECORDS DATABASE.**

17 (a) RECORDS OF EMPLOYMENT OF PILOT APPLI-  
18 CANTS.—Section 44703(h) is amended by adding at the  
19 end the following:

20 “(16) APPLICABILITY.—This subsection shall  
21 cease to be effective on the date specified in regula-  
22 tions issued under subsection (i).”.

23 (b) ESTABLISHMENT OF FAA PILOT RECORDS  
24 DATABASE.—Section 44703 is amended—

25 (1) by redesignating subsections (i) and (j) as  
26 subsections (j) and (k), respectively; and

1           (2) by inserting after subsection (h) the fol-  
2           lowing:

3           “(i) FAA PILOT RECORDS DATABASE.—

4                 “(1) IN GENERAL.—Before allowing an indi-  
5           vidual to begin service as a pilot, an air carrier shall  
6           access and evaluate, in accordance with the require-  
7           ments of this subsection, information pertaining to  
8           the individual from the pilot records database estab-  
9           lished under paragraph (2).

10           “(2) PILOT RECORDS DATABASE.—The Admin-  
11           istrator shall establish an electronic database (in this  
12           subsection referred to as the ‘database’) containing  
13           the following records:

14                 “(A) FAA RECORDS.—From the Adminis-  
15           trator—

16                         “(i) records that are maintained by  
17                         the Administrator concerning current air-  
18                         man certificates, including airman medical  
19                         certificates and associated type ratings and  
20                         information on any limitations to those  
21                         certificates and ratings;

22                         “(ii) records that are maintained by  
23                         the Administrator concerning any failed at-  
24                         tempt of an individual to pass a practical  
25                         test required to obtain a certificate or type

1 rating under part 61 of title 14, Code of  
2 Federal Regulations; and

3 “(iii) summaries of legal enforcement  
4 actions resulting in a finding by the Ad-  
5 ministrator of a violation of this title or a  
6 regulation prescribed or order issued under  
7 this title that was not subsequently over-  
8 turned.

9 “(B) AIR CARRIER AND OTHER  
10 RECORDS.—From any air carrier or other per-  
11 son (except a branch of the Armed Forces, the  
12 National Guard, or a reserve component of the  
13 Armed Forces) that has employed an individual  
14 as a pilot of a civil or public aircraft, or from  
15 the trustee in bankruptcy for such air carrier or  
16 person—

17 “(i) records pertaining to the indi-  
18 vidual that are maintained by the air car-  
19 rier (other than records relating to flight  
20 time, duty time, or rest time), including  
21 records under regulations set forth in—

22 “(I) section 121.683 of title 14,  
23 Code of Federal Regulations;

24 “(II) paragraph (A) of section  
25 VI, appendix I, part 121 of such title;

1                   “(III) paragraph (A) of section  
2                   IV, appendix J, part 121 of such title;

3                   “(IV) section 125.401 of such  
4                   title; and

5                   “(V) section 135.63(a)(4) of such  
6                   title; and

7                   “(ii) other records pertaining to the  
8                   individual’s performance as a pilot that are  
9                   maintained by the air carrier or person  
10                  concerning—

11                  “(I) the training, qualifications,  
12                  proficiency, or professional com-  
13                  petence of the individual, including  
14                  comments and evaluations made by a  
15                  check airman designated in accord-  
16                  ance with section 121.411, 125.295,  
17                  or 135.337 of such title;

18                  “(II) any disciplinary action  
19                  taken with respect to the individual  
20                  that was not subsequently overturned;  
21                  and

22                  “(III) any release from employ-  
23                  ment or resignation, termination, or  
24                  disqualification with respect to em-  
25                  ployment.

1           “(C) NATIONAL DRIVER REGISTER  
2 RECORDS.—In accordance with section  
3 30305(b)(8) of this title, from the chief driver  
4 licensing official of a State, information con-  
5 cerning the motor vehicle driving record of the  
6 individual.

7           “(3) WRITTEN CONSENT; RELEASE FROM LI-  
8 ABILITY.—An air carrier—

9           “(A) shall obtain the written consent of an  
10 individual before accessing records pertaining to  
11 the individual under paragraph (1); and

12           “(B) may, notwithstanding any other pro-  
13 vision of law or agreement to the contrary, re-  
14 quire an individual with respect to whom the  
15 carrier is accessing records under paragraph (1)  
16 to execute a release from liability for any claim  
17 arising from accessing the records or the use of  
18 such records by the air carrier in accordance  
19 with this section (other than a claim arising  
20 from furnishing information known to be false  
21 and maintained in violation of a criminal stat-  
22 ute).

23           “(4) REPORTING.—

24           “(A) REPORTING BY ADMINISTRATOR.—  
25 The Administrator shall enter data described in

1 paragraph (2)(A) into the database promptly to  
2 ensure that an individual's records are current.

3 “(B) REPORTING BY AIR CARRIERS AND  
4 OTHER PERSONS.—

5 “(i) IN GENERAL.—Air carriers and  
6 other persons shall report data described  
7 in paragraphs (2)(B) and (2)(C) to the  
8 Administrator promptly for entry into the  
9 database.

10 “(ii) DATA TO BE REPORTED.—Air  
11 carriers and other persons shall report, at  
12 a minimum, under clause (i) the following  
13 data described in paragraph (2)(B):

14 “(I) Records that are generated  
15 by the air carrier or other person  
16 after the date of enactment of the  
17 FAA Air Transportation Moderniza-  
18 tion and Safety Improvement Act.

19 “(II) Records that the air carrier  
20 or other person is maintaining, on  
21 such date of enactment, pursuant to  
22 subsection (h)(4).

23 “(5) REQUIREMENT TO MAINTAIN RECORDS.—

24 The Administrator—



1           “(A) shall maintain all records entered into  
2           the database under paragraph (2) pertaining to  
3           an individual until the date of receipt of notifi-  
4           cation that the individual is deceased; and

5           “(B) may remove the individual’s records  
6           from the database after that date.

7           “(6) RECEIPT OF CONSENT.—The Adminis-  
8           trator shall not permit an air carrier to access  
9           records pertaining to an individual from the data-  
10          base under paragraph (1) without the air carrier  
11          first demonstrating to the satisfaction of the Admin-  
12          istrator that the air carrier has obtained the written  
13          consent of the individual.

14          “(7) RIGHT OF PILOT TO REVIEW CERTAIN  
15          RECORDS AND CORRECT INACCURACIES.—Notwith-  
16          standing any other provision of law or agreement,  
17          the Administrator, upon receipt of written request  
18          from an individual—

19                 “(A) shall make available, not later than  
20                 30 days after the date of the request, to the in-  
21                 dividual for review all records referred to in  
22                 paragraph (2) pertaining to the individual; and

23                 “(B) shall provide the individual with a  
24                 reasonable opportunity to submit written com-

1           ments to correct any inaccuracies contained in  
2           the records.

3           “(8) REASONABLE CHARGES FOR PROCESSING  
4           REQUESTS AND FURNISHING COPIES.—The Adminis-  
5           trator may establish a reasonable charge for the cost  
6           of processing a request under paragraph (1) or (7)  
7           and for the cost of furnishing copies of requested  
8           records under paragraph (7).

9           “(9) PRIVACY PROTECTIONS.—

10           “(A) USE OF RECORDS.—An air carrier  
11           that accesses records pertaining to an individual  
12           under paragraph (1) may use the records only  
13           to assess the qualifications of the individual in  
14           deciding whether or not to hire the individual as  
15           a pilot. The air carrier shall take such actions  
16           as may be necessary to protect the privacy of  
17           the individual and the confidentiality of the  
18           records accessed, including ensuring that infor-  
19           mation contained in the records is not divulged  
20           to any individual that is not directly involved in  
21           the hiring decision.

22           “(B) DISCLOSURE OF INFORMATION.—

23           “(i) IN GENERAL.—Except as pro-  
24           vided by clause (ii), information collected  
25           by the Administrator under paragraph (2)

1 shall be exempt from the disclosure re-  
2 quirements of section 552 of title 5.

3 “(ii) EXCEPTIONS.—Clause (i) shall  
4 not apply to—

5 “(I) de-identified, summarized in-  
6 formation to explain the need for  
7 changes in policies and regulations;

8 “(II) information to correct a  
9 condition that compromises safety;

10 “(III) information to carry out a  
11 criminal investigation or prosecution;

12 “(IV) information to comply with  
13 section 44905, regarding information  
14 about threats to civil aviation; and

15 “(V) such information as the Ad-  
16 ministrator determines necessary, if  
17 withholding the information would not  
18 be consistent with the safety respon-  
19 sibilities of the Federal Aviation Ad-  
20 ministration.

21 “(10) PERIODIC REVIEW.—Not later than 18  
22 months after the date of enactment of the FAA Air  
23 Transportation Modernization and Safety Improve-  
24 ment Act, and at least once every 3 years thereafter,  
25 the Administrator shall transmit to Congress a

1 statement that contains, taking into account recent  
2 developments in the aviation industry—

3 “(A) recommendations by the Adminis-  
4 trator concerning proposed changes to Federal  
5 Aviation Administration records, air carrier  
6 records, and other records required to be in-  
7 cluded in the database under paragraph (2); or

8 “(B) reasons why the Administrator does  
9 not recommend any proposed changes to the  
10 records referred to in subparagraph (A).

11 “(11) REGULATIONS FOR PROTECTION AND SE-  
12 CURITY OF RECORDS.—The Administrator shall pre-  
13 scribe such regulations as may be necessary—

14 “(A) to protect and secure—

15 “(i) the personal privacy of any indi-  
16 vidual whose records are accessed under  
17 paragraph (1); and

18 “(ii) the confidentiality of those  
19 records; and

20 “(B) to preclude the further dissemination  
21 of records received under paragraph (1) by the  
22 person who accessed the records.

23 “(12) GOOD FAITH EXCEPTION.—Notwith-  
24 standing paragraph (1), an air carrier may allow an  
25 individual to begin service as a pilot, without first

1 obtaining information described in paragraph (2)(B)  
2 from the database pertaining to the individual, if—

3 “(A) the air carrier has made a docu-  
4 mented good faith attempt to access the infor-  
5 mation from the database; and

6 “(B) has received written notice from the  
7 Administrator that the information is not con-  
8 tained in the database because the individual  
9 was employed by an air carrier or other person  
10 that no longer exists or by a foreign govern-  
11 ment or other entity that has not provided the  
12 information to the database.

13 “(13) LIMITATIONS ON ELECTRONIC ACCESS TO  
14 RECORDS.—

15 “(A) ACCESS BY INDIVIDUALS DES-  
16 IGNATED BY AIR CARRIERS.—For the purpose  
17 of increasing timely and efficient access to  
18 records described in paragraph (2), the Admin-  
19 istrator may allow, under terms established by  
20 the Administrator, an individual designated by  
21 an air carrier to have electronic access to the  
22 database.

23 “(B) TERMS.—The terms established by  
24 the Administrator under subparagraph (A) for  
25 allowing a designated individual to have elec-

1           tronic access to the database shall limit such  
2           access to instances in which information in the  
3           database is required by the designated indi-  
4           vidual in making a hiring decision concerning a  
5           pilot applicant and shall require that the des-  
6           ignated individual provide assurances satisfac-  
7           tory to the Administrator that—

8                   “(i) the designated individual has re-  
9                   ceived the written consent of the pilot ap-  
10                  plicant to access the information; and

11                  “(ii) information obtained using such  
12                  access will not be used for any purpose  
13                  other than making the hiring decision.

14           “(14) REGULATIONS.—

15                   “(A) IN GENERAL.—The Administrator  
16                  shall issue regulations to carry out this sub-  
17                  section.

18                   “(B) EFFECTIVE DATE.—The regulations  
19                  shall specify the date on which the requirements  
20                  of this subsection take effect and the date on  
21                  which the requirements of subsection (h) cease  
22                  to be effective.

23                   “(C) EXCEPTIONS.—Notwithstanding sub-  
24                  paragraph (B)—

1           “(i) the Administrator shall begin to  
2           establish the database under paragraph (2)  
3           not later than 90 days after the date of en-  
4           actment of the FAA Air Transportation  
5           Modernization and Safety Improvement  
6           Act;

7           “(ii) the Administrator shall maintain  
8           records in accordance with paragraph (5)  
9           beginning on the date of enactment of that  
10          Act; and

11          “(iii) air carriers and other persons  
12          shall maintain records to be reported to  
13          the database under paragraph (4)(B) in  
14          the period beginning on such date of enact-  
15          ment and ending on the date that is 5  
16          years after the requirements of subsection  
17          (h) cease to be effective pursuant to sub-  
18          paragraph (B).

19          “(15) SPECIAL RULE.—During the one-year pe-  
20          riod beginning on the date on which the require-  
21          ments of this section become effective pursuant to  
22          paragraph (15)(B), paragraph (7)(A) shall be ap-  
23          plied by substituting ‘45 days’ for ‘30 days’.”.

24          (c) CONFORMING AMENDMENTS.—

1           (1) LIMITATION ON LIABILITY; PREEMPTION OF  
2 STATE LAW.—Section 44703(j) (as redesignated by  
3 subsection (b)(1) of this section) is amended—

4           (A) in the subsection heading by striking  
5 “LIMITATION” and inserting “LIMITATIONS”;

6           (B) in paragraph (1)—

7               (i) in the matter preceding subpara-  
8 graph (A) by striking “paragraph (2)” and  
9 inserting “subsection (h)(2) or (i)(3)”;

10              (ii) in subparagraph (A) by inserting  
11 “or accessing the records of that individual  
12 under subsection (i)(1)” before the semi-  
13 colon; and

14              (iii) in the matter following subpara-  
15 graph (D) by striking “subsection (h)” and  
16 inserting “subsection (h) or (i)”;

17           (C) in paragraph (2) by striking “sub-  
18 section (h)” and inserting “subsection (h) or  
19 (i)”;

20           (D) in paragraph (3), in the matter pre-  
21 ceding subparagraph (A), by inserting “or who  
22 furnished information to the database estab-  
23 lished under subsection (i)(2)” after “sub-  
24 section (h)(1)”;

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



1           “(4) PROHIBITION ON ACTIONS AND PRO-  
2           CEEDINGS AGAINST AIR CARRIERS.—

3           “(A) HIRING DECISIONS.—An air carrier  
4           may refuse to hire an individual as a pilot if the  
5           individual did not provide written consent for  
6           the air carrier to receive records under sub-  
7           section (h)(2)(A) or (i)(3)(A) or did not execute  
8           the release from liability requested under sub-  
9           section (h)(2)(B) or (i)(3)(B).

10          “(B) ACTIONS AND PROCEEDINGS.—No  
11          action or proceeding may be brought against an  
12          air carrier by or on behalf of an individual who  
13          has applied for or is seeking a position as a  
14          pilot with the air carrier if the air carrier re-  
15          fused to hire the individual after the individual  
16          did not provide written consent for the air car-  
17          rier to receive records under subsection  
18          (h)(2)(A) or (i)(3)(A) or did not execute a re-  
19          lease from liability requested under subsection  
20          (h)(2)(B) or (i)(3)(B).”.

21          (2) LIMITATION ON STATUTORY CONSTRUC-  
22          TION.—Section 44703(k) (as redesignated by sub-  
23          section (b)(1) of this section) is amended by striking  
24          “subsection (h)” and inserting “subsection (h) or  
25          (i)”.

1 **SEC. 552. AIR CARRIER SAFETY MANAGEMENT SYSTEMS.**

2 (a) IN GENERAL.—Within 60 days after the date of  
3 enactment of this Act, the Administrator shall initiate and  
4 complete a rulemaking to require part 121 air carriers—

5 (1) to implement, as part of their safety man-  
6 agement systems—

7 (A) an Aviation Safety Action Program;

8 (B) a Flight Operations Quality Assurance  
9 Program;

10 (C) a Line Operational Safety Audit Pro-  
11 gram; and

12 (D) a Flight Crew Fatigue Risk Manage-  
13 ment Program;

14 (2) to implement appropriate privacy protection  
15 safeguards with respect to data included in such  
16 programs; and

17 (3) to provide appropriate collaboration and  
18 operational oversight of regional/commuter air car-  
19 riers by affiliated major air carriers that include—

20 (A) periodic safety audits of flight oper-  
21 ations;

22 (B) training, maintenance, and inspection  
23 programs; and

24 (C) provisions for the exchange of safety  
25 information.

1 (b) EFFECT ON ADVANCED QUALIFICATION PRO-  
2 GRAM.—Implementation of the programs under subsection  
3 (a)(1) neither limits nor invalidates the Federal Aviation  
4 Administration’s advanced qualification program.

5 (c) LIMITATIONS ON DISCIPLINE AND ENFORCE-  
6 MENT.—The Administrator shall require that each of the  
7 programs described in subsection (a)(1)(A) and (B) estab-  
8 lish protections for an air carrier or employee submitting  
9 data or reports against disciplinary or enforcement actions  
10 by any Federal agency or employer. The protections shall  
11 not be less than the protections provided under Federal  
12 Aviation Administration Advisory Circulars governing  
13 those programs, including Advisory Circular AC No. 120–  
14 66 and AC No. 120–82.

15 (d) CVR DATA.—The Administrator, acting in col-  
16 laboration with aviation industry interested parties, shall  
17 consider the merits and feasibility of incorporating cockpit  
18 voice recorder data in safety oversight practices.

19 (e) ENFORCEMENT CONSISTENCY.—Within 9 months  
20 after the date of enactment of this Act, the Administrator  
21 shall—

22 (1) develop and implement a plan that will en-  
23 sure that the FAA’s safety enforcement plan is con-  
24 sistently enforced; and

1           (2) ensure that the FAA’s safety oversight pro-  
2           gram is reviewed periodically and updated as nec-  
3           essary.

4 **SEC. 553. SECRETARY OF TRANSPORTATION RESPONSES**  
5           **TO SAFETY RECOMMENDATIONS.**

6           (a) **IN GENERAL.**—The first sentence of section  
7 1135(a) is amended by inserting “to the National Trans-  
8 portation Safety Board” after “shall give”.

9           (b) **AIR CARRIER SAFETY RECOMMENDATIONS.**—  
10 Section 1135 is amended—

11           (1) by redesignating subsections (c) and (d) as  
12           subsections (d) and (e), respectively; and

13           (2) by inserting after subsection (b) the fol-  
14           lowing:

15           “(c) **ANNUAL REPORT ON AIR CARRIER SAFETY**  
16 **RECOMMENDATIONS.**—

17           “(1) **IN GENERAL.**—The Secretary shall submit  
18           an annual report to the Congress and the Board on  
19           the recommendations made by the Board to the Sec-  
20           retary regarding air carrier operations conducted  
21           under part 121 of title 14, Code of Federal Regula-  
22           tions.

23           “(2) **RECOMMENDATIONS TO BE COVERED.**—  
24           The report shall cover—

1           “(A) any recommendation for which the  
2 Secretary has developed, or intends to develop,  
3 procedures to adopt the recommendation or  
4 part of the recommendation, but has yet to  
5 complete the procedures; and

6           “(B) any recommendation for which the  
7 Secretary, in the preceding year, has issued a  
8 response under subsection (a)(2) or (a)(3) re-  
9 fusing to carry out all or part of the procedures  
10 to adopt the recommendation.

11           “(3) CONTENTS.—

12           “(A) PLANS TO ADOPT RECOMMENDA-  
13 TIONS.—For each recommendation of the  
14 Board described in paragraph (2)(A), the report  
15 shall contain—

16                   “(i) a description of the recommenda-  
17 tion;

18                   “(ii) a description of the procedures  
19 planned for adopting the recommendation  
20 or part of the recommendation;

21                   “(iii) the proposed date for completing  
22 the procedures; and

23                   “(iv) if the Secretary has not met a  
24 deadline contained in a proposed timeline  
25 developed in connection with the rec-

1           ommendation under subsection (b), an ex-  
2           planation for not meeting the deadline.

3           “(B) REFUSALS TO ADOPT RECOMMENDA-  
4           TIONS.—For each recommendation of the  
5           Board described in paragraph (2)(B), the re-  
6           port shall contain—

7                   “(i) a description of the recommenda-  
8                   tion; and

9                   “(ii) a description of the reasons for  
10                  the refusal to carry out all or part of the  
11                  procedures to adopt the recommendation.”.

12          (c) IMPLEMENTATION OF NTSB SAFETY REC-  
13          COMMENDATIONS.—

14           (1) INSPECTION.—As part of the annual inspec-  
15           tion of general aviation aircraft, the Administrator  
16           of the Federal Aviation Administration (referred to  
17           in this section as the “Administrator”) shall require  
18           a detailed inspection of each emergency locator  
19           transmitter (referred to in this section as “ELT”)  
20           installed in general aviation aircraft operating in the  
21           United States to ensure that each ELT is mounted  
22           and retained in accordance with the manufacturer’s  
23           specifications.

24           (2) MOUNTING AND RETENTION.—

1           (A) IN GENERAL.—Not later than 90 days  
2           after the date of the enactment of this Act, the  
3           Administrator shall determine if the ELT  
4           mounting requirements and retention tests  
5           specified by Technical Standard Orders C91a  
6           and C126 are adequate to assess retention ca-  
7           pabilities in ELT designs.

8           (B) REVISION.—Based on the results of  
9           the determination conducted under subpara-  
10          graph (A), the Administrator shall make any  
11          necessary revisions to the requirements and  
12          tests referred to in subparagraph (A) to ensure  
13          that emergency locator transmitters are prop-  
14          erly retained in the event of an airplane acci-  
15          dent.

16          (3) REPORT.—Upon the completion of the revi-  
17          sions required under paragraph (2)(B), the Adminis-  
18          trator shall submit a report on the implementation  
19          of this subsection to—

20                (A) the Committee on Commerce, Science,  
21                and Transportation of the Senate; and

22                (B) the Committee on Transportation and  
23                Infrastructure of the House of Representatives.

1 **SEC. 554. IMPROVED FLIGHT OPERATIONAL QUALITY AS-**  
2 **SURANCE, AVIATION SAFETY ACTION, AND**  
3 **LINE OPERATIONAL SAFETY AUDIT PRO-**  
4 **GRAMS.**

5 (a) LIMITATION ON DISCLOSURE AND USE OF IN-  
6 FORMATION.—

7 (1) IN GENERAL.—Except as provided by this  
8 section, a party in a judicial proceeding may not use  
9 discovery to obtain—

10 (A) an Aviation Safety Action Program re-  
11 port;

12 (B) Flight Operational Quality Assurance  
13 Program data; or

14 (C) a Line Operations Safety Audit Pro-  
15 gram report.

16 (2) FOIA NOT APPLICABLE.—Section 522 of  
17 title 5, United States Code, shall not apply to re-  
18 ports or data described in paragraph (1).

19 (3) EXCEPTIONS.—Nothing in paragraph (1) or  
20 (2) prohibits the FAA from disclosing information  
21 contained in reports or data described in paragraph  
22 (1) if withholding the information would not be con-  
23 sistent with the FAA's safety responsibilities, includ-  
24 ing—



1 (A) a summary of information, with identi-  
2 fying information redacted, to explain the need  
3 for changes in policies or regulations;

4 (B) information provided to correct a con-  
5 dition that compromises safety, if that condition  
6 continues uncorrected; or

7 (C) information provided to carry out a  
8 criminal investigation or prosecution.

9 (b) PERMISSIBLE DISCOVERY FOR SUCH REPORTS  
10 AND DATA.—Except as provided in subsection (c), a court  
11 may allow discovery by a party of an Aviation Safety Ac-  
12 tion Program report, Flight Operational Quality Assur-  
13 ance Program data, or a Line Operations Safety Audit  
14 Program report if, after an in camera review of the infor-  
15 mation, the court determines that a party to a claim or  
16 defense in the proceeding shows a particularized need for  
17 the report or data that outweighs the need for confiden-  
18 tiality of the report or data, considering the confidential  
19 nature of the report or data, and upon a showing that  
20 the report or data is both relevant to the preparation of  
21 a claim or defense and not otherwise known or available.

22 (c) PROTECTIVE ORDER.—When a court allows dis-  
23 covery, in a judicial proceeding, of an Aviation Safety Ac-  
24 tion Program report, Flight Operational Quality Assur-

1 ance Program data, or a Line Operations Safety Audit  
2 Program report, the court shall issue a protective order—

3 (1) to limit the use of the information contained  
4 in the report or data to the judicial proceeding;

5 (2) to prohibit dissemination of the report or  
6 data to any person that does not need access to the  
7 report for the proceeding; and

8 (3) to limit the use of the report or data in the  
9 proceeding to the uses permitted for privileged self-  
10 analysis information as defined under the Federal  
11 Rules of Evidence.

12 (d) SEALED INFORMATION.—A court may allow an  
13 Aviation Safety Action Program report, Flight Oper-  
14 ational Quality Assurance Program data, or a Line Oper-  
15 ations Safety Audit Program report to be admitted into  
16 evidence in a judicial proceeding only if the court places  
17 the report or data under seal to prevent the use of the  
18 report or data for purposes other than for the proceeding.

19 (e) SAFETY RECOMMENDATIONS.—This section does  
20 not prevent the National Transportation Safety Board  
21 from referring at any time to information contained in an  
22 Aviation Safety Action Program report, Flight Oper-  
23 ational Quality Assurance Program data, or a Line Oper-  
24 ations Safety Audit Program report in making safety rec-  
25 ommendations.

1 (f) WAIVER.—Any waiver of the privilege for self-  
2 analysis information by a protected party, unless occa-  
3 sioned by the party’s own use of the information in pre-  
4 senting a claim or defense, must be in writing.

5 **SEC. 555. RE-EVALUATION OF FLIGHT CREW TRAINING,**  
6 **TESTING, AND CERTIFICATION REQUIRE-**  
7 **MENTS.**

8 (a) TRAINING AND TESTING.—The Administrator  
9 shall develop and implement a plan for reevaluation of  
10 flight crew training regulations in effect on the date of  
11 enactment of this Act, including regulations for—

12 (1) classroom instruction requirements gov-  
13 erning curriculum content and hours of instruction;

14 (2) crew leadership training; and

15 (3) initial and recurrent testing requirements  
16 for pilots, including the rigor and consistency of  
17 testing programs such as check rides.

18 (b) BEST PRACTICES.—The plan shall incorporate  
19 best practices in the aviation industry with respect to  
20 training protocols, methods, and procedures.

21 (c) CERTIFICATION.—The Administrator shall ini-  
22 tiate a rulemaking to re-evaluate FAA regulations gov-  
23 erning the minimum requirements—

24 (1) to become a commercial pilot;

1           (2) to receive an Air Transport Pilot Certificate  
2 to become a captain; and

3           (3) to transition to a new type of aircraft.

4           (d) REMEDIAL TRAINING PROGRAMS.—

5           (1) IN GENERAL.—The Administrator shall ini-  
6 tiate a rulemaking to require part 121 air carriers  
7 to establish remedial training programs for  
8 flightcrew members who have demonstrated perform-  
9 ance deficiencies or experienced failures in the train-  
10 ing environment.

11           (2) DEADLINES.—The Administrator shall—

12           (A) not later than 180 days after the date  
13 of enactment of this Act, issue a notice of pro-  
14 posed rulemaking under paragraph (1); and

15           (B) not later than 24 months after the  
16 date of enactment of this Act, issue a final rule  
17 for the rulemaking.

18           (e) STICK PUSHER TRAINING AND WEATHER EVENT  
19 TRAINING.—

20           (1) MULTIDISCIPLINARY PANEL.—Not later  
21 than 120 days after the date of enactment of this  
22 Act, the Administrator shall convene a multidisci-  
23 plinary panel of specialists in aircraft operations,  
24 flightcrew member training, human factors, and  
25 aviation safety to study and submit to the Adminis-

1 trator a report on methods to increase the famili-  
2 arity of flightcrew members with, and improve the  
3 response of flightcrew members to, stick pusher sys-  
4 tems, icing conditions, and microburst and  
5 windshear weather events.

6 (2) REPORT TO CONGRESS.—Not later than one  
7 year after the date on which the Administrator con-  
8 venes the panel, the Administrator shall—

9 (A) submit a report to the Committee on  
10 Transportation and Infrastructure of the House  
11 of Representatives and the Committee on Com-  
12 merce, Science, and Transportation based on  
13 the findings of the panel; and

14 (B) with respect to stick pusher systems,  
15 initiate appropriate actions to implement the  
16 recommendations of the panel.

17 **SEC. 556. FLIGHTCREW MEMBER MENTORING, PROFES-**  
18 **SIONAL DEVELOPMENT, AND LEADERSHIP.**

19 (a) AVIATION RULEMAKING COMMITTEE.—

20 (1) IN GENERAL.—The Administrator of the  
21 Federal Aviation Administration shall conduct an  
22 aviation rulemaking committee proceeding with  
23 stakeholders to develop procedures for each part 121  
24 air carrier to take the following actions:

1 (A) Establish flightcrew member men-  
2 toring programs under which the air carrier will  
3 pair highly experienced flightcrew members who  
4 will serve as mentor pilots and be paired with  
5 newly employed flightcrew members. Mentor pi-  
6 lots should be provided, at a minimum, specific  
7 instruction on techniques for instilling and rein-  
8 forcing the highest standards of technical per-  
9 formance, airmanship, and professionalism in  
10 newly employed flightcrew members.

11 (B) Establish flightcrew member profes-  
12 sional development committees made up of air  
13 carrier management and labor union or profes-  
14 sional association representatives to develop, ad-  
15 minister, and oversee formal mentoring pro-  
16 grams of the carrier to assist flightcrew mem-  
17 bers to reach their maximum potential as safe,  
18 seasoned, and proficient flightcrew members.

19 (C) Establish or modify training programs  
20 to accommodate substantially different levels  
21 and types of flight experience by newly em-  
22 ployed flightcrew members.

23 (D) Establish or modify training programs  
24 for second-in-command flightcrew members at-  
25 tempting to qualify as pilot-in-command

1 flightcrew members for the first time in a spe-  
2 cific aircraft type and ensure that such pro-  
3 grams include leadership and command train-  
4 ing.

5 (E) Ensure that recurrent training for pi-  
6 lots in command includes leadership and com-  
7 mand training.

8 (F) Such other actions as the aviation  
9 rulemaking committee determines appropriate  
10 to enhance flightcrew member professional de-  
11 velopment.

12 (2) COMPLIANCE WITH STERILE COCKPIT  
13 RULE.—Leadership and command training described  
14 in paragraphs (1)(D) and (1)(E) shall include in-  
15 struction on compliance with flightcrew member du-  
16 ties under part 121.542 of title 14, Code of Federal  
17 Regulations.

18 (3) STREAMLINED PROGRAM REVIEW.—

19 (A) IN GENERAL.—As part of the rule-  
20 making required by subsection (a), the Admin-  
21 istrator shall establish a streamlined process for  
22 part 121 air carriers that have in effect, as of  
23 the date of enactment of this Act, the programs  
24 required by paragraph (1).

1 (B) EXPEDITED APPROVALS.—Under the  
2 streamlined process, the Administrator shall—

3 (i) review the programs of such part  
4 121 air carriers to determine whether the  
5 programs meet the requirements set forth  
6 in the final rule referred to in subsection  
7 (b)(2); and

8 (ii) expedite the approval of the pro-  
9 grams that the Administrator determines  
10 meet such requirements.

11 (b) DEADLINES.—The Administrator shall issue—

12 (1) not later than 180 days after the date of  
13 enactment of this Act, a notice of proposed rule-  
14 making under subsection (a); and

15 (2) not later than 24 months after such date of  
16 enactment, a final rule under subsection (a).

17 **SEC. 557. FLIGHTCREW MEMBER SCREENING AND QUALI-**  
18 **FICATIONS.**

19 (a) REQUIREMENTS.—The Administrator of the Fed-  
20 eral Aviation Administration shall conduct a rulemaking  
21 proceeding to require part 121 air carriers to develop and  
22 implement means and methods for ensuring that  
23 flightcrew members have proper qualifications and experi-  
24 ence.

25 (b) MINIMUM EXPERIENCE REQUIREMENT.—



1           (1) IN GENERAL.—The final rule prescribed  
2 under subsection (a) shall, among any other require-  
3 ments established by the rule, require that a pilot—

4           (A) have not less than 800 hours of flight  
5 time before serving as a flightcrew member for  
6 a part 121 air carrier; and

7           (B) demonstrate the ability to—

8           (i) function effectively in a multipilot  
9 environment;

10           (ii) function effectively in an air car-  
11 rier operational environment;

12           (iii) function effectively in adverse  
13 weather conditions, including icing condi-  
14 tions if the pilot is expected to be oper-  
15 ating aircraft in icing conditions;

16           (iv) function effectively during high  
17 altitude operations; and

18           (v) adhere to the highest professional  
19 standards.

20           (2) HOURS OF FLIGHT EXPERIENCE IN DIF-  
21 FICULT OPERATIONAL CONDITIONS.—The total num-  
22 ber of hours of flight experience required by the Ad-  
23 ministrator under paragraph (1) for pilots shall in-  
24 clude a number of hours of flight experience in dif-  
25 ficult operational conditions that may be encoun-

1       tered by an air carrier that the Administrator deter-  
2       mines to be sufficient to enable a pilot to operate an  
3       aircraft safely in such conditions.

4       (c) DEADLINES.—The Administrator shall issue—

5           (1) not later than 180 days after the date of  
6       enactment of this Act, a notice of proposed rule-  
7       making under subsection (a); and

8           (2) not later than December 31, 2011, a final  
9       rule under subsection (a).

10       (d) DEFAULT REQUIREMENTS.—If the Adminis-  
11       trator fails to meet the deadline established by subsection  
12       (c)(2), then all flightcrew members for part 121 air car-  
13       riers shall meet the requirements established by subpart  
14       G of part 61 of the Federal Aviation Administration’s reg-  
15       ulations (14 C.F.R. 61.151 et seq.).

16       (e) DEFINITIONS.—In this section:

17           (1) FLIGHTCREW MEMBER.—The term  
18       “flightcrew member” has the meaning given that  
19       term in section 1.1 of the Federal Aviation Adminis-  
20       tration’s regulations (14 C.F.R. 1.1)).

21           (2) PART 121 AIR CARRIER.—The term “part  
22       121 air carrier” has the meaning given that term by  
23       section 41720(d)(1) of title 49, United States Code.

1 **SEC. 558. PROHIBITION ON PERSONAL USE OF CERTAIN DE-**  
2 **VICES ON FLIGHT DECK.**

3 (a) IN GENERAL.—Chapter 447, as amended by sec-  
4 tion 521 of this Act, is further amended by adding at the  
5 end thereof the following:

6 **“§ 44731. Use of certain devices on flight deck**

7 “(a) IN GENERAL.—It is unlawful for any member  
8 of the flight crew of an aircraft used to provide air trans-  
9 portation under part 121 of title 14, Code of Federal Reg-  
10 ulations, to use a personal wireless communications device  
11 or laptop computer while at the crew member’s duty sta-  
12 tion on the flight deck of such an aircraft while the air-  
13 craft is being operated.

14 “(b) EXCEPTIONS.—Subsection (a) shall not apply to  
15 the use of a personal wireless communications device or  
16 laptop computer for a purpose directly related to operation  
17 of the aircraft, or for emergency, safety-related, or em-  
18 ployment-related communications, in accordance with pro-  
19 cedures established by the air carrier or the Federal Avia-  
20 tion Administration.

21 “(c) ENFORCEMENT.—In addition to the penalties  
22 provided under section 46301 of this title applicable to any  
23 violation of this section, the Administrator of the Federal  
24 Aviation Administration may enforce compliance with this  
25 section under section 44709.

1       “(d) PERSONAL WIRELESS COMMUNICATIONS DE-  
2 VICE DEFINED.—The term ‘personal wireless communica-  
3 tions device’ means a device through which personal wire-  
4 less services (as defined in section 332(c)(7)(C)(i) of the  
5 Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i)))  
6 are transmitted.”.

7       (b) PENALTY.—Section 44711(a) is amended—

8           (1) by striking “or” after the semicolon in  
9 paragraph (8);

10          (2) by striking “title.” in paragraph (9) and in-  
11 serting “title; or”; and

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

13           “(10) violate section 44730 of this title or any  
14 regulation issued thereunder.”.

15       (c) CONFORMING AMENDMENT.—The table of con-  
16 tents for chapter 447 is amended by adding at the end  
17 thereof the following:

“44731. Use of certain devices on flight deck”.

18       (d) REGULATIONS.—Within 30 days after the date  
19 of enactment of this Act, the Secretary of Transportation  
20 shall initiate a rulemaking procedure for regulations under  
21 section 44730 of title 49, United States Code, and shall  
22 issue a final rule thereunder within 1 year after the date  
23 of enactment of this Act.

24       (e) STUDY.—

1           (1) IN GENERAL.—The Administrator of the  
2 Federal Aviation Administration shall review rel-  
3 evant air carrier data and carry out a study—

4           (A) to identify common sources of distrac-  
5 tion for the cockpit flight crew on commercial  
6 aircraft; and

7           (B) to determine the safety impacts of  
8 such distractions.

9           (2) REPORT.—Not later than 6 months after  
10 the date of the enactment of this Act, the Adminis-  
11 trator shall submit a report to the Committee on  
12 Commerce, Science, and Transportation of the Sen-  
13 ate and the Committee on Transportation and Infra-  
14 structure of the House of Representatives that con-  
15 tains—

16           (A) the findings of the study conducted  
17 under paragraph (1); and

18           (B) recommendations about ways to reduce  
19 distractions for cockpit flight crews.

20 **SEC. 559. SAFETY INSPECTIONS OF REGIONAL AIR CAR-**  
21 **RIERS.**

22           The Administrator shall, not less frequently than  
23 once each year, perform random, unannounced, on-site in-  
24 spections of air carriers that provide air transportation  
25 pursuant to a contract with a part 121 air carrier to en-

1 sure that such air carriers are complying with all applica-  
2 ble safety standards of the Administration.

3 **SEC. 560. ESTABLISHMENT OF SAFETY STANDARDS WITH**  
4 **RESPECT TO THE TRAINING, HIRING, AND OP-**  
5 **ERATION OF AIRCRAFT BY PILOTS.**

6 (a) IN GENERAL.—Not later than 180 days after the  
7 date of enactment of this Act, the Administrator shall  
8 issue a final rule with respect to the Notice of Proposed  
9 Rulemaking published in the Federal Register on January  
10 12, 2009 (74 Fed. Reg. 1280), relating to training pro-  
11 grams for flight crew members and aircraft dispatchers.

12 (b) EXPERT PANEL TO REVIEW PART 121 AND PART  
13 135 TRAINING HOURS.—

14 (1) ESTABLISHMENT.—Not later than 60 days  
15 after the date of enactment of this Act, the Adminis-  
16 trator shall convene a multidisciplinary expert panel  
17 comprised of, at a minimum, air carrier representa-  
18 tives, training facility representatives, instructional  
19 design experts, aircraft manufacturers, safety orga-  
20 nization representatives, and labor union representa-  
21 tives.

22 (2) ASSESSMENT AND RECOMMENDATIONS.—  
23 The panel shall assess and make recommendations  
24 concerning—

1           (A) the best methods and optimal time  
2 needed for flightcrew members of part 121 air  
3 carriers and flightcrew members of part 135 air  
4 carriers to master aircraft systems, maneuvers,  
5 procedures, take offs and landings, and crew co-  
6 ordination;

7           (B) the optimal length of time between  
8 training events for such crewmembers, includ-  
9 ing recurrent training events;

10           (C) the best methods to reliably evaluate  
11 mastery by such crewmembers of aircraft sys-  
12 tems, maneuvers, procedures, take offs and  
13 landings, and crew coordination; and

14           (D) the best methods to allow specific aca-  
15 demic training courses to be credited pursuant  
16 to section 11(d) toward the total flight hours  
17 required to receive an airline transport pilot  
18 certificate.

19           (3) REPORT.—Not later than one year after the  
20 date of enactment of this Act, the Administrator  
21 shall submit a report to the House of Representa-  
22 tives Committee on Transportation and Infrastruc-  
23 ture and the Senate Committee on Commerce,  
24 Science, and Transportation based on the findings of  
25 the panel.

1 **SEC. 561. OVERSIGHT OF PILOT TRAINING SCHOOLS.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of the enactment of this Act, the Administrator shall  
4 submit to Congress a plan for overseeing pilot schools cer-  
5 tified under part 141 of title 14, Code of Federal Regula-  
6 tions, that includes—

7 (1) ensuring that the curriculum and course  
8 outline requirements for such schools under subpart  
9 C of such part are being met; and

10 (2) conducting on-site inspections of each such  
11 school not less frequently than once every 2 years.

12 (b) GAO STUDY.—The Comptroller General shall  
13 conduct a comprehensive study of flight schools, flight  
14 education, and academic training requirements for certifi-  
15 cation of an individual as a pilot.

16 (c) REPORT.—Not later than 180 days after the date  
17 of enactment of this Act, the Comptroller General shall  
18 submit a report to the House of Representatives Com-  
19 mittee on Transportation and Infrastructure and the Sen-  
20 ate Committee on Commerce, Science, and Transportation  
21 on the results of the study.

22 **SEC. 562. ENHANCED TRAINING FOR FLIGHT ATTENDANTS**  
23 **AND GATE AGENTS.**

24 (a) IN GENERAL.—Chapter 447, as amended by sec-  
25 tion 558 of this Act, is further amended by adding at the  
26 end the following:



1 **“§ 44732. Training of flight attendants and gate**  
2 **agents**

3 “(a) TRAINING REQUIRED.—In addition to other  
4 training required under this chapter, each air carrier shall  
5 provide initial and annual recurring training for flight at-  
6 tendants and gate agents employed or contracted by such  
7 air carrier regarding—

8 “(1) serving alcohol to passengers;

9 “(2) recognizing intoxicated passengers; and

10 “(3) dealing with disruptive passengers.

11 “(b) SITUATIONAL TRAINING.—In carrying out the  
12 training required under subsection (a), each air carrier  
13 shall provide situational training to flight attendants and  
14 gate agents on the proper method for dealing with intoxi-  
15 cated passengers who act in a belligerent manner.

16 “(c) DEFINITIONS.—In this section:

17 “(1) AIR CARRIER.—The term ‘air carrier’  
18 means a person or commercial enterprise that has  
19 been issued an air carrier operating certificate under  
20 section 44705.

21 “(2) FLIGHT ATTENDANT.—The term ‘flight at-  
22 tendant’ has the meaning given the term in section  
23 44728(f).

24 “(3) GATE AGENT.—The term ‘gate agent’  
25 means an individual working at an airport whose re-

1       sponsibilities include facilitating passenger access to  
2       commercial aircraft.

3               “(4) PASSENGER.—The term ‘passenger’ means  
4       an individual traveling on a commercial aircraft,  
5       from the time at which the individual arrives at the  
6       airport from which such aircraft departs until the  
7       time the individual leaves the airport to which such  
8       aircraft arrives.”.

9       (b) CLERICAL AMENDMENT.—The table of contents  
10      for chapter 447 is amended by adding at the end the fol-  
11      lowing:

      “44732. Training of flight attendants and gate agents”.

12       (c) RULEMAKING.—Not later than 180 days after the  
13      date of the enactment of this Act, the Secretary of Trans-  
14      portation shall issue regulations to carry out section  
15      44730 of title 49, United States Code, as added by sub-  
16      section (a).

17      **SEC. 563. DEFINITIONS.**

18       In this subtitle:

19               (1) AVIATION SAFETY ACTION PROGRAM.—The  
20      term “Aviation Safety Action Program” means the  
21      program described under Federal Aviation Adminis-  
22      tration Advisory Circular No. 120–66B that permits  
23      employees of participating air carriers and repair  
24      station certificate holders to identify and report safe-

1 ty issues to management and to the Administration  
2 for resolution.

3 (2) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator.

5 (3) AIR CARRIER.—The term “air carrier” has  
6 the meaning given that term by section 40102(2) of  
7 title 49, United States Code.

8 (4) FAA.—The term “FAA” means the Fed-  
9 eral Aviation Administration.

10 (5) FLIGHT OPERATIONAL QUALITY ASSURANCE  
11 PROGRAM.—The term “Flight Operational Quality  
12 Assurance Program” means the voluntary safety  
13 program authorized under section 13.401 of title 14,  
14 Code of Federal Regulations, that permits commer-  
15 cial air carriers and pilots to share confidential ag-  
16 gregate information with the Administration to per-  
17 mit the Administration to target resources to ad-  
18 dress operational risk issues.

19 (6) LINE OPERATIONS SAFETY AUDIT PRO-  
20 GRAM.—The term “Line Operations Safety Audit  
21 Program” has the meaning given that term by Fed-  
22 eral Aviation Administration Advisory Circular  
23 Number 120–90.

1           (7) PART 121 AIR CARRIER.—The term “part  
2       121 air carrier” has the meaning given that term by  
3       section 41719(d)(1) of title 49, United States Code.

4   **SEC. 564. STUDY OF AIR QUALITY IN AIRCRAFT CABINS.**

5       (a) IN GENERAL.—Not later than 1 year after the  
6       date of the enactment of this Act, the Administrator of  
7       the Federal Aviation Administration shall initiate a study  
8       of air quality in aircraft cabins to—

9           (1) assess bleed air quality on the full range of  
10       commercial aircraft operating in the United States;

11          (2) identify oil-based contaminants, hydraulic  
12       fluid toxins, and other air toxins that appear in  
13       cabin air and measure the quantity and prevalence,  
14       or absence of those toxins through a comprehensive  
15       sampling program;

16          (3) determine the specific amount and duration  
17       of toxic fumes present in aircraft cabins that con-  
18       stitutes a health risk to passengers;

19          (4) develop a systematic reporting standard for  
20       smoke and fume events in aircraft cabins;

21          (5) identify the potential health risks to individ-  
22       uals exposed to toxic fumes during flight; and

23          (6) determine the extent to which the installa-  
24       tion of sensors and air filters on commercial aircraft  
25       would provide a public health benefit.

1 (b) AUTHORITY TO MONITOR AIR IN AIRCRAFT CAB-  
2 INS.—For purposes of conducting the study required by  
3 subsection (a), the Administrator of the Federal Aviation  
4 Administration shall require domestic air carriers to allow  
5 air quality monitoring on their aircraft in a manner that  
6 imposes no significant costs on the air carrier and does  
7 not interfere with the normal operation of the aircraft.

## 8 **TITLE VI—AVIATION RESEARCH**

### 9 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

10 (a) IN GENERAL.—Section 44511(f) is amended—

11 (1) by striking “establish a 4-year pilot” in  
12 paragraph (1) and inserting “maintain an”; and

13 (2) by inserting “pilot” in paragraph (4) before  
14 “program” the first time it appears; and

15 (3) by striking “program, including rec-  
16 ommendations as to the need for establishing a per-  
17 manent airport cooperative research program.” in  
18 paragraph (4) and inserting “program.”.

19 (b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—

20 Not more than \$15,000,000 per year for fiscal years 2010  
21 and 2011 may be appropriated to the Secretary of Trans-  
22 portation from the amounts made available each year  
23 under subsection (a) for the Airport Cooperative Research  
24 Program under section 44511 of this title, of which not  
25 less than \$5,000,000 per year shall be for research activi-

1 ties related to the airport environment, including reduction  
2 of community exposure to civil aircraft noise, reduction of  
3 civil aviation emissions, or addressing water quality issues.

4 **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**  
5 **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

6 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
7 From amounts made available under section 48102(a) of  
8 title 49, United States Code, the Administrator of the  
9 Federal Aviation Administration shall establish a research  
10 program related to reducing civilian aircraft energy use,  
11 emissions, and source noise with equivalent safety through  
12 grants or other measures, which may include cost-sharing,  
13 authorized under section 106(l)(6) of such title, including  
14 reimbursable agreements with other Federal agencies.

15 (b) ESTABLISHMENT OF CONSORTIUM.—

16 (1) DESIGNATION AS CONSORTIUM.—Not later  
17 than 180 days after the date of the enactment of  
18 this Act, the Administrator shall designate, using a  
19 competitive process, one or more institutions or enti-  
20 ties described in paragraph (2) as a Consortium for  
21 Continuous Low Energy, Emissions, and Noise  
22 (CLEEN) to perform research in accordance with  
23 this section.

24 (2) PARTICIPATION.—The Administrator shall  
25 include educational and research institutions or pri-

1 vate sector entities that have existing facilities and  
2 experience for developing and testing noise, emis-  
3 sions and energy reduction engine and aircraft tech-  
4 nology, and developing alternative fuels in the re-  
5 search program required by subsection (a).

6 (3) COORDINATION MECHANISMS.—In con-  
7 ducting the research program, the Consortium des-  
8 ignated under paragraph (1) shall—

9 (A) coordinate its activities with the De-  
10 partment of Agriculture, the Department of  
11 Energy, the National Aeronautics and space  
12 Administration, and other relevant Federal  
13 agencies; and

14 (B) consult on a regular basis with the  
15 Commercial Aviation Alternative Fuels Initia-  
16 tive.

17 (c) PERFORMANCE OBJECTIVES.—Not later than  
18 January 1, 2016, the research program shall accomplish  
19 the following objectives:

20 (1) Certifiable aircraft technology that reduces  
21 fuel burn 33 percent compared to current tech-  
22 nology, reducing energy consumption and carbon di-  
23 oxide emissions.

24 (2) Certifiable engine technology that reduces  
25 landing and takeoff cycle nitrogen oxide emissions

1 by 60 percent, at a pressure ratio of 30 over the  
2 International Civil Aviation Organization standard  
3 adopted at the 6th Meeting of the Committee on  
4 Aviation Environmental Protection, with commensu-  
5 rate reductions over the full pressure ratio range,  
6 while limiting or reducing other gaseous or particle  
7 emissions.

8 (3) Certifiable aircraft technology that reduces  
9 noise levels by 32 Effective Perceived Noise in deci-  
10 bels (EPNdb) cumulative, relative to Stage 4 stand-  
11 ards.

12 (4) Advance qualification and environmental as-  
13 surance of alternative aviation fuels to support a  
14 goal of having 20 percent of the jet fuel available for  
15 purchase by United States commercial airlines and  
16 cargo carriers be alternative fuels.

17 (5) Determination of the extent to which new  
18 engine and aircraft technologies may be used to ret-  
19 rofit or re-engine aircraft so as to increase the level  
20 of penetration into the commercial fleet.

21 **SEC. 603. PRODUCTION OF ALTERNATIVE FUEL TECH-**  
22 **NOLOGY FOR CIVILIAN AIRCRAFT.**

23 (a) IN GENERAL.—From amounts made available  
24 under section 48102(a) of title 49, United States Code,  
25 the Secretary of Transportation shall establish a research



1 program related to developing jet fuel from natural gas,  
2 biomass and other renewable sources through grants or  
3 other measures authorized under section 106(l)(6) of such  
4 title, including reimbursable agreements with other Fed-  
5 eral agencies.

6 (b) PARTICIPATION IN PROGRAM.—The Secretary  
7 shall—

8 (1) include educational and research institu-  
9 tions that have existing facilities and experience in  
10 the research, small-scale development, testing, or  
11 evaluation of technologies related to the creation,  
12 processing, and production of a variety of feedstocks  
13 into aviation fuel under the program required by  
14 subsection (a); and

15 (2) consider utilizing the existing capacity in  
16 Aeronautics research at Langley Research Center of  
17 the National Aeronautics and Space Administration  
18 to carry out the program required by subsection (a).

19 (c) DESIGNATION OF INSTITUTION AS A CENTER OF  
20 EXCELLENCE.—Not later than 180 days after the date  
21 of the enactment of this Act, the Administrator of the  
22 Federal Aviation Administration shall designate an insti-  
23 tution described in subsection (b) as a Center of Excel-  
24 lence for Alternative Jet-Fuel Research in Civil Aircraft.  
25 The Center of Excellence shall be a member of the

1 CLEEN Consortium established under section 602(b),  
2 and shall be part of a Joint Center of Excellence with the  
3 Partnership for Air Transportation Noise and Emission  
4 Reduction FAA Center of Excellence.

5 **SEC. 604. PRODUCTION OF CLEAN COAL FUEL TECH-**  
6 **NOLOGY FOR CIVILIAN AIRCRAFT.**

7 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
8 From amounts made available under section 48102(a) of  
9 title 49, United States Code, the Secretary of Transpor-  
10 tation shall establish a research program related to devel-  
11 oping jet fuel from clean coal through grants or other  
12 measures authorized under section 106(l)(6) of such title,  
13 including reimbursable agreements with other Federal  
14 agencies. The program shall include participation by edu-  
15 cational and research institutions that have existing facili-  
16 ties and experience in the development and deployment of  
17 technology that processes coal to aviation fuel.

18 (b) DESIGNATION OF INSTITUTION AS A CENTER OF  
19 EXCELLENCE.—Within 6 months after the date of enact-  
20 ment of this Act, the Administrator of the Federal Avia-  
21 tion Administration shall designate an institution de-  
22 scribed in subsection (a) as a Center of Excellence for  
23 Coal-to-Jet-Fuel Research.

1 **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
2 **PAVEMENTS.**

3 (a) CONTINUATION OF PROGRAM.—The Adminis-  
4 trator of the Federal Aviation Administration shall con-  
5 tinue the program to consider awards to nonprofit con-  
6 crete and asphalt pavement research foundations to im-  
7 prove the design, construction, rehabilitation, and repair  
8 of airfield pavements to aid in the development of safer,  
9 more cost effective, and more durable airfield pavements.

10 (b) USE OF GRANTS OR COOPERATIVE AGREE-  
11 MENTS.—The Administrator may use grants or coopera-  
12 tive agreements in carrying out this section.

13 **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
14 **ER RESEARCH.**

15 Within 60 days after the date of enactment of this  
16 Act, the Administrator of the Federal Aviation Adminis-  
17 tration shall—

18 (1) initiate evaluation of proposals that would  
19 increase capacity throughout the air transportation  
20 system by reducing existing spacing requirements  
21 between aircraft of all sizes, including research on  
22 the nature of wake vortices;

23 (2) begin implementation of a system to im-  
24 prove volcanic ash avoidance options for aircraft, in-  
25 cluding the development of a volcanic ash warning  
26 and notification system for aviation; and

1 (3) establish research projects on—

2 (A) ground de-icing/anti-icing, ice pellets,  
3 and freezing drizzle;

4 (B) oceanic weather, including convective  
5 weather;

6 (C) en route turbulence prediction and de-  
7 tection; and

8 (D) all hazards during oceanic operations,  
9 where commercial traffic is high and only rudi-  
10 mentary satellite sensing is available, to reduce  
11 the hazards presented to commercial aviation.

12 **SEC. 607. INCORPORATION OF UNMANNED AIRCRAFT SYS-**  
13 **TEMS INTO FAA PLANS AND POLICIES.**

14 (a) RESEARCH.—

15 (1) EQUIPMENT.—Section 44504, as amended  
16 by section 216 of this Act, is further amended—

17 (A) by inserting “unmanned and manned”  
18 in subsection (a) after “improve”;

19 (B) by striking “and” after the semicolon  
20 in subsection (b)(7);

21 (C) by striking “emitted.” in subsection  
22 (b)(8) and inserting “emitted; and”;

23 (D) by adding at the end of subsection (b)  
24 the following:

1           “(9) in conjunction with other Federal agencies  
2           as appropriate, to develop technologies and methods  
3           to assess the risk of and prevent defects, failures,  
4           and malfunctions of products, parts, and processes,  
5           for use in all classes of unmanned aircraft systems  
6           that could result in a catastrophic failure.”.

7           (2) HUMAN FACTORS; SIMULATIONS.—Section  
8           44505(b) is amended—

9                   (A) by striking “and” after the semicolon  
10                  in paragraph (4);

11                  (B) by striking “programs.” in paragraph  
12                  (5)(C) and inserting “programs; and”; and

13                  (C) by adding at the end thereof the fol-  
14                  lowing:

15                   “(6) to develop a better understanding of the  
16                  relationship between human factors and unmanned  
17                  aircraft systems air safety; and

18                   “(7) to develop dynamic simulation models of  
19                  integrating all classes of unmanned aircraft systems  
20                  into the National Airspace System.”.

21           (b) NATIONAL ACADEMY OF SCIENCES ASSESS-  
22           MENT.—

23                   (1) IN GENERAL.—Within 3 months after the  
24                  date of enactment of this Act, the Administrator of  
25                  the Federal Aviation Administration shall enter into

1 an arrangement with the National Academy of  
2 Sciences for an assessment of unmanned aircraft  
3 systems that may include consideration of—

4 (A) human factors regarding unmanned  
5 aircraft systems operation;

6 (B) “detect, sense and avoid technologies”  
7 with respect to both cooperative and non-coop-  
8 erative aircraft;

9 (C) spectrum issues and bandwidth re-  
10 quirements;

11 (D) operation in suboptimal winds and ad-  
12 verse weather conditions;

13 (E) mechanisms such as the use of tran-  
14 sponders for letting other entities know where  
15 the unmanned aircraft system is flying;

16 (F) airworthiness and system redundancy;

17 (G) flight termination systems for safety  
18 and security;

19 (H) privacy issues;

20 (I) technologies for unmanned aircraft sys-  
21 tems flight control;

22 (J) technologies for unmanned aircraft sys-  
23 tems propulsion;

1           (K) unmanned aircraft systems operator  
2           qualifications, medical standards, and training  
3           requirements;

4           (L) unmanned aircraft systems mainte-  
5           nance requirements and training requirements;  
6           and

7           (M) any other unmanned aircraft systems-  
8           related issue the Administrator believes should  
9           be addressed.

10          (2) REPORT.—Within 12 months after initi-  
11          ating the study, the National Academy shall submit  
12          its report to the Administrator, the Senate Com-  
13          mittee on Commerce, Science, and Transportation,  
14          and the House of Representatives Committee on  
15          Transportation and Infrastructure containing its  
16          findings and recommendations.

17          (c) PILOT PROJECTS.—

18           (1) IN GENERAL.—Not later than 6 months  
19           after the date of enactment of this Act, the Adminis-  
20           trator of the Federal Aviation Administration shall  
21           establish 3 2-year cost-shared pilot projects in  
22           sparsely populated, low-density Class G air traffic  
23           airspace new test sites to conduct experiments and  
24           collect data in order to accelerate the safe integra-

1       tion of unmanned aircraft systems into the National  
2       Airspace System as follows:

3               (A) 1 project shall address operational  
4       issues required for integration of Category 1  
5       unmanned aircraft systems defined as analo-  
6       gous to RC models covered in the FAA Advi-  
7       sory Circular AC 91–57.

8               (B) 1 project shall address operational  
9       issues required for integration of Category 2  
10      unmanned aircraft systems defined as non-  
11      standard aircraft that perform special purpose  
12      operations. Operators must provide evidence of  
13      airworthiness and operator qualifications.

14              (C) 1 project shall address operational  
15      issues required for integration of Category 3  
16      unmanned aircraft systems defined as capable  
17      of flying throughout all categories of airspace  
18      and conforming to part 91 of title 14, Code of  
19      Federal Regulations.

20              (D) All 3 pilot projects shall be operational  
21      no later than 6 months after being established.

22              (2) USE OF CONSORTIA.—In conducting the  
23      pilot projects, the Administrator shall encourage the  
24      formation of participating consortia from the public



1 and private sectors, educational institutions, and  
2 non-profit organization.

3 (3) REPORT.—Within 90 days after completing  
4 the pilot projects, the Administrator shall transmit  
5 a report to the Senate Committee on Commerce,  
6 Science, and Transportation and the House of Rep-  
7 resentatives Committee on Transportation and In-  
8 frastructure setting forth the Administrator’s find-  
9 ings and conclusions concerning the projects.

10 (4) AUTHORIZATION OF APPROPRIATIONS.—  
11 There are authorized to be appropriated to the Ad-  
12 ministrator for fiscal years 2010 and 2011 such  
13 sums as may be necessary to conduct the pilot  
14 projects.

15 (d) UNMANNED AIRCRAFT SYSTEMS ROADMAP.—  
16 Within 30 days after the date of enactment of this Act,  
17 the Administrator of the Federal Aviation Administration  
18 shall approve and make available in print and on the Ad-  
19 ministration’s website a 5-year “roadmap” for the intro-  
20 duction of unmanned aircraft systems into the National  
21 Airspace System being coordinated by its Unmanned Air-  
22 craft Program Office. The Administrator shall update the  
23 “roadmap” annually.

24 (e) UPDATED POLICY STATEMENT.—Not later than  
25 90 days after the date of enactment of this Act, the Ad-

1 administrator shall issue a notice of proposed rulemaking to  
2 update the Administration's most recent policy statement  
3 on unmanned aircraft systems, Docket No. FAA-2006-  
4 25714.

5 (f) EXPANDING THE USE OF UAS IN THE ARCTIC.—  
6 Within 6 months after the date of enactment of this Act,  
7 the Administrator, in consultation with the National Oce-  
8 anic and Atmospheric Administration, the Coast Guard,  
9 and other Federal agencies as appropriate, shall identify  
10 permanent areas in the Arctic where small unmanned air-  
11 craft may operate 24 hours per day from 2000 feet to  
12 the surface and beyond line-of-sight for research and com-  
13 mercial purposes. Within 12 months after the date of en-  
14 actment of this Act, the Administrator shall have estab-  
15 lished and implemented a single process for approving un-  
16 manned aircraft use in the designated arctic regions re-  
17 gardless of whether the unmanned aircraft is used as a  
18 public aircraft, a civil aircraft, or as a model aircraft.

19 (g) SPECIAL RULE FOR MODEL AIRCRAFT.—

20 (1) IN GENERAL.—Notwithstanding any other  
21 provision of law relating to the incorporation of un-  
22 manned aircraft systems into FAA plans and poli-  
23 cies,, including this section, the Administrator shall  
24 not promulgate any rules or regulations regarding

1 model aircraft or aircraft being developed as model  
2 aircraft if such aircraft is—

3 (A) flown strictly for recreational, sport,  
4 competition, or academic purposes;

5 (B) operated in accordance with a commu-  
6 nity-based set of safety guidelines and within  
7 the programming of a nationwide community-  
8 based organization; and

9 (C) limited to not more than 55 pounds  
10 unless otherwise certified through a design, con-  
11 struction, inspection, flight test, and operational  
12 safety program currently administered by a  
13 community-based organization.

14 (2) MODEL AIRCRAFT DEFINED.—For purposes  
15 of this subsection, the term “model aircraft” means  
16 a nonhuman-carrying (unmanned) radio-controlled  
17 aircraft capable of sustained flight in the atmos-  
18 phere, navigating the airspace and flown within vis-  
19 ual line-of-sight of the operator for the exclusive and  
20 intended use for sport, recreation, competition, or  
21 academic purposes.

22 (h) DEFINITIONS.—In this section:

23 (1) ARCTIC.—The term “Arctic” means the  
24 United States zone of the Chukchi, Beaufort, and  
25 Bering Sea north of the Aleutian chain.

1           (2) PERMANENT AREAS.—The term “perma-  
2           nent areas” means areas on land or water that pro-  
3           vide for terrestrial launch and recovery of small un-  
4           manned aircraft.

5 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
6           **IN APPLIED RESEARCH AND TRAINING IN**  
7           **THE USE OF ADVANCED MATERIALS IN**  
8           **TRANSPORT AIRCRAFT.**

9           Section 708(b) of the Vision 100—Century of Avia-  
10          tion Reauthorization Act (49 U.S.C. 44504 note) is  
11          amended by striking “\$500,000 for fiscal year 2004” and  
12          inserting “\$1,000,000 for each of fiscal years 2008  
13          through 2012”.

14 **SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT**  
15           **VEHICLES.**

16          (a) IN GENERAL.—Subchapter I of chapter 471 is  
17          amended by inserting after section 47136 the following:

18 **“§47136A. Zero emission airport vehicles and infra-**  
19           **structure**

20          “(a) IN GENERAL.—The Secretary of Transportation  
21          shall establish a pilot program under which the sponsor  
22          of a public-use airport may use funds made available  
23          under section 47117 or section 48103 for use at such air-  
24          ports or passenger facility revenue (as defined in section  
25          40117(a)(6)) to carry out activities associated with the ac-

1 quision and operation of zero emission vehicles (as de-  
2 fined in section 88.120–94 of title 40, Code of Federal  
3 Regulations), including the construction or modification of  
4 infrastructure to facilitate the delivery of fuel and services  
5 necessary for the use of such vehicles. Any use of funds  
6 authorized by the preceding sentence shall be considered  
7 to be an authorized use of funds under section 47117 or  
8 section 48103, or an authorized use of passenger facility  
9 revenue (as defined in section 40117(a)(6)), as the case  
10 may be.

11 “(b) LOCATION IN AIR QUALITY NONATTAINMENT  
12 AREAS.—

13 “(1) IN GENERAL.—A public-use airport shall  
14 be eligible for participation in the pilot program only  
15 if the airport is located in an air quality nonattain-  
16 ment area (as defined in section 171(2) of the Clean  
17 Air Act (42 U.S.C. 7501(2))).

18 “(2) SHORTAGE OF CANDIDATES.—If the Sec-  
19 retary receives an insufficient number of applications  
20 from public-use airports located in such areas, then  
21 the Secretary may consider applications from public-  
22 use airports that are not located in such areas.

23 “(c) SELECTION CRITERIA.—In selecting from  
24 among applicants for participation in the program, the  
25 Secretary shall give priority consideration to applicants

1 that will achieve the greatest air quality benefits measured  
2 by the amount of emissions reduced per dollar of funds  
3 expended under the program.

4 “(d) FEDERAL SHARE.—Notwithstanding any other  
5 provision of this subchapter, the Federal share of the costs  
6 of a project carried out under the program shall be 50  
7 percent.

8 “(e) TECHNICAL ASSISTANCE.—

9 “(1) IN GENERAL.—The sponsor of a public-use  
10 airport carrying out activities funded under the pro-  
11 gram may not use more than 10 percent of the  
12 amounts made available under the program in any  
13 fiscal year for technical assistance in carrying out  
14 such activities.

15 “(2) ELIGIBLE CONSORTIUM.—To the max-  
16 imum extent practicable, participants in the program  
17 shall use an eligible consortium (as defined in sec-  
18 tion 5506 of this title) in the region of the airport  
19 to receive technical assistance described in para-  
20 graph (1).

21 “(f) MATERIALS IDENTIFYING BEST PRACTICES.—  
22 The Secretary may develop and make available materials  
23 identifying best practices for carrying out activities funded  
24 under the program based on projects carried out under  
25 section 47136 and other sources.”.

1 (b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not  
 2 later than 18 months after the date of enactment of the  
 3 FAA Air Transportation Modernization and Safety Im-  
 4 provement Act, the Secretary of Transportation shall  
 5 transmit a report to the Senate Committee on Commerce,  
 6 Science, and Transportation the House of Representatives  
 7 Committee on Transportation and Infrastructure con-  
 8 taining—

9 (1) an evaluation of the effectiveness of the  
 10 pilot program;

11 (2) an identification of all public-use airports  
 12 that expressed an interest in participating in the  
 13 program; and

14 (3) a description of the mechanisms used by the  
 15 Secretary to ensure that the information and know-  
 16 how gained by participants in the program is trans-  
 17 ferred among the participants and to other inter-  
 18 ested parties, including other public-use airports.

19 (c) CONFORMING AMENDMENT.—The table of con-  
 20 tents for chapter 471 is amended by inserting after the  
 21 item relating to section 47136 the following:

“47136A. Zero emission airport vehicles and infrastructure”.

22 **SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT**  
 23 **POWER SOURCES.**

24 (a) IN GENERAL.—Subchapter I of chapter 471 is  
 25 amended by inserting after section 47140 the following:

1 **“§ 47140A. Reduction of emissions from airport power**  
2 **sources**

3 “(a) IN GENERAL.—The Secretary of Transportation  
4 shall establish a program under which the sponsor of each  
5 airport eligible to receive grants under section 48103 is  
6 encouraged to assess the airport’s energy requirements,  
7 including heating and cooling, base load, back-up power,  
8 and power for on-road airport vehicles and ground support  
9 equipment, in order to identify opportunities to reduce  
10 harmful emissions and increase energy efficiency at the  
11 airport.

12 “(b) GRANTS.—The Secretary may make grants  
13 under section 48103 to assist airport sponsors that have  
14 completed the assessment described in subsection (a) to  
15 acquire or construct equipment, including hydrogen equip-  
16 ment and related infrastructure, that will reduce harmful  
17 emissions and increase energy efficiency at the airport. To  
18 be eligible for such a grant, the sponsor of such an airport  
19 shall submit an application to the Secretary, at such time,  
20 in such manner, and containing such information as the  
21 Secretary may require.”.

22 (b) CONFORMING AMENDMENT.—The table of con-  
23 tents for chapter 471 is amended by inserting after the  
24 item relating to section 47140 the following:

“47140A. Reduction of emissions from airport power sources”.



1 **SEC. 611. SITING OF WINDFARMS NEAR FAA NAVIGATIONAL**  
2 **AIDES AND OTHER ASSETS.**

3 (a) SURVEY AND ASSESSMENT.—

4 (1) IN GENERAL.—In order to address safety  
5 and operational concerns associated with the con-  
6 struction, alteration, establishment, or expansion of  
7 wind farms in proximity to critical FAA facilities,  
8 the Administrator shall, within 60 days after the  
9 date of enactment of this Act, complete a survey and  
10 assessment of leases for critical FAA facility sites,  
11 including—

12 (A) an inventory of the leases that de-  
13 scribes, for each such lease—

14 (i) the periodic cost, location, site,  
15 terms, number of years remaining, and les-  
16 sor;

17 (ii) other Administration facilities that  
18 share the leasehold, including surveillance  
19 and communications equipment; and

20 (iii) the type of transmission services  
21 supported, including the terms of service,  
22 cost, and support contract obligations for  
23 the services; and

24 (B) a list of those leases for facilities lo-  
25 cated in or near areas suitable for the construc-  
26 tion and operation of wind farms, as deter-

1           mined by the Administrator in consultation  
2           with the Secretary of Energy.

3           (2) REPORT.—Upon completion of the survey  
4           and assessment, the Administrator shall submit a re-  
5           port to the Senate Committee on Commerce,  
6           Science, and Transportation, the House of Rep-  
7           resentatives Committee on Transportation and In-  
8           frastructure, and the Comptroller General containing  
9           the Administrator’s findings, conclusions, and rec-  
10          ommendations.

11          (b) GAO ASSESSMENT.—

12           (1) IN GENERAL.—Within 180 days after re-  
13          ceiving the Administrator’s report under subsection  
14          (a)(2), the Comptroller General, in consultation with  
15          the Administrator, shall report on—

16           (A) the current and potential impact of  
17          wind farms on the national airspace system;

18           (B) the extent to which the Department of  
19          Defense and the Federal Aviation Administra-  
20          tion have guidance, processes, and procedures  
21          in place to evaluate the impact of wind farms  
22          on the implementation of the Next Generation  
23          air traffic control system; and

24           (C) potential mitigation strategies, if nec-  
25          essary, to ensure that wind farms do not have

1 an adverse impact on the implementation of the  
2 Next Generation air traffic control system, in-  
3 cluding the installation of navigational aides as-  
4 sociated with that system.

5 (c) ISSUANCE OF GUIDELINES; PUBLIC INFORMA-  
6 TION.—

7 (1) GUIDANCE.—Within 60 days after the Ad-  
8 ministrator receives the Comptroller’s recommenda-  
9 tions, the Administrator shall publish guidelines for  
10 the construction and operation of wind farms to be  
11 located in proximity to critical Federal Aviation Ad-  
12 ministration facilities. The guidelines may include—

13 (A) the establishment of a zone system for  
14 wind farms based on proximity to critical FAA  
15 assets;

16 (B) the establishment of turbine height  
17 and density limitations on such wind farms;

18 (C) requirements for notice to the Admin-  
19 istration under section 44718(a) of title 49,  
20 United States Code, before the construction, al-  
21 teration, establishment, or expansion of a such  
22 a wind farm; and

23 (D) any other requirements or rec-  
24 ommendations designed to address Administra-  
25 tion safety or operational concerns related to

1           the construction, alteration, establishment, or  
2           expansion of such wind farms.

3           (2) PUBLIC ACCESS TO INFORMATION.—To the  
4           extent feasible, taking into consideration security,  
5           operational, and public safety concerns (as deter-  
6           mined by the Administrator), the Administrator  
7           shall provide public access to information regarding  
8           the planning, construction, and operation of wind  
9           farms in proximity to critical FAA facilities on, or  
10          by linkage from, the homepage of the Federal Avia-  
11          tion Administration’s public website.

12          (d) CONSULTATION WITH OTHER FEDERAL AGEN-  
13          CIES.—In carrying out this section, the Administrator and  
14          the Comptroller General shall consult, as appropriate, with  
15          the Secretaries of the Army, the Navy, the Air Force,  
16          Homeland Security, and Energy—

17                 (1) to coordinate the requirements of each de-  
18                 partment for future air space needs;

19                 (2) to determine what the acceptable risks are  
20                 to the existing infrastructure of each department;  
21                 and

22                 (3) to define the different levels of risk for such  
23                 infrastructure.

24          (e) REPORTS.—The Administrator and the Comp-  
25          troller General shall provide a copy of reports under sub-

1 sections (a) and (b), respectively, to the Senate Committee  
2 on Homeland Security and Governmental Affairs, the Sen-  
3 ate Committee on Armed Services, the House of Rep-  
4 resentatives Committee on Homeland Security, the House  
5 of Representatives Committee on Armed Services, and the  
6 House of Representatives Committee on Science and  
7 Technology, as appropriate.

8 (f) DEFINITIONS.—In this section:

9 (1) ADMINISTRATION.—The term “Administra-  
10 tion” means the Federal Aviation Administration.

11 (2) ADMINISTRATOR.—The term “Adminis-  
12 trator” means the Administrator of the Federal  
13 Aviation Administration.

14 (3) CRITICAL FAA FACILITIES.—The term “crit-  
15 ical FAA facilities” means facilities on which are lo-  
16 cated navigational aides, surveillance systems, or  
17 communications systems used by the Administration  
18 in administration of the national airspace system.

19 (4) WIND FARM.—The term “wind farm”  
20 means an installation of 1 or more wind turbines  
21 used for the generation of electricity.

1 **SEC. 612. RESEARCH AND DEVELOPMENT FOR EQUIPMENT**  
2 **TO CLEAN AND MONITOR THE ENGINE AND**  
3 **APU BLEED AIR SUPPLIED ON PRESSURIZED**  
4 **AIRCRAFT.**

5 (a) IN GENERAL.—Not later than 60 days after the  
6 date of enactment of this Act, the Administrator of the  
7 Federal Aviation Administration shall, to the degree prac-  
8 ticable, implement a research program for the identifica-  
9 tion or development of appropriate and effective air clean-  
10 ing technology and sensor technology for the engine and  
11 auxiliary power unit (APU) bleed air supplied to the pas-  
12 senger cabin and flight deck of all pressurized aircraft.

13 (b) TECHNOLOGY REQUIREMENTS.—The technology  
14 referred to in subsection (a) should, at a minimum, have  
15 the capacity—

16 (1) to remove oil-based contaminants from the  
17 bleed air supplied to the passenger cabin and flight  
18 deck; and

19 (2) to detect and record oil-based contaminants  
20 in the portion of the total air supplied to the pas-  
21 senger cabin and flight deck from bleed air.

22 (c) REPORT.—Not later than 1 year after the date  
23 of enactment of this Act, the Administrator shall submit  
24 to the Committee on Commerce, Science, and Transpor-  
25 tation of the Senate and the Committee on Transportation  
26 and Infrastructure of the House of Representatives a re-

1 port on the results of the research and development work  
2 carried out under this section.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
4 are authorized to be appropriated such sums are as nec-  
5 essary to carry out this section.

## 6 **TITLE VII—MISCELLANEOUS**

### 7 **SEC. 701. GENERAL AUTHORITY.**

8 (a) THIRD PARTY LIABILITY.—Section 44303(b) is  
9 amended by striking “December 31, 2009,” and inserting  
10 “December 31, 2012,”.

11 (b) EXTENSION OF PROGRAM AUTHORITY.—Section  
12 44310 is amended by striking “December 31, 2013.” and  
13 inserting “October 1, 2017.”.

14 (c) WAR RISK.—Section 44302(f)(1) is amended—

15 (1) by striking “September 30, 2009,” and in-  
16 serting “September 30, 2011,”; and

17 (2) by striking “December 31, 2009,” and in-  
18 serting “December 31, 2011,”.

### 19 **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

20 Within 6 months after the date of enactment of this  
21 Act, the Administrator of the Federal Aviation Adminis-  
22 tration shall develop a Human Intervention Management  
23 Study program for cabin crews employed by commercial  
24 air carriers in the United States.

1 **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

2 The Administrator of the Federal Aviation Adminis-  
3 tration—

4 (1) shall establish a formal, structured certifi-  
5 cation training program for the airport concessions  
6 disadvantaged business enterprise program; and

7 (2) may appoint 3 additional staff to implement  
8 the programs of the airport concessions disadvan-  
9 taged business enterprise initiative.

10 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

11 (a) MARSHALL ISLANDS, FEDERATED STATES OF  
12 MICRONESIA, AND PALAU.—Section 47115(j) is amended  
13 by striking “2009,” and inserting “2011,”.

14 (b) MIDWAY ISLAND AIRPORT.—Section 186(d) of  
15 the Vision 100—Century of Aviation Reauthorization Act  
16 (117 Stat. 2518) is amended by striking “2009,” and in-  
17 serting “2011,”.

18 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

19 Section 47107(s) is amended by striking paragraph  
20 (3).

21 **SEC. 706. UPDATE ON OVERFLIGHTS.**

22 (a) IN GENERAL.—Section 45301(b) is amended to  
23 read as follows:

24 “(b) LIMITATIONS.—

25 “(1) IN GENERAL.—In establishing fees under  
26 subsection (a), the Administrator shall ensure that



1 the fees required by subsection (a) are reasonably  
2 related to the Administration's costs, as determined  
3 by the Administrator, of providing the services ren-  
4 dered. Services for which costs may be recovered in-  
5 clude the costs of air traffic control, navigation,  
6 weather services, training, and emergency services  
7 which are available to facilitate safe transportation  
8 over the United States, and other services provided  
9 by the Administrator or by programs financed by  
10 the Administrator to flights that neither take off nor  
11 land in the United States. The determination of  
12 such costs by the Administrator is not subject to ju-  
13 dicial review.

14       “(2) ADJUSTMENT OF FEES.—The Adminis-  
15 trator shall adjust the overflight fees established by  
16 subsection (a)(1) by expedited rulemaking and begin  
17 collections under the adjusted fees by October 1,  
18 2010. In developing the adjusted overflight fees, the  
19 Administrator shall seek and consider the rec-  
20 ommendations, if any, offered by the Aviation Rule-  
21 making Committee for Overflight Fees that are in-  
22 tended to ensure that overflight fees are reasonably  
23 related to the Administrator's costs of providing air  
24 traffic control and related services to overflights. In  
25 addition, the Administrator may periodically modify

1 the fees established under this section either on the  
2 Administrator's own initiative or on a recommenda-  
3 tion from the Air Traffic Control Modernization  
4 Board.

5 “(3) COST DATA.—The adjustment of overflight  
6 fees under paragraph (2) shall be based on the costs  
7 to the Administration of providing the air traffic  
8 control and related activities, services, facilities, and  
9 equipment using the available data derived from the  
10 Administration's cost accounting system and cost al-  
11 location system to users, as well as budget and oper-  
12 ational data.

13 “(4) AIRCRAFT ALTITUDE.—Nothing in this  
14 section shall require the Administrator to take into  
15 account aircraft altitude in establishing any fee for  
16 aircraft operations in en route or oceanic airspace.

17 “(5) COSTS DEFINED.—In this subsection, the  
18 term ‘costs’ means those costs associated with the  
19 operation, maintenance, debt service, and overhead  
20 expenses of the services provided and the facilities  
21 and equipment used in such services, including the  
22 projected costs for the period during which the serv-  
23 ices will be provided.

24 “(6) PUBLICATION; COMMENT.—The Adminis-  
25 trator shall publish in the Federal Register any fee

1 schedule under this section, including any adjusted  
2 overflight fee schedule, and the associated collection  
3 process as a proposed rule, pursuant to which public  
4 comment will be sought and a final rule issued.”.

5 (b) ADMINISTRATIVE PROVISION.—Section  
6 45303(c)(2) is amended to read as follows:

7 “(2) shall be available to the Administrator for  
8 expenditure for purposes authorized by Congress for  
9 the Federal Aviation Administration, however, fees  
10 established by section 45301(a)(1) of this title shall  
11 be available only to pay the cost of activities and  
12 services for which the fee is imposed, including the  
13 costs to determine, assess, review, and collect the  
14 fee; and”.

15 **SEC. 707. TECHNICAL CORRECTIONS.**

16 Section 40122(g), as amended by section 307 of this  
17 Act, is further amended—

18 (1) by striking “section 2302(b), relating to  
19 whistleblower protection,” in paragraph (2)(A) and  
20 inserting “sections 2301 and 2302,”;

21 (2) by striking “and” after the semicolon in  
22 paragraph (2)(H);

23 (3) by striking “Plan.” in paragraph (2)(I)(iii)  
24 and inserting “Plan;”;

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

3           “(J) section 5596, relating to back pay;  
4 and

5           “(K) sections 6381 through 6387, relating  
6 to Family and Medical Leave.”; and

7           (5) by adding at the end of paragraph (3)  
8 “Notwithstanding any other provision of law, retro-  
9 active to April 1, 1996, the Board shall have the  
10 same remedial authority over such employee appeals  
11 that it had as of March 31, 1996.”.

12 **SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.**

13 (a) STUDY.—

14           (1) IN GENERAL.—The Comptroller General  
15 shall conduct a study of the training of airway  
16 transportation systems specialists of the Federal  
17 Aviation Administration that includes—

18           (A) an analysis of the type of training pro-  
19 vided to such specialists;

20           (B) an analysis of the type of training that  
21 such specialists need to be proficient in the  
22 maintenance of the latest technologies;

23           (C) actions that the Administration has  
24 undertaken to ensure that such specialists re-  
25 ceive up-to-date training on such technologies;

1 (D) the amount and cost of training pro-  
2 vided by vendors for such specialists;

3 (E) the amount and cost of training pro-  
4 vided by the Administration after developing in-  
5 house training courses for such specialists;

6 (F) the amount and cost of travel required  
7 of such specialists in receiving training; and

8 (G) a recommendation regarding the most  
9 cost-effective approach to providing such train-  
10 ing.

11 (2) REPORT.—Within 1 year after the date of  
12 enactment of this Act, the Comptroller General shall  
13 transmit a report on the study containing the Comp-  
14 troller General’s findings and recommendations to  
15 the Senate Committee on Commerce, Science, and  
16 Transportation and the House of Representatives  
17 Committee on Transportation and Infrastructure.

18 (b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

19 (1) IN GENERAL.—Not later than 90 days after  
20 the date of enactment of this Act, the Administrator  
21 of the Federal Aviation Administration shall con-  
22 tract with the National Academy of Sciences to con-  
23 duct a study of the assumptions and methods used  
24 by the Federal Aviation Administration to estimate  
25 staffing needs for Federal Aviation Administration

1 air traffic controllers, system specialists, and engi-  
2 neers to ensure proper maintenance, certification,  
3 and operation of the National Airspace System. The  
4 National Academy of Sciences shall consult with the  
5 Exclusive Bargaining Representative certified under  
6 section 7111 of title 5, United States Code, and the  
7 Administration (including the Civil Aeronautical  
8 Medical Institute) and examine data entailing  
9 human factors, traffic activity, and the technology at  
10 each facility.

11 (2) CONTENTS.—The study shall include—

12 (A) recommendations for objective staffing  
13 standards that maintain the safety of the Na-  
14 tional Airspace System; and

15 (B) the approximate length of time for de-  
16 veloping such standards.

17 (3) REPORT.—Not later than 24 months after  
18 executing a contract under subsection (a), the Na-  
19 tional Academy of Sciences shall transmit a report  
20 containing its findings and recommendations to the  
21 Congress.

22 (c) AVIATION SAFETY INSPECTORS.—

23 (1) SAFETY STAFFING MODEL.—Within 12  
24 months after the date of enactment of this Act, the  
25 Administrator of the Federal Aviation Administra-

1       tion shall develop a staffing model for aviation safety  
2       inspectors. In developing the model, the Adminis-  
3       trator shall consult with representatives of the avia-  
4       tion safety inspectors and other interested parties.

5               (2) SAFETY INSPECTOR STAFFING.—The Fed-  
6       eral Aviation Administration aviation safety inspec-  
7       tor staffing requirement shall be no less than the  
8       staffing levels indicated as necessary in the staffing  
9       model described under subsection (a).

10       (d) ALASKA FLIGHT SERVICE STATIONS.—Not later  
11       than 180 days after the date of the enactment of this Act,  
12       the Administrator, in conjunction with flight service sta-  
13       tion personnel, shall submit a report to Congress on the  
14       future of flight service stations in Alaska, which in-  
15       cludes—

16               (1) an analysis of the number of flight service  
17       specialists needed, the training needed by such per-  
18       sonnel, and the need for a formal training and hir-  
19       ing program for such personnel;

20               (2) a schedule for necessary inspection, up-  
21       grades, and modernization of stations and equip-  
22       ment; and

23               (3) a description of the interaction between  
24       flight service stations operated by the Administra-

1       tion and flight service stations operated by contrac-  
2       tors.

3 **SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
4                   **TIONAL PARKS.**

5       (a) SECRETARY OF THE INTERIOR AND OVER-  
6 FLIGHTS OF NATIONAL PARKS.—

7           (1) Section 40128 is amended—

8                   (A) by striking paragraph (8) of subsection  
9                   (f);

10                   (B) by striking “Director” each place it  
11                   appears and inserting “Secretary of the Inte-  
12                   rior”;

13                   (C) by striking “National Park Service” in  
14                   subsection (a)(2)(B)(vi) and inserting “Depart-  
15                   ment of the Interior”; and

16                   (D) in subsection (b)—

17                           (i) in paragraph (1)—

18                                   (I) in subparagraph (A)—

19   (aa) by striking “, in co-  
20   operation with” and inserting  
21   “and”; and

22   (bb) by striking “The air  
23   tour” and all that follows; and

24                                   (II) by redesignating subpara-  
25                                   graph (B) as subparagraph (C);



1 (III) by inserting after subpara-  
2 graph (A) the following:

3 “(B) PROCESS AND APPROVAL.—The Fed-  
4 eral Aviation Administration has sole authority  
5 to control airspace over the United States. The  
6 National Park Service has the sole responsi-  
7 bility for conserving the scenery and natural re-  
8 sources in National Parks and providing for the  
9 enjoyment of the National Parks unimpaired  
10 for future generations. Each air tour manage-  
11 ment plan shall be—

12 “(i) developed through a public proc-  
13 ess that complies with paragraph (4); and

14 “(ii) approved by the Administrator  
15 and the Director.”; and

16 (IV) by adding at the end the fol-  
17 lowing:

18 “(D) EXCEPTION.—An application to  
19 begin commercial air tour operations at Crater  
20 Lake National Park may be denied without the  
21 establishment of an air tour management plan  
22 by the Director of the National Park Service if  
23 the Director determines that such operations  
24 would unacceptably impact park resources or  
25 visitor experiences.”; and

1                   (ii) in paragraph (4)(C), by striking  
2                   “National Park Service” and inserting  
3                   “Department of the Interior”.

4                   (2) The National Parks Air Tour Management  
5                   Act of 2000 (49 U.S.C. 40128 note) is amended—

6                   (A) by striking “Director” in section  
7                   804(b) and inserting “Secretary of the Inte-  
8                   rior”;

9                   (B) in section 805—

10                   (i) by striking “Director of the Na-  
11                   tional Park Service” in subsection (a) and  
12                   inserting “Secretary of the Interior”;

13                   (ii) by striking “Director” each place  
14                   it appears and inserting “Secretary of the  
15                   Interior”;

16                   (iii) by striking “National Park Serv-  
17                   ice” each place it appears in subsection (b)  
18                   and inserting “Department of the Inte-  
19                   rior”;

20                   (iv) by striking “National Park Serv-  
21                   ice” in subsection (d)(2) and inserting  
22                   “Department of the Interior”; and

23                   (C) in section 807—

1 (i) by striking “National Park Serv-  
2 ice” in subsection (a)(1) and inserting  
3 “Department of the Interior”; and

4 (ii) by striking “Director of the Na-  
5 tional Park Service” in subsection (b) and  
6 inserting “Secretary of the Interior”.

7 (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
8 MENT.—Paragraph (1) of subsection (a) of section 40128  
9 is amended—

10 (1) by striking “and” after the semicolon in  
11 subparagraph (B);

12 (2) by striking “lands.” in subparagraph (C)  
13 and inserting “lands; and”; and

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

15 “(D) in accordance with a voluntary agree-  
16 ment between the commercial air tour operator  
17 and appropriate representatives of the national  
18 park or tribal lands, as the case may be.”.

19 (c) MODIFICATION OF INTERIM OPERATING AU-  
20 THORITY.—Section 40128(c)(2)(I) is amended to read as  
21 follows:

22 “(I) may allow for modifications of the in-  
23 terim operating authority without further envi-  
24 ronmental process, if—

1           “(i) adequate information on the ex-  
2           isting and proposed operations of the com-  
3           mercial air tour operator is provided to the  
4           Administrator and the Secretary by the op-  
5           erator seeking operating authority;

6           “(ii) the Administrator determines  
7           that the modifications would not adversely  
8           affect aviation safety or the management  
9           of the national airspace system; and

10          “(iii) the Secretary agrees that the  
11          modifications would not adversely affect  
12          park resources and visitor experiences.”.

13          (d) REPORTING REQUIREMENTS FOR COMMERCIAL  
14 AIR TOUR OPERATORS.—

15           (1) IN GENERAL.—Not later than 90 days after  
16          the date of the enactment of this Act, and annually  
17          thereafter, each commercial air tour conducting com-  
18          mercial air tour operations over a national park shall  
19          report to the Administrator of the Federal Aviation  
20          Administration and the Secretary of the Interior  
21          on—

22           (A) the number of commercial air tour op-  
23          erations conducted by such operator over the  
24          national park each day;

1           (B) any relevant characteristics of com-  
2           mercial air tour operations, including the  
3           routes, altitudes, duration, and time of day of  
4           flights; and

5           (C) such other information as the Adminis-  
6           trator and the Secretary may determine nec-  
7           essary to administer the provisions of the Na-  
8           tional Parks Air Tour Management Act of 2000  
9           (49 U.S.C. 40128 note).

10          (2) **FORMAT.**—The report required by para-  
11          graph (1) shall be submitted in such form as the Ad-  
12          ministrators and the Secretary determine to be ap-  
13          propriate.

14          (3) **EFFECT OF FAILURE TO REPORT.**—The Ad-  
15          ministrators shall rescind the operating authority of  
16          a commercial air tour operator that fails to file a re-  
17          port not later than 180 days after the date for the  
18          submittal of the report described in paragraph (1).

19          (4) **AUDIT OF REPORTS.**—Not later than 2  
20          years after the date of the enactment of this Act,  
21          and at such times thereafter as the Inspector Gen-  
22          eral of the Department of Transportation determines  
23          necessary, the Inspector General shall audit the re-  
24          ports required by paragraph (1).

1 (e) COLLECTION OF FEES FROM AIR TOUR OPER-  
2 ATIONS.—

3 (1) IN GENERAL.—The Secretary of the Inte-  
4 rior shall assess a fee in an amount determined by  
5 the Secretary under paragraph (2) on a commercial  
6 air tour operator conducting commercial air tour op-  
7 erations over a national park.

8 (2) AMOUNT OF FEE.—In determining the  
9 amount of the fee assessed under paragraph (1), the  
10 Secretary shall collect sufficient revenue, in the ag-  
11 gregate, to pay for the expenses incurred by the  
12 Federal Government to develop air tour management  
13 plans for national parks.

14 (3) EFFECT OF FAILURE TO PAY FEE.—The  
15 Administrator of the Federal Aviation Administra-  
16 tion shall revoke the operating authority of a com-  
17 mercial air tour operator conducting commercial air  
18 tour operations over any national park, including the  
19 Grand Canyon National Park, that has not paid the  
20 fee assessed by the Secretary under paragraph (1)  
21 by the date that is 180 days after the date on which  
22 the Secretary determines the fee shall be paid.

23 (f) FUNDING FOR AIR TOUR MANAGEMENT  
24 PLANS.—The Secretary of the Interior shall use the  
25 amounts collected under subsection (e) to develop air tour

1 management plans under section 40128(b) of title 49,  
2 United States Code, for the national parks the Secretary  
3 determines would most benefit from such a plan.

4 (g) GUIDANCE TO DISTRICT OFFICES ON COMMER-  
5 CIAL AIR TOUR OPERATORS.—The Administrator of the  
6 Federal Aviation Administration shall provide to the Ad-  
7 ministration’s district offices clear guidance on the ability  
8 of commercial air tour operators to obtain—

- 9 (1) increased safety certifications;  
10 (2) exemptions from regulations requiring safe-  
11 ty certifications; and  
12 (3) other information regarding compliance  
13 with the requirements of this Act and other Federal  
14 and State laws and regulations.

15 (h) OPERATING AUTHORITY OF COMMERCIAL AIR  
16 TOUR OPERATORS.—

- 17 (1) TRANSFER OF OPERATING AUTHORITY.—  
18 (A) IN GENERAL.—Subject to subpara-  
19 graph (B), a commercial air tour operator that  
20 obtains operating authority from the Adminis-  
21 trator under section 40128 of title 49, United  
22 States Code, to conduct commercial air tour op-  
23 erations may transfer such authority to another  
24 commercial air tour operator at any time.

1           (B) NOTICE.—Not later than 30 days be-  
2 fore the date on which a commercial air tour  
3 operator transfers operating authority under  
4 subparagraph (A), the operator shall notify the  
5 Administrator and the Secretary of the intent  
6 of the operator to transfer such authority.

7           (C) REGULATIONS.—Not later than 180  
8 days after the date of the enactment of this  
9 Act, the Administrator shall prescribe regula-  
10 tions to allow transfers of operating authority  
11 described in subparagraph (A).

12           (2) TIME FOR DETERMINATION REGARDING OP-  
13 ERATING AUTHORITY.—Notwithstanding any other  
14 provision of law, the Administrator shall determine  
15 whether to grant a commercial air tour operator op-  
16 erating authority under section 40128 of title 49,  
17 United States Code, not later than 180 days after  
18 the earlier of the date on which—

19                   (A) the operator submits an application; or

20                   (B) an air tour management plan is com-  
21 pleted for the national park over which the op-  
22 erator seeks to conduct commercial air tour op-  
23 erations.

24           (3) INCREASE IN INTERIM OPERATING AUTHOR-  
25 ITY.—The Administrator and the Secretary may in-



1       crease the interim operating authority while an air  
 2       tour management plan is being developed for a park  
 3       if—

4               (A) the Secretary determines that such an  
 5       increase does not adversely impact park re-  
 6       sources or visitor experiences; and

7               (B) the Administrator determines that  
 8       granting interim operating authority does not  
 9       adversely affect aviation safety or the manage-  
 10      ment of the national airspace system.

11           (4) ENFORCEMENT OF OPERATING AUTHOR-  
 12      ITY.—The Administrator is authorized and directed  
 13      to enforce the requirements of this Act and any  
 14      agency rules or regulations related to operating au-  
 15      thority.

16   **SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

17       (a) IN GENERAL.—Subchapter II of chapter 475 is  
 18      amended by adding at the end the following:

19    “§ 47534. **Prohibition on operating certain aircraft**  
 20                   **weighing 75,000 pounds or less not com-**  
 21                   **plying with Stage 3 noise levels**

22       “(a) PROHIBITION.—Except as provided in sub-  
 23      section (b), (c), or (d), a person may not operate a civil  
 24      subsonic turbojet with a maximum weight of 75,000  
 25      pounds or less to or from an airport in the United States

1 unless the Secretary of Transportation finds that the air-  
2 craft complies with stage 3 noise levels.

3 “(b) EXCEPTION.—Subsection (a) shall not apply to  
4 aircraft operated only outside the 48 contiguous States.

5 “(c) OPT-OUT.—Subsection (a) shall not apply at an  
6 airport where the airport operator has notified the Sec-  
7 retary that it wants to continue to permit the operation  
8 of civil subsonic turbojets with a maximum weight of  
9 75,000 pounds or less that do not comply with stage 3  
10 noise levels. The Secretary shall post the notices received  
11 under this subsection on its website or in another place  
12 easily accessible to the public.

13 “(d) LIMITATION.—The Secretary shall permit a per-  
14 son to operate Stage 1 and Stage 2 aircraft with a max-  
15 imum weight of 75,000 pounds or less to or from an air-  
16 port in the contiguous 48 States in order—

17 “(1) to sell, lease, or use the aircraft outside  
18 the 48 contiguous States;

19 “(2) to scrap the aircraft;

20 “(3) to obtain modifications to the aircraft to  
21 meet stage 3 noise levels;

22 “(4) to perform scheduled heavy maintenance  
23 or significant modifications on the aircraft at a  
24 maintenance facility located in the contiguous 48  
25 states;

1           “(5) to deliver the aircraft to an operator leas-  
2           ing the aircraft from the owner or return the air-  
3           craft to the lessor;

4           “(6) to prepare or park or store the aircraft in  
5           anticipation of any of the activities described in  
6           paragraphs (1) through (5); or

7           “(7) to divert the aircraft to an alternative air-  
8           port in the 48 contiguous States on account of  
9           weather, mechanical, fuel air traffic control or other  
10          safety reasons while conducting a flight in order to  
11          perform any of the activities described in paragraphs  
12          (1) through (6).

13          “(e) STATUTORY CONSTRUCTION.—Nothing in the  
14          section may be construed as interfering with, nullifying,  
15          or otherwise affecting determinations made by the Federal  
16          Aviation Administration, or to be made by the Administra-  
17          tion, with respect to applications under part 161 of title  
18          14, Code of Federal Regulations, that were pending on  
19          the date of enactment of the Aircraft Noise Reduction Act  
20          of 2006.”.

21          (b) CONFORMING AMENDMENTS.—

22                 (1) Section 47531 is amended by striking  
23                 “47529, or 47530” and inserting “47529, 47530, or  
24                 47534”.



1 operators may use funds made available under section  
2 47117(e) of that title, or passenger facility revenue col-  
3 lected under section 40117 of that title, in partnership  
4 with affected neighboring local jurisdictions, to support  
5 joint planning, engineering design, and environmental per-  
6 mitting for the assembly and redevelopment of property  
7 purchased with noise mitigation funds or passenger facil-  
8 ity charge funds, to encourage airport-compatible land  
9 uses and generate economic benefits to the local airport  
10 authority and adjacent community.

11 (b) NOISE COMPATIBILITY MEASURES.—Section  
12 47504(a)(2) is amended—

13 (1) by striking “and” after the semicolon in  
14 subparagraph (D);

15 (2) by striking “operations.” in subparagraph  
16 (E) and inserting “operations; and”; and

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

18 “(F) joint comprehensive land use planning in-  
19 cluding master plans, traffic studies, environmental  
20 evaluation and economic and feasibility studies, with  
21 neighboring local jurisdictions undertaking commu-  
22 nity redevelopment in the area where the land or  
23 other property interest acquired by the airport oper-  
24 ator pursuant to this subsection is located, to en-  
25 courage and enhance redevelopment opportunities

1 that reflect zoning and uses that will prevent the in-  
2 troduction of additional incompatible uses and en-  
3 hance redevelopment potential.”.

4 (c) GRANT REQUIREMENTS.—The Administrator  
5 may not make a grant under subsection (a) unless the  
6 grant is made—

7 (1) to enable the airport operator and local ju-  
8 risdictions undertaking the community redevelop-  
9 ment effort to expedite redevelopment efforts;

10 (2) subject to a requirement that the local juris-  
11 diction governing the property interests in question  
12 has adopted zoning regulations that permit airport  
13 compatible redevelopment; and

14 (3) subject to a requirement that, in deter-  
15 mining the part of the proceeds from disposing of  
16 the land that is subject to repayment or reinvest-  
17 ment under section 47107(c)(2)(A) of title 49,  
18 United States Code, the total amount of the grant  
19 issued under this section shall be added to the  
20 amount of any grants issued for acquisition of land.

21 (d) DEMONSTRATION GRANTS.—

22 (1) IN GENERAL.—The Administrator shall pro-  
23 vide grants for up to 4 pilot property redevelopment  
24 projects distributed geographically and targeted to  
25 airports that demonstrate—

1 (A) a readiness to implement cooperative  
2 land use management and redevelopment plans  
3 with the adjacent community; and

4 (B) the probability of clear economic ben-  
5 efit to the local community and financial return  
6 to the airport through the implementation of  
7 the redevelopment plan.

8 (2) FEDERAL SHARE.—

9 (A) Notwithstanding any other provision of  
10 law, the Federal share of the allowable costs of  
11 a project carried out under the pilot program  
12 shall be 80 percent.

13 (B) In determining the allowable costs, the  
14 Administrator shall deduct from the total costs  
15 of the activities described in subsection (a) that  
16 portion of the costs which is equal to that por-  
17 tion of the total property to be redeveloped  
18 under this section that is not owned or to be ac-  
19 quired by the airport operator pursuant to the  
20 noise compatibility program or that is not  
21 owned by the affected neighboring local juris-  
22 dictions or other public entities.

23 (3) MAXIMUM AMOUNT.—Not more than  
24 \$5,000,000 in funds made available under section  
25 47117(e) of title 49, United States Code, may be ex-

1       pended under the pilot program at any single public-  
2       use airport.

3           (4) EXCEPTION.—Amounts paid to the Admin-  
4       istrator under subsection (c)(3)—

5           (A) shall be in addition to amounts author-  
6       ized under section 48203 of title 49, United  
7       States Code;

8           (B) shall not be subject to any limitation  
9       on grant obligations for any fiscal year; and

10          (C) shall remain available until expended.

11       (e) USE OF PASSENGER REVENUE.—An airport  
12       sponsor that owns or operates an airport participating in  
13       the pilot program may use passenger facility revenue col-  
14       lected under section 40117 of title 49, United States Code,  
15       to pay any project cost described in subsection (a) that  
16       is not financed by a grant under the program.

17       (f) SUNSET.—This section, other than the amend-  
18       ments made by subsections (b), shall not be in effect after  
19       September 30, 2011.

20       (g) REPORT TO CONGRESS.—The Administrator shall  
21       report to Congress within 18 months after making the  
22       first grant under this section on the effectiveness of this  
23       program on returning part 150 lands to productive use.



1 **SEC. 713. TRANSPORTING MUSICAL INSTRUMENTS.**

2 (a) IN GENERAL.—Subchapter I of chapter 417 is  
3 amended by adding at the end thereof the following:

4 **“§ 41724. Musical instruments**

5 “(a) IN GENERAL.—

6 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-  
7 GAGE.—An air carrier providing air transportation  
8 shall permit a passenger to carry a violin, guitar, or  
9 other musical instrument in the aircraft cabin with-  
10 out charge if—

11 “(A) the instrument can be stowed safely  
12 in a suitable baggage compartment in the air-  
13 craft cabin or under a passenger seat; and

14 “(B) there is space for such stowage at the  
15 time the passenger boards the aircraft.

16 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-  
17 GAGE.—An air carrier providing air transportation  
18 shall permit a passenger to carry a musical instru-  
19 ment that is too large to meet the requirements of  
20 paragraph (1) in the aircraft cabin without charge  
21 if—

22 “(A) the instrument is contained in a case  
23 or covered so as to avoid injury to other pas-  
24 sengers;

1           “(B) the weight of the instrument, includ-  
2           ing the case or covering, does not exceed 165  
3           pounds;

4           “(C) the instrument can be secured by a  
5           seat belt to avoid shifting during flight;

6           “(D) the instrument does not restrict ac-  
7           cess to, or use of, any required emergency exit,  
8           regular exit, or aisle;

9           “(E) the instrument does not obscure any  
10          passenger’s view of any illuminated exit, warn-  
11          ing, or other informational sign;

12          “(F) neither the instrument nor the case  
13          contains any object not otherwise permitted to  
14          be carried in an aircraft cabin because of a law  
15          or regulation of the United States; and

16          “(G) the passenger wishing to carry the in-  
17          strument in the aircraft cabin has purchased an  
18          additional seat to accommodate the instrument.

19          “(3) LARGE INSTRUMENTS AS CHECKED BAG-  
20          GAGE.—An air carrier shall transport as baggage,  
21          without charge, a musical instrument that is the  
22          property of a passenger traveling in air transpor-  
23          tation that may not be carried in the aircraft cabin  
24          if—

1           “(A) the sum of the length, width, and  
2           height measured in inches of the outside linear  
3           dimensions of the instrument (including the  
4           case) does not exceed 150 inches; and

5           “(B) the weight of the instrument does not  
6           exceed 165 pounds.

7           “(b) REGULATIONS.—The Secretary may prescribe  
8           such regulations as may be necessary or appropriate to  
9           implement subsection (a).”.

10          (b) CONFORMING AMENDMENT.—The table of con-  
11          tents for chapter 417 is amended by inserting after the  
12          item relating to section 41723 the following:

          “41724. Musical instruments”.

13          (c) EFFECTIVE DATE.—The amendments made by  
14          this section shall take effect 30 days after the date of en-  
15          actment of this Act.

16          **SEC. 714. RECYCLING PLANS FOR AIRPORTS.**

17          (a) AIRPORT PLANNING.—Section 47102(5) is  
18          amended by striking “planning.” and inserting “planning  
19          and a plan for recycling and minimizing the generation  
20          of airport solid waste, consistent with applicable State and  
21          local recycling laws, including the cost of a waste audit.”.

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

23                  (1) by striking “and” in paragraph (4);

24                  (2) by striking “proposed.” in paragraph (5)

25                  and inserting “proposed; and”; and

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

2 “(6) if the project is for an airport that has an  
3 airport master plan, the master plan addresses—

4 “(A) the feasibility of solid waste recycling  
5 at the airport;

6 “(B) minimizing the generation of solid  
7 waste at the airport;

8 “(C) operation and maintenance require-  
9 ments;

10 “(D) the review of waste management con-  
11 tracts;

12 “(E) the potential for cost savings or the  
13 generation of revenue; and

14 “(F) training and education require-  
15 ments.”.

16 **SEC. 715. DISADVANTAGED BUSINESS ENTERPRISE PRO-**  
17 **GRAM ADJUSTMENTS.**

18 (a) PURPOSE.—It is the purpose of the airport dis-  
19 advantaged business enterprise program (49 U.S.C.  
20 47107(e) and 47113) to ensure that minority- and women-  
21 owned businesses do not face barriers because of their race  
22 or gender and so that they have a fair opportunity to com-  
23 pete in Federally assisted airport contracts and conces-  
24 sions.

25 (b) FINDINGS.—The Congress finds the following:

1           (1) While significant progress has occurred due  
2 to the enactment of the airport disadvantaged busi-  
3 ness enterprise program (49 U.S.C. 47107(e) and  
4 47113), discrimination continues to be a barrier for  
5 minority- and women-owned businesses seeking to do  
6 business in airport-related markets. This continuing  
7 barrier merits the continuation of the airport dis-  
8 advantaged business enterprise program.

9           (2) The Congress has received recent evidence  
10 of discrimination from numerous sources, including  
11 congressional hearings and roundtables, scientific re-  
12 ports, reports issued by public and private agencies,  
13 news stories, reports of discrimination by organiza-  
14 tions and individuals, and discrimination lawsuits.  
15 This evidence also shows that race- and gender-neu-  
16 tral efforts alone are insufficient to address the  
17 problem.

18           (3) This evidence demonstrates that discrimina-  
19 tion across the nation poses a barrier to full and fair  
20 participation in airport related businesses of women  
21 business owners and minority business owners in the  
22 racial groups detailed in parts 23 and 26 of title 49,  
23 Code of Federal Regulations, and has impacted firm  
24 development and many aspects of airport related  
25 business in the public and private markets.

1           (4) This evidence provides a strong basis for  
2 the continuation of the airport disadvantaged busi-  
3 ness enterprise program and the airport concessions  
4 disadvantaged business enterprise program.

5 (c) IN GENERAL.—Section 47107(e) is amended—

6           (1) by redesignating paragraph (8) as  
7 paragraph (9); and

8           (2) by inserting after paragraph (7) the  
9 following:

10           “(8) MANDATORY TRAINING PROGRAM FOR  
11 AIRPORT CONCESSIONS.—

12           “(A) IN GENERAL.—Not later than  
13 one year after the date of enactment of the  
14 FAA Air Transportation Modernization  
15 and Safety Improvement Act, the Sec-  
16 retary shall establish a mandatory training  
17 program for persons described in subpara-  
18 graph (C) on the certification of whether a  
19 small business concern in airport conces-  
20 sions qualifies as a small business concern  
21 owned and controlled by a socially and eco-  
22 nomically disadvantaged individual for pur-  
23 poses of paragraph (1).

24           “(B) IMPLEMENTATION.—The train-  
25 ing program may be implemented by one

1 or more private entities approved by the  
2 Secretary.

3 “(C) PARTICIPANTS.—A person re-  
4 ferred to in paragraph (1) is an official or  
5 agent of an airport owner or operator who  
6 is required to provide a written assurance  
7 under paragraph (1) that the airport  
8 owner or operator will meet the percentage  
9 goal of paragraph (1) or who is responsible  
10 for determining whether or not a small  
11 business concern in airport concessions  
12 qualifies as a small business concern owned  
13 and controlled by a socially and economi-  
14 cally disadvantaged individual for purposes  
15 of paragraph (1).

16 “(D) AUTHORIZATION OF APPROPRIA-  
17 TIONS.—There are authorized to be appro-  
18 priated to the Secretary such sums as may  
19 be necessary to carry out this paragraph.”.

20 (d) REPORT.—Not later than 24 months after the  
21 date of enactment of this Act, the Secretary shall submit  
22 a report to the Senate Committee on Commerce, Science,  
23 and Transportation, the House of Representatives Com-  
24 mittee on Transportation and Infrastructure, and other  
25 appropriate committees of Congress on the results of the

1 training program conducted under section 47107(e)(8) of  
2 title 49, United States Code, as added by subsection (a).

3 (e) DISADVANTAGED BUSINESS ENTERPRISE PER-  
4 SONAL NET WORTH CAP; BONDING REQUIREMENTS.—  
5 Section 47113 is amended by adding at the end the fol-  
6 lowing:

7 “(e) PERSONAL NET WORTH CAP.—Not later than  
8 180 days after the date of enactment of the FAA Air  
9 Transportation Modernization and Safety Improvement  
10 Act, the Secretary shall issue final regulations to adjust  
11 the personal net worth cap used in determining whether  
12 an individual is economically disadvantaged for purposes  
13 of qualifying under the definition contained in subsection  
14 (a)(2) and under section 47107(e). The regulations shall  
15 correct for the impact of inflation since the Small Business  
16 Administration established the personal net worth cap at  
17 \$750,000 in 1989.

18 “(f) EXCLUSION OF RETIREMENT BENEFITS.—

19 “(1) IN GENERAL.—In calculating a business  
20 owner’s personal net worth, any funds held in a  
21 qualified retirement account owned by the business  
22 owner shall be excluded, subject to regulations to be  
23 issued by the Secretary.

24 “(2) REGULATIONS.—Not later than one year  
25 after the date of enactment of the FAA Air Trans-



1 portation Modernization and Safety Improvement  
2 Act, the Secretary shall issue final regulations to im-  
3 plement paragraph (1), including consideration of  
4 appropriate safeguards, such as a limit on the  
5 amount of such accounts, to prevent circumvention  
6 of personal net worth requirements.

7 “(g) PROHIBITION ON EXCESSIVE OR DISCRIMINA-  
8 TORY BONDING REQUIREMENTS.—

9 “(1) IN GENERAL.—The Secretary shall estab-  
10 lish a program to eliminate barriers to small busi-  
11 ness participation in airport-related contracts and  
12 concessions by prohibiting excessive, unreasonable,  
13 or discriminatory bonding requirements for any  
14 project funded under this chapter or using passenger  
15 facility revenues under section 40117.

16 “(2) REGULATIONS.—Not later than one year  
17 after the date of enactment of the FAA Air Trans-  
18 portation Modernization and Safety Improvement  
19 Act, the Secretary shall issue a final rule to establish  
20 the program under paragraph (1).”.

21 **SEC. 716. FRONT LINE MANAGER STAFFING.**

22 (a) STUDY.—Not later than 45 days after the date  
23 of enactment of this Act, the Administrator of the Federal  
24 Aviation Administration shall initiate a study on front line

1 manager staffing requirements in air traffic control facili-  
2 ties.

3 (b) CONSIDERATIONS.—In conducting the study, the  
4 Administrator may take into consideration—

5 (1) the number of supervisory positions of oper-  
6 ation requiring watch coverage in each air traffic  
7 control facility;

8 (2) coverage requirements in relation to traffic  
9 demand;

10 (3) facility type;

11 (4) complexity of traffic and managerial respon-  
12 sibilities;

13 (5) proficiency and training requirements; and

14 (6) such other factors as the Administrator con-  
15 siders appropriate.

16 (c) DETERMINATIONS.—The Administrator shall  
17 transmit any determinations made as a result of the study  
18 to the Chief Operating Officer for the air traffic control  
19 system.

20 (d) REPORT.—Not later than 180 days after the date  
21 of enactment of this Act, the Administrator shall submit  
22 to the Senate Committee on Commerce, Science, and  
23 Transportation and the House of Representatives Com-  
24 mittee on Transportation and Infrastructure a report on  
25 the results of the study and a description of any deter-

1 minations submitted to the Chief Operating Officer under  
2 subsection (c).

3 **SEC. 717. STUDY OF HELICOPTER AND FIXED WING AIR AM-**  
4 **BULANCE SERVICES.**

5 (a) IN GENERAL.—The Comptroller General shall  
6 conduct a study of the helicopter and fixed-wing air ambu-  
7 lance industry. The study shall include information, anal-  
8 ysis, and recommendations pertinent to ensuring a safe  
9 air ambulance industry.

10 (b) REQUIRED INFORMATION.—In conducting the  
11 study, the Comptroller General shall obtain detailed infor-  
12 mation on the following aspects of the air ambulance in-  
13 dustry:

14 (1) A review of the industry, for part 135 cer-  
15 tificate holders and indirect carriers providing heli-  
16 copter and fixed-wing air ambulance services, includ-  
17 ing—

18 (A) a listing of the number, size, and loca-  
19 tion of helicopter and fixed-wing aircraft and  
20 their flight bases;

21 (B) affiliations of certificate holders and  
22 indirect carriers with hospitals, governments,  
23 and other entities;

24 (C) coordination of air ambulance services,  
25 with each other, State and local emergency

1 medical services systems, referring entities, and  
2 receiving hospitals;

3 (D) nature of services contracts, sources of  
4 payment, financial relationships between certifi-  
5 cate holders and indirect carriers providing air  
6 ambulance services and referring entities, and  
7 costs of operations; and

8 (E) a survey of business models for air  
9 ambulance operations, including expenses,  
10 structure, and sources of income.

11 (2) Air ambulance request and dispatch prac-  
12 tices, including the various types of protocols, mod-  
13 els, training, certifications, and air medical commu-  
14 nications centers relating to part 135 certificate  
15 holders and indirect carriers providing helicopter  
16 and fixed-wing air ambulance services, including—

17 (A) the practices that emergency and med-  
18 ical officials use to request an air ambulance;

19 (B) information on whether economic or  
20 other nonmedical factors lead to air ambulance  
21 transport when it is not medically needed, ap-  
22 propriate, or safe; and

23 (C) the cause, occurrence, and extent of  
24 delays in air ambulance transport.

1           (3) Economic and medical issues relating to the  
2           air ambulance industry, including—

3                   (A) licensing;

4                   (B) certificates of need;

5                   (C) public convenience and necessity re-  
6           quirements;

7                   (D) assignment of geographic coverage  
8           areas;

9                   (E) accreditation requirements;

10                  (F) compliance with dispatch procedures;

11           and

12                  (G) requirements for medical equipment  
13           and personnel onboard the aircraft.

14           (4) Such other matters as the Comptroller Gen-  
15           eral considers relevant to the purpose of the study.

16           (c) ANALYSIS AND RECOMMENDATIONS.—Based on  
17           information obtained under subsection (b) and other infor-  
18           mation the Comptroller General considers appropriate, the  
19           report shall also include an analysis and specific rec-  
20           ommendations, as appropriate, related to—

21                   (1) the relationship between State regulation  
22           and Federal preemption of rates, routes, and serv-  
23           ices of air ambulances;

1           (2) the extent to which Federal law may impact  
2 existing State regulation of air ambulances and the  
3 potential effect of greater State regulation—

4           (A) in the air ambulance industry, on the  
5 economic viability of air ambulance services, the  
6 availability and coordination of service, and  
7 costs of operations both in rural and highly  
8 populated areas;

9           (B) on the quality of patient care and out-  
10 comes; and

11           (C) on competition and safety; and

12           (3) whether systemic or other problems exist on  
13 a statewide, regional, or national basis with the cur-  
14 rent system governing air ambulances.

15           (d) REPORT.—Not later than June 1, 2010, the  
16 Comptroller General shall submit a report to the Secretary  
17 of Transportation, the Senate Committee on Commerce,  
18 Science, and Transportation, and the House of Represent-  
19 atives Committee on Transportation and Infrastructure  
20 containing the Government Accountability Office’s find-  
21 ings and recommendations regarding the study under this  
22 section.

23           (e) ADOPTION OF RECOMMENDED POLICY  
24 CHANGES.—Not later than 60 days after the date of re-  
25 ceipt of the report under subsection (d), the Secretary

1 shall issue a report to the Senate Committee on Com-  
 2 merce, Science, and Transportation, and the House of  
 3 Representatives Committee on Transportation and Infra-  
 4 structure that—

5           (1) specifies which, if any, policy changes rec-  
 6 ommended by the Comptroller General and any  
 7 other policy changes with respect to air ambulances  
 8 the Secretary will adopt and implement; and

9           (2) includes recommendations for legislative  
 10 change, if appropriate

11       (f) PART 135 CERTIFICATE HOLDER DEFINED.—In  
 12 this section, the term “part 135 certificate holder” means  
 13 a person holding a certificate issued under part 135 of  
 14 title 14, Code of Federal Regulations.

15 **SEC. 718. REPEAL OF CERTAIN LIMITATIONS ON METRO-**  
 16 **POLITAN WASHINGTON AIRPORTS AUTHOR-**  
 17 **ITY.**

18       (a) IN GENERAL.—Section 49108 is repealed.

19       (b) CONFORMING REPEAL.—The table of sections for  
 20 chapter 491 is amended by striking the item relating to  
 21 section 49108.

22 **SEC. 719. STUDY OF AERONAUTICAL MOBILE TELEMETRY.**

23       Not later than 180 days after the date of enactment  
 24 of this Act, the Administrator of the Federal Aviation Ad-  
 25 ministration, in consultation with other Federal agencies,

1 shall submit a report to the Senate Committee on Com-  
2 merce, Science, and Transportation, the House of Rep-  
3 resentatives Committee on Science and Technology, and  
4 the House of Representatives Committee on Energy and  
5 Commerce that identifies—

6           (1) the current and anticipated need over the  
7 next decade by civil aviation, including equipment  
8 manufacturers, for aeronautical mobile telemetry  
9 services; and

10           (2) the potential impact to the aerospace indus-  
11 try of the introduction of a new radio service oper-  
12 ating in the same spectrum allocated to the aero-  
13 nautical mobile telemetry service.

14 **SEC. 720. FLIGHTCREW MEMBER PAIRING AND CREW RE-**  
15 **SOURCE MANAGEMENT TECHNIQUES.**

16           (a) **STUDY.**—The Administrator of the Federal Avia-  
17 tion Administration shall conduct a study on aviation in-  
18 dustry best practices with regard to flightcrew member  
19 pairing, crew resource management techniques, and pilot  
20 commuting.

21           (b) **REPORT.**—Not later than one year after the date  
22 of enactment of this Act, the Administrator shall submit  
23 a report to the House of Representatives Committee on  
24 Transportation and Infrastructure and the Senate Com-



1 mittee on Commerce, Science, and Transportation on the  
2 results of the study.

3 **SEC. 721. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**  
4 **REDUNDANT, OR OTHERWISE UNNECESSARY**  
5 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**  
6 **MAT.**

7 (a) CONSOLIDATION OR ELIMINATION OF RE-  
8 PORTS.—No later than 2 years after the date of enactment  
9 of this Act, and every 2 years thereafter, the Adminis-  
10 trator of the Federal Aviation Administration shall submit  
11 a report to the Senate Committee on Commerce, Science,  
12 and Transportation and the House of Representatives  
13 Committee on Transportation and Infrastructure con-  
14 taining—

15 (1) a list of obsolete, redundant, or otherwise  
16 unnecessary reports the Administration is required  
17 by law to submit to the Congress or publish that the  
18 Administrator recommends eliminating or consoli-  
19 dating with other reports; and

20 (2) an estimate of the cost savings that would  
21 result from the elimination or consolidation of those  
22 reports.

23 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

1           (1) IN GENERAL.—Notwithstanding any other  
2 provision of law, the Federal Aviation Administra-  
3 tion—

4           (A) may not publish any report required or  
5 authorized by law in printed format; and

6           (B) shall publish any such report by post-  
7 ing it on the Administration’s website in an eas-  
8 ily accessible and downloadable electronic for-  
9 mat.

10          (2) EXCEPTION.—Paragraph (1) does not apply  
11 to any report with respect to which the Adminis-  
12 trator determines that—

13           (A) its publication in printed format is es-  
14 sential to the mission of the Federal Aviation  
15 Administration; or

16           (B) its publication in accordance with the  
17 requirements of paragraph (1) would disclose  
18 matter—

19           (i) described in section 552(b) of title  
20 5, United States Code; or

21           (ii) the disclosure of which would have  
22 an adverse impact on aviation safety or se-  
23 curity, as determined by the Adminis-  
24 trator.

1 **SEC. 722. LINE CHECK EVALUATIONS.**

2 Section 44729(h) is amended—

3 (1) by striking paragraph (2); and

4 (2) by redesignating paragraph (3) as para-  
5 graph (2).

6 **SEC. 723. REPORT ON NEWARK LIBERTY AIRPORT AIR**  
7 **TRAFFIC CONTROL TOWER.**

8 Not later than 90 days after the date of the enact-  
9 ment of this Act, the Administrator of the Federal Avia-  
10 tion Administration shall report to the Committee on  
11 Commerce, Science, and Transportation of the Senate,  
12 and the Committee on Transportation and Infrastructure  
13 of the House of Representatives, on the Federal Aviation  
14 Administration's plan to staff the Newark Liberty Airport  
15 air traffic control tower at negotiated staffing levels within  
16 1 year after such date of enactment.

17 **SEC. 724 PRIORITY REVIEW OF CONSTRUCTION PROJECTS**  
18 **IN COLD WEATHER STATES.**

19 The Administrator of the Federal Aviation Adminis-  
20 tration shall, to the maximum extent practicable, schedule  
21 the Administrator's review of construction projects so that  
22 projects to be carried out in States in which the weather  
23 during a typical calendar year prevents major construction  
24 projects from being carried out before May 1 are reviewed  
25 as early as possible.

1 **SEC. 725. AIR-RAIL CODESHARE STUDY.**

2 (a) CODESHARE STUDY.—Not later than 180 days  
3 after the date of the enactment of this Act, the GAO shall  
4 conduct a study of—

5 (1) the current airline and intercity passenger  
6 rail codeshare arrangements;

7 (2) the feasibility and costs to taxpayers and  
8 passengers of increasing intermodal connectivity of  
9 airline and intercity passenger rail facilities and sys-  
10 tems to improve passenger travel.

11 (b) CONSIDERATIONS.—The study shall consider—

12 (1) the potential benefits to passengers and  
13 costs to taxpayers from the implementation of more  
14 integrated scheduling between airlines and Amtrak  
15 or other intercity passenger rail carriers achieved  
16 through codesharing arrangements;

17 (2) airport operations that can improve  
18 connectivity to intercity passenger rail facilities and  
19 stations.

20 (c) REPORT.—Not later than 1 year after com-  
21 mencing the study required by subsection (a), the Comp-  
22 troller shall submit the report to the Committee on Com-  
23 merce, Science, and Transportation of the Senate and the  
24 Committee on Transportation and Infrastructure of the  
25 House of Representatives. The report shall include any  
26 conclusions of the Comptroller resulting from the study.

1 **SEC. 726. ON-GOING MONITORING OF AND REPORT ON THE**  
2 **NEW YORK/NEW JERSEY/PHILADELPHIA MET-**  
3 **ROPOLITAN AREA AIRSPACE REDESIGN.**

4 Not later than 270 days after the date of the enact-  
5 ment of this Act and every 180 days thereafter until the  
6 completion of the New York/New Jersey/Philadelphia Met-  
7 ropolitan Area Airspace Redesign, the Administrator of  
8 the Federal Aviation Administration shall, in conjunction  
9 with the Port Authority of New York and New Jersey and  
10 the Philadelphia International Airport—

11 (1) monitor the air noise impacts of the New  
12 York/New Jersey/Philadelphia Metropolitan Area  
13 Airspace Redesign; and

14 (2) submit to Congress a report on the findings  
15 of the Administrator with respect to the monitoring  
16 described in paragraph (1).

17 **SEC. 727. STUDY ON AVIATION FUEL PRICES.**

18 (a) IN GENERAL.—Not later than 180 days after the  
19 date of the enactment of this Act, the Comptroller General  
20 of the United States shall conduct a study and report to  
21 Congress on the impact of increases in aviation fuel prices  
22 on the Airport and Airway Trust Fund and the aviation  
23 industry in general. The study shall include the impact  
24 of increases in aviation fuel prices on—

25 (1) general aviation;

26 (2) commercial passenger aviation;

- 1           (3) piston aircraft purchase and use;
- 2           (4) the aviation services industry, including re-
- 3 pair and maintenance services;
- 4           (5) aviation manufacturing;
- 5           (6) aviation exports; and
- 6           (7) the use of small airport installations.

7           (b) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—

8 In conducting the study required by subsection (a), the

9 Comptroller General shall use the average aviation fuel

10 price for fiscal year 2010 as a baseline and measure the

11 impact of increases in aviation fuel prices that range from

12 5 percent to 200 percent over the 2010 baseline.

13 **SEC. 728. LAND CONVEYANCE FOR SOUTHERN NEVADA**

14 **SUPPLEMENTAL AIRPORT.**

15           (a) DEFINITIONS.—In this section:

16           (1) COUNTY.—The term “County” means Clark

17 County, Nevada.

18           (2) PUBLIC LAND.—The term “public land”

19 means the land located at—

20           (A) sec. 23 and sec. 26, T. 26 S., R. 59

21 E., Mount Diablo Meridian;

22           (B) the NE  $\frac{1}{4}$  and the N  $\frac{1}{2}$  of the SE  $\frac{1}{4}$

23 of sec. 6, T. 25 S., R. 59 E., Mount Diablo Me-

24 ridian, together with the SE  $\frac{1}{4}$  of sec. 31, T.

25 24 S., R. 59 E., Mount Diablo Meridian; and

1 (C) sec. 8, T. 26 S., R. 60 E., Mount Dia-  
2 blo Meridian.

3 (3) SECRETARY.—The term “Secretary” means  
4 the Secretary of the Interior.

5 (b) LAND CONVEYANCE.—

6 (1) IN GENERAL.—As soon as practicable after  
7 the date described in paragraph (2), subject to valid  
8 existing rights, and notwithstanding the land use  
9 planning requirements of sections 202 and 203 of  
10 the Federal Land Policy and Management Act of  
11 1976 (43 U.S.C. 1712, 1713), the Secretary shall  
12 convey to the County, without consideration, all  
13 right, title, and interest of the United States in and  
14 to the public land.

15 (2) DATE ON WHICH CONVEYANCE MAY BE  
16 MADE.—The Secretary shall not make the convey-  
17 ance described in paragraph (1) until the later of  
18 the date on which the Administrator of the Federal  
19 Aviation Administration has—

20 (A) approved an airport layout plan for an  
21 airport to be located in the Ivanpah Valley; and

22 (B) with respect to the construction and  
23 operation of an airport on the site conveyed to  
24 the County pursuant to section 2(a) of the  
25 Ivanpah Valley Airport Public Lands Transfer

1 Act (Public Law 106–362; 114 Stat. 1404),  
2 issued a record of decision after the preparation  
3 of an environmental impact statement or simi-  
4 lar analysis required under the National Envi-  
5 ronmental Policy Act of 1969 (42 U.S.C. 4321  
6 et seq.).

7 (3) WITHDRAWAL.—Subject to valid existing  
8 rights, the public land to be conveyed under para-  
9 graph (1) is withdrawn from—

10 (A) location, entry, and patent under the  
11 mining laws; and

12 (B) operation of the mineral leasing and  
13 geothermal leasing laws.

14 (4) USE.—The public land conveyed under  
15 paragraph (1) shall be used for the development of  
16 flood mitigation infrastructure for the Southern Ne-  
17 vada Supplemental Airport.

18 **SEC. 729. CLARIFICATION OF REQUIREMENTS FOR VOLUN-**  
19 **TEER PILOTS OPERATING CHARITABLE MED-**  
20 **ICAL FLIGHTS.**

21 In administering part 61.113(e) of title 14, Code of  
22 Federal Regulations, the Administrator of the Federal  
23 Aviation Administration shall allow an aircraft owner or  
24 aircraft operator who has volunteered to provide transpor-  
25 tation for an individual or individuals for medical purposes



1 to accept reimbursement to cover all or part of the fuel  
2 costs associated with the operation from a volunteer pilot  
3 organization.

4 **SEC. 730. CYLINDERS OF COMPRESSED OXYGEN, NITROUS**  
5 **OXIDE, OR OTHER OXIDIZING GASES.**

6 (a) IN GENERAL.—The transportation within Alaska  
7 of cylinders of compressed oxygen, nitrous oxide, or other  
8 oxidizing gases aboard aircraft shall be exempt from com-  
9 pliance with the requirements, under sections  
10 173.302(f)(3) and (f)(4) and 173.304(f)(3) and (f)(4) of  
11 the Pipeline and Hazardous Material Safety Administra-  
12 tion’s regulations (49 C.F.R. 173.302(f)(3) and (f)(4) and  
13 173.304(f)(3) and (f)(4)), that oxidizing gases transported  
14 aboard aircraft be enclosed in outer packaging capable of  
15 passing the flame penetration and resistance test and the  
16 thermal resistance test, without regard to the end use of  
17 the cylinders, if—

18 (1) there is no other practical means of trans-  
19 portation for transporting the cylinders to their des-  
20 tination and transportation by ground or vessel is  
21 unavailable; and

22 (2) the transportation meets the requirements  
23 of subsection (b).

24 (b) EXEMPTION REQUIREMENTS.—Subsection (a)  
25 shall not apply to the transportation of cylinders of com-

1 pressed oxygen, nitrous oxide, or other oxidizing gases  
2 aboard aircraft unless the following requirements are met:

3 (1) PACKAGING.—

4 (A) SMALLER CYLINDERS.—Each cylinder  
5 with a capacity of not more than 116 cubic feet  
6 shall be—

7 (i) fully covered with a fire or flame  
8 resistant blanket that is secured in place;  
9 and

10 (ii) placed in a rigid outer packaging  
11 or an ATA 300 Category 1 shipping con-  
12 tainer.

13 (B) LARGER CYLINDERS.—Each cylinder  
14 with a capacity of more than 116 cubic feet but  
15 not more than 281 cubic feet shall be—

16 (i) secured within a frame;

17 (ii) fully covered with a fire or flame  
18 resistant blanket that is secured in place;  
19 and

20 (iii) fitted with a securely attached  
21 metal cap of sufficient strength to protect  
22 the valve from damage during transpor-  
23 tation.

24 (2) OPERATIONAL CONTROLS.—

1 (A) STORAGE; ACCESS TO FIRE EXTING-  
2 GUISHERS.—Unless the cylinders are stored in  
3 a Class C cargo compartment or its equivalent  
4 on the aircraft, crew members shall have access  
5 to the cylinders and at least 2 fire extinguishers  
6 shall be readily available for use by the crew  
7 members.

8 (B) SHIPMENT WITH OTHER HAZARDOUS  
9 MATERIALS.—The cylinders may not be trans-  
10 ported in the same aircraft with other haz-  
11 ardous materials other than Division 2.2 mate-  
12 rials with no subsidiary risk, Class 9 materials,  
13 and ORM–D materials.

14 (3) AIRCRAFT REQUIREMENTS.—

15 (A) AIRCRAFT TYPE.—The transportation  
16 shall be provided only aboard a passenger-car-  
17 rying aircraft or a cargo aircraft.

18 (B) PASSENGER-CARRYING AIRCRAFT.—

19 (i) SMALLER CYLINDERS ONLY.—A  
20 cylinder with a capacity of more than 116  
21 cubic feet may not be transported aboard  
22 a passenger-carrying aircraft.

23 (ii) MAXIMUM NUMBER.—Unless  
24 transported in a Class C cargo compart-  
25 ment or its equivalent, no more than 6 cyl-

1           inders in each cargo compartment may be  
2           transported aboard a passenger-carrying  
3           aircraft.

4           (C) CARGO AIRCRAFT.—A cylinder may  
5           not be transported aboard a cargo aircraft un-  
6           less it is transported in a Class B cargo com-  
7           partment or a Class C cargo compartment or  
8           its equivalent.

9           (c) DEFINITIONS.—Terms used in this section shall  
10          have the meaning given those terms in parts 106, 107,  
11          and 171 through 180 of the Pipeline and Hazardous Ma-  
12          terial Safety Administration’s regulations (49 C.F.R.  
13          parts 106, 107, and 171–180).

14       **SEC. 731. TECHNICAL CORRECTION.**

15          Section 159(b)(2)(C) of title I of division A of the  
16          Consolidated Appropriations Act, 2010, is amended by  
17          striking clauses (i) and (ii) and inserting the following:

18                       “(i) requiring inspections of any con-  
19                       tainer containing a firearm or ammunition;  
20                       and

21                       “(ii) the temporary suspension of fire-  
22                       arm carriage service if credible intelligence  
23                       information indicates a threat related to  
24                       the national rail system or specific routes  
25                       or trains.”.

1 **SEC. 732. PLAN FOR FLYING SCIENTIFIC INSTRUMENTS ON**  
2 **COMMERCIAL FLIGHTS.**

3 (a) PLAN DEVELOPMENT.—Not later than 270 days  
4 after the date of the enactment of this Act, the Secretary  
5 of Transportation and the Secretary of Commerce, in con-  
6 sultation with interested representatives of the aviation in-  
7 dustry and other relevant agencies, shall develop a plan  
8 and process to allow Federal agencies to fly scientific in-  
9 struments on commercial flights with airlines who volun-  
10 teer, for the purpose of taking measurements to improve  
11 weather forecasting.

12 **SEC. 733. PROHIBITION AGAINST AIMING A LASER POINTER**  
13 **AT AN AIRCRAFT.**

14 (a) OFFENSE.—Chapter 2 of title 18, United States  
15 Code, is amended by adding at the end the following:

16 **“§ 39A. Aiming a laser pointer at an aircraft**

17 “(a) Whoever knowingly aims the beam of a laser  
18 pointer at an aircraft in the special aircraft jurisdiction  
19 of the United States, or at the flight path of such an air-  
20 craft, shall be fined under this title or imprisoned not  
21 more than 5 years, or both.

22 “(b) As used in this section, the term ‘laser pointer’  
23 means any device designed or used to amplify electro-  
24 magnetic radiation by stimulated emission that emits a  
25 beam designed to be used by the operator as a pointer

1 or highlighter to indicate, mark, or identify a specific posi-  
2 tion, place, item, or object.

3 “(c) This section does not prohibit aiming a beam  
4 of a laser pointer at an aircraft, or the flight path of such  
5 an aircraft, by—

6 “(1) an authorized individual in the conduct of  
7 research and development or flight test operations  
8 conducted by an aircraft manufacturer, the Federal  
9 Aviation Administration, or any other person author-  
10 ized by the Federal Aviation Administration to con-  
11 duct such research and development or flight test  
12 operations;

13 “(2) members or elements of the Department of  
14 Defense or Department of Homeland Security acting  
15 in an official capacity for the purpose of research,  
16 development, operations, testing or training; or

17 “(3) by an individual using a laser emergency  
18 signaling device to send an emergency distress sig-  
19 nal.

20 “(d) The Attorney General, in consultation with the  
21 Secretary of Transportation, may provide by regulation,  
22 after public notice and comment, such additional excep-  
23 tions to this section, as may be necessary and appropriate.  
24 The Attorney General shall provide written notification of  
25 any proposed regulations under this section to the Com-

1 mittees on the Judiciary of the Senate and the House of  
 2 Representatives, the Committee on Commerce, Science  
 3 and Transportation of the Senate, and the Committee on  
 4 Transportation and Infrastructure of the House of Rep-  
 5 resentatives, not less than 90 days before such regulations  
 6 become final.”.

7 (b) CLERICAL AMENDMENT.—The table of sections  
 8 at the beginning of chapter 2 of title 18, United States  
 9 Code, is amended by inserting after the item relating to  
 10 section 39 the following new item:

“39A. Aiming a laser pointer at an aircraft.”.

11 **SEC. 734. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**  
 12 **CORDING OR DISTRIBUTION OF SECURITY**  
 13 **SCREENING IMAGES.**

14 (a) IN GENERAL.—Part I of title 18, United States  
 15 Code, is amended by adding at the end the following:

16 **“CHAPTER 124—UNAUTHORIZED RECORD-**  
 17 **ING AND DISTRIBUTION OF SECURITY**  
 18 **SCREENING IMAGES**

“Sec.

“2731. Criminal penalty for unauthorized recording and distribution of security  
 screening images.

19 **“SEC. 2731. CRIMINAL PENALTY FOR UNAUTHORIZED RE-**  
 20 **CORDING AND DISTRIBUTION OF SECURITY**  
 21 **SCREENING IMAGES.**

22 “(a) IN GENERAL.—Except as specifically provided  
 23 in subsection (b), it shall be unlawful for an individual—

1           “(1) to photograph or otherwise record an  
2           image produced using advanced imaging technology  
3           during the screening of an individual at an airport,  
4           or upon entry into any building owned or operated  
5           by the Federal Government, without express author-  
6           ization pursuant to a Federal law or regulation; or

7           “(2) to knowingly distribute any such image to  
8           any individual who is not authorized pursuant to a  
9           Federal law or regulation to receive the image.

10          “(b) EXCEPTION.—The prohibition under subsection  
11 (a) shall not apply to an individual who, while engaged  
12 in or on account of the performance of official duties, dis-  
13 tributes, photographs, or otherwise records an image de-  
14 scribed in subsection (a) during the course of authorized  
15 intelligence activities, a Federal, State, or local criminal  
16 investigation or prosecution, or other lawful activities by  
17 Federal, State, or local authorities, including training for  
18 intelligence or law enforcement purposes.

19          “(c) PENALTY.—An individual who violates the pro-  
20 hibition in subsection (a) shall be fined under this title,  
21 imprisoned for not more than 1 year, or both.

22          “(d) ADVANCED IMAGING TECHNOLOGY DEFINED.—  
23 In this section, the term ‘advanced imaging technology’—

24               “(1) means a device that creates a visual image  
25               of an individual showing the surface of the skin be-



1       neath clothing and revealing other objects on the  
2       body that are covered by clothing;

3               “(2) may include devices using backscatter x-  
4       rays or millimeter waves and devices referred to as  
5       ‘whole-body imaging technology’ or ‘body scanning’;  
6       and

7               “(3) does not include a device equipped with  
8       software that produces a generic representation of  
9       the human form instead of a visual image of an indi-  
10       vidual.”.

11       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
12       The table of chapters for part I of title 18, United States  
13       Code, is amended by inserting after the item relating to  
14       chapter 123 the following:

“124. Unauthorized recording and distribution of security screening im-  
ages ..... 2731”.

15       **SEC. 735. APPROVAL OF APPLICATIONS FOR THE SECURITY**  
16               **SCREENING OPT-OUT PROGRAM.**

17       Section 44920(b) of title 49, United States Code, is  
18       amended to read as follows:

19               “(b) APPROVAL OF APPLICATIONS.—

20               “(1) IN GENERAL.—Not later than 30 days  
21       after receiving an application submitted under sub-  
22       section (a), the Under Secretary may approve the  
23       application.

1           “(2) RECONSIDERATION OF REJECTED APPLI-  
2           CATIONS.—Not later than 30 days after the date of  
3           the enactment of the FAA Air Transportation Mod-  
4           ernization and Safety Improvement Act, the Under  
5           Secretary shall reconsider and approve any applica-  
6           tion to have the screening of passengers and prop-  
7           erty at an airport carried out by the screening per-  
8           sonnel of a qualified private screening company that  
9           was submitted under subsection (a) and was pending  
10          on any day between January 1, 2011, and February  
11          3, 2011, if Under Secretary determines that the ap-  
12          plication demonstrates that having the screening of  
13          passengers and property carried out by such screen-  
14          ing personnel will provide security that is equal to  
15          or greater than the level that would be provided by  
16          Federal Government personnel.

17          “(3) REPORT.—If the Under Secretary denies  
18          an application submitted under subsection (a), the  
19          Under Secretary shall submit to the Committee on  
20          Commerce, Science, and Transportation of the Sen-  
21          ate and the Committee on Transportation and Infra-  
22          structure of the House of Representatives a report  
23          that describes the reason for the denial of the appli-  
24          cation.”.

1 **SEC. 736. CONVEYANCE OF LAND TO CITY OF MESQUITE,**  
2 **NEVADA.**

3 (a) DEFINITIONS.—

4 (1) CITY.—The term “city” means the city of  
5 Mesquite, Nevada.

6 (2) MAP.—The term “map” means the map en-  
7 titled “Mesquite Airport Conveyance” and dated  
8 February 6, 2011.

9 (3) SECRETARY.—The term “Secretary” means  
10 the Secretary of the Interior, acting through the Bu-  
11 reau of Land Management.

12 (b) CONVEYANCE OF LAND TO CITY.—

13 (1) IN GENERAL.—As soon as practicable after  
14 the date of enactment of this Act, subject to valid  
15 existing rights, and notwithstanding the land use  
16 planning requirements of sections 202 and 203 of  
17 the Federal Land Policy and Management Act of  
18 1976 (43 U.S.C. 1712, 1713), the Secretary shall  
19 convey to the city, without consideration, all right,  
20 title, and interest of the United States in and to the  
21 land described in paragraph (2).

22 (2) DESCRIPTION OF LAND.—The land referred  
23 to in paragraph (1) consists of land managed by the  
24 Bureau of Land Management described on the map  
25 as “Remnant Parcel”.

26 (3) MAP AND LEGAL DESCRIPTION.—

1 (A) IN GENERAL.—As soon as practicable  
2 after the date of enactment of this Act, the Sec-  
3 retary shall finalize the legal description of the  
4 parcel to be conveyed under this section.

5 (B) MINOR ERRORS.—The Secretary may  
6 correct any minor error in—

- 7 (i) the map; or  
8 (ii) the legal description.

9 (C) AVAILABILITY.—The map and legal  
10 description shall be on file and available for  
11 public inspection in the appropriate offices of  
12 the Bureau of Land Management.

13 (4) COSTS.—The Secretary shall require the  
14 city to pay all costs necessary for the preparation  
15 and completion of any patents for, and transfers of  
16 title to, the land described in paragraph (2).

17 (5) WITHDRAWAL.—Subject to valid existing  
18 rights, until the date of the conveyance under para-  
19 graph (1), the parcel of public land described in  
20 paragraph (2) is withdrawn from—

21 (A) location, entry, and patent under the  
22 public land mining laws; and

23 (B) operation of the mineral leasing, geo-  
24 thermal leasing, and mineral materials laws.

1           (6) REVERSION.—If the land conveyed under  
2 paragraph (1) ceases to be used by the city for the  
3 purposes described in section 3(f) of Public Law 99–  
4 548 (100 Stat. 3061), the land shall, at the discre-  
5 tion of the Secretary, revert to the United States.

6 **SEC. 737. RONALD REAGAN WASHINGTON NATIONAL AIR-**  
7 **PORT SLOTS.**

8           (a) INCREASE IN NUMBER OF SLOT EXEMPTIONS.—  
9 Section 41718 is amended by adding at the end thereof  
10 the following:

11           “(g) ADDITIONAL SLOTS.—

12           “(1) INITIAL INCREASE IN EXEMPTIONS.—  
13 Within 95 days after the date of enactment of the  
14 FAA Air Transportation Modernization and Safety  
15 Improvement Act, the Secretary shall grant, by  
16 order, 24 slot exemptions from the application of  
17 sections 49104(a)(5), 49109, 49111(e), and 41714  
18 of this title to air carriers to operate limited fre-  
19 quencies and aircraft on routes between Ronald  
20 Reagan Washington National Airport and airports  
21 located beyond the perimeter described in section  
22 49109 or, as provided in paragraph (2)(C), airports  
23 located within that perimeter, and exemptions from  
24 the requirements of subparts K and S of part 93,

1 Code of Federal Regulations, if the Secretary finds  
2 that the exemptions will—

3 “(A) provide air transportation with do-  
4 mestic network benefits in areas beyond the pe-  
5 rimeter described in section 49109;

6 “(B) increase competition in multiple mar-  
7 kets;

8 “(C) not reduce travel options for commu-  
9 nities served by small hub airports and medium  
10 hub airports within the perimeter described in  
11 section 49109;

12 “(D) not result in meaningfully increased  
13 travel delays;

14 “(E) enhance options for nonstop travel to  
15 and from the beyond-perimeter airports that  
16 will be served as a result of those exemptions;

17 “(F) have a positive impact on the overall  
18 level of competition in the markets that will be  
19 served as a result of those exemptions; and

20 “(G) produce public benefits, including the  
21 likelihood that the service to airports located  
22 beyond the perimeter described in section  
23 49109 will result in lower fares, higher capaci-  
24 ty, and a variety of service options.

1           “(2) NEW ENTRANTS AND LIMITED INCUM-  
2           BENTS.—Of the exemptions made available under  
3           paragraph (1), the Secretary shall make 10 available  
4           to limited incumbent air carriers or new entrant air  
5           carriers and 14 available to other incumbent air car-  
6           riers.

7           “(3) IMPROVED NETWORK SLOTS.—If an in-  
8           cumbent air carrier (other than a limited incumbent  
9           air carrier) that uses a slot for service between Ron-  
10          ald Reagan Washington National Airport and a  
11          large hub airport located within the perimeter de-  
12          scribed in section 49109 is granted an additional ex-  
13          emption under this subsection, it shall, upon receiv-  
14          ing the additional exemption, discontinue the use of  
15          that slot for such within-perimeter service and oper-  
16          ate, in place of such service, service between Ronald  
17          Reagan Washington National Airport and an airport  
18          located beyond the perimeter described in section  
19          49109. The Secretary may not grant more than 2  
20          slot exemptions under paragraph (1) to an air car-  
21          rier with respect to the same airport, except in the  
22          case of an airport serving a metropolitan area with  
23          a population of more than 1 million persons.

24          “(4) CONDITIONS.—Beyond-perimeter flight op-  
25          erations carried out by an air carrier using an ex-

1 exemption granted under this subsection shall be sub-  
2 ject to the following conditions:

3 “(A) An air carrier may not operate a  
4 multi-aisle or widebody aircraft in conducting  
5 such operations.

6 “(B) An air carrier granted an exemption  
7 under this subsection is prohibited from selling,  
8 trading, leasing, or otherwise transferring the  
9 rights to its beyond-perimeter exemptions, ex-  
10 cept through an air carrier merger or acquisi-  
11 tion.

12 “(5) OPERATIONS DEADLINE.—An air carrier  
13 granted a slot exemption under this subsection shall  
14 commence operations using that slot within 60 days  
15 after the date on which the exemption was granted.

16 “(6) IMPACT STUDY.—Within 17 months after  
17 granting the additional exemptions authorized by  
18 paragraph (1) the Secretary shall complete a study  
19 of the direct effects of the additional exemptions, in-  
20 cluding the extent to which the additional exemp-  
21 tions have—

22 “(A) caused congestion problems at the  
23 airport;



1           “(B) had a negative effect on the financial  
2 condition of the Metropolitan Washington Air-  
3 ports Authority;

4           “(C) affected the environment in the area  
5 surrounding the airport; and

6           “(D) resulted in meaningful loss of service  
7 to small and medium markets within the perim-  
8 eter described in section 49109.

9           “(7) ADDITIONAL EXEMPTIONS.—

10           “(A) DETERMINATION.—The Secretary  
11 shall determine, on the basis of the study re-  
12 quired by paragraph (6), whether—

13           “(i) the additional exemptions author-  
14 ized by paragraph (1) have had a substan-  
15 tial negative effect on Ronald Reagan  
16 Washington National Airport, Washington  
17 Dulles International Airport, or Baltimore/  
18 Washington Thurgood Marshall Inter-  
19 national Airport; and

20           “(ii) the granting of additional exemp-  
21 tions under this paragraph may, or may  
22 not, reasonably be expected to have a sub-  
23 stantial negative effect on any of those air-  
24 ports.

1           “(B) AUTHORITY TO GRANT ADDITIONAL  
2 EXEMPTIONS.—Beginning 6 months after the  
3 date on which the impact study is concluded,  
4 the Secretary may grant up to 8 slot exemp-  
5 tions to incumbent air carriers, in addition to  
6 those granted under paragraph (1) of this sub-  
7 section, if the Secretary determines that—

8           “(i) the additional exemptions author-  
9 ized by paragraph (1) have not had a sub-  
10 stantial negative effect on any of those air-  
11 ports; and

12           “(ii) the granting of additional exemp-  
13 tions under this subparagraph may not  
14 reasonably be expected to have a negative  
15 effect on any of those airports.

16           “(C) IMPROVED NETWORK SLOTS.—If an  
17 incumbent air carrier (other than a limited in-  
18 cumbent air carrier) that uses a slot for service  
19 between Ronald Reagan Washington National  
20 Airport and a large hub airport located within  
21 the perimeter described in section 49109 is  
22 granted an additional exemption under subpara-  
23 graph (B), it shall, upon receiving the addi-  
24 tional exemption, discontinue the use of that  
25 slot for such within-perimeter service and oper-

1           ate, in place of such service, service between  
2           Ronald Reagan Washington National Airport  
3           and an airport located beyond the perimeter de-  
4           scribed in section 49109.

5           “(D)       CONDITIONS.—Beyond-perimeter  
6           flight operations carried out by an air carrier  
7           using an exemption granted under subpara-  
8           graph (B) shall be subject to the following con-  
9           ditions:

10                   “(i) An air carrier may not operate a  
11                   multi-aisle or widebody aircraft in con-  
12                   ducting such operations.

13                   “(ii) An air carrier granted an exemp-  
14                   tion under this subsection is prohibited  
15                   from selling, trading, leasing, or otherwise  
16                   transferring the rights to its beyond-perim-  
17                   eter exemptions, except through an air car-  
18                   rier merger or acquisition.

19           “(E)   ADDITIONAL EXEMPTIONS NOT PER-  
20           MITTED.—The Secretary may not grant exemp-  
21           tions in addition to those authorized by para-  
22           graph (1) if the Secretary determines that—

23                   “(i) the additional exemptions author-  
24                   ized by paragraph (1) have had a substan-

1           tial negative effect on any of those air-  
2           ports; or

3                   “(ii) the granting of additional exemp-  
4                   tions under subparagraph (B) of this para-  
5                   graph may reasonably be expected to have  
6                   a substantial negative effect on 1 or more  
7                   of those airports.

8           “(h) SCHEDULING PRIORITY.—In administering this  
9 section, the Secretary—

10                   “(1) shall afford a scheduling priority to oper-  
11                   ations conducted by new entrant air carriers and  
12                   limited incumbent air carriers over operations con-  
13                   ducted by other air carriers granted additional slot  
14                   exemptions under subsection (g) for service to air-  
15                   ports located beyond the perimeter described in sec-  
16                   tion 49109; and

17                   “(2) shall afford a scheduling priority to slots  
18                   currently held by limited incumbent air carriers for  
19                   service to airports located beyond the perimeter de-  
20                   scribed in section 49109, to the extent necessary to  
21                   protect viability of such service.”.

22           (b) HOURLY LIMITATION.—Section 41718(e)(2) is  
23 amended—

24                   (1) by striking “3 operations” and inserting “4  
25                   operations”; and

1           (2) by striking “subsections (a) and (b)” and  
2           inserting “under this section”.

3           (c) LIMITED INCUMBENT DEFINITION.—Section  
4 41714(h)(5) is amended—

5           (1) by inserting “not” after “shall” in subpara-  
6           graph (B);

7           (2) by striking “and” after the semicolon in  
8           subparagraph (B);

9           (3) by striking “Administration.” in subpara-  
10          graph (C) and inserting “Administration; and”; and

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

12                   “(D) for purposes of section 41718, an air  
13                   carrier that holds only slot exemptions”.

14          (d) REVENUES AND FEES AT THE METROPOLITAN  
15 WASHINGTON AIRPORTS.—Section 49104(a) is amended  
16 by striking paragraph (9) and inserting the following:

17                   “(9) Notwithstanding any other provision of  
18                   law, revenues derived at either of the Metropolitan  
19                   Washington Airports, regardless of source, may be  
20                   used for operating and capital expenses (including  
21                   debt service, depreciation and amortization) at the  
22                   other airport.”.

23 **SEC. 738. ORPHAN EARMARKS ACT.**

24          (a) SHORT TITLE.—This section may be cited as the  
25 “Orphan Earmarks Act”.

1 (b) UNUSED EARMARKS.—

2 (1) DEFINITION.—In this subsection, the term  
3 “earmark” means the following:

4 (A) A congressionally directed spending  
5 item, as defined in Rule XLIV of the Standing  
6 Rules of the Senate.

7 (B) A congressional earmark, as defined  
8 for purposes of Rule XXI of the Rules of the  
9 House of Representatives.

10 (2) RESCISSION.—Any earmark of funds pro-  
11 vided for any Federal agency with more than 90 per-  
12 cent of the appropriated amount remaining available  
13 for obligation at the end of the 9th fiscal year fol-  
14 lowing the fiscal year in which the earmark was  
15 made available is rescinded effective at the end of  
16 that 9th fiscal year, except that the agency head  
17 may delay any such rescission if the agency head de-  
18 termines that an additional obligation of the ear-  
19 mark is likely to occur during the following 12-  
20 month period.

21 (3) IDENTIFICATION AND REPORT.—

22 (A) AGENCY IDENTIFICATION.—Each Fed-  
23 eral agency shall identify and report every  
24 project that is an earmark with an unobligated

1 balance at the end of each fiscal year to the Di-  
2 rector of OMB.

3 (B) ANNUAL REPORT.—The Director of  
4 OMB shall submit to Congress and publically  
5 post on the website of OMB an annual report  
6 that includes—

7 (i) a listing and accounting for ear-  
8 marks with unobligated balances summa-  
9 rized by agency including the amount of  
10 the original earmark, amount of the unob-  
11 ligated balance, and the year when the  
12 funding expires, if applicable;

13 (ii) the number of rescissions resulting  
14 from this section and the annual savings  
15 resulting from this section for the previous  
16 fiscal year; and

17 (iii) a listing and accounting for ear-  
18 marks provided for Federal agencies sched-  
19 uled to be rescinded at the end of the cur-  
20 rent fiscal year.

21 **SEC. 739. PRIVACY PROTECTIONS FOR AIRCRAFT PAS-**  
22 **SENGER SCREENING WITH ADVANCED IMAG-**  
23 **ING TECHNOLOGY.**

24 (a) IN GENERAL.—Section 44901 is amended by  
25 adding at the end the following:

1       “(1) LIMITATIONS ON USE OF ADVANCED IMAGING  
2 TECHNOLOGY FOR SCREENING PASSENGERS.—

3               “(1) IN GENERAL.—The Assistant Secretary of  
4 Homeland Security (Transportation Security Admin-  
5 istration) shall ensure that advanced imaging tech-  
6 nology is used for the screening of passengers under  
7 this section only in accordance with this subsection.

8               “(2) IMPLEMENTATION OF AUTOMATED TAR-  
9 GET RECOGNITION SOFTWARE.—Beginning January  
10 1, 2012, all advanced imaging technology used as a  
11 primary screening method for passengers shall be  
12 equipped with automatic target recognition software.

13              “(3) DEFINITIONS.—In this subsection:

14                      “(A) ADVANCED IMAGING TECHNOLOGY.—  
15 The term ‘advanced imaging technology’—

16                              “(i) means a device that creates a vis-  
17 ual image of an individual showing the sur-  
18 face of the skin beneath clothing and re-  
19 vealing other objects on the body that are  
20 covered by the clothing; and

21                              “(ii) includes devices using  
22 backscatter x-rays or millimeter waves and  
23 devices referred to as ‘whole-body imaging  
24 technology’ or ‘body scanning’.



1           “(B) AUTOMATIC TARGET RECOGNITION  
2           SOFTWARE.—The term ‘automatic target rec-  
3           ognition software’ means software installed on  
4           an advanced imaging technology machine that  
5           produces a generic image of the individual being  
6           screened that is the same as the images pro-  
7           duced for all other screened individuals.

8           “(C) PRIMARY SCREENING.—The term  
9           ‘primary screening’ means the initial examina-  
10          tion of any passenger at an airport checkpoint,  
11          including using available screening technologies  
12          to detect weapons, explosives, narcotics, or  
13          other indications of unlawful action, in order to  
14          determine whether to clear the passenger to  
15          board an aircraft or to further examine the pas-  
16          senger.”.

17          (b) REPORT.—

18               (1) IN GENERAL.—Not later than March 1,  
19               2012, the Assistant Secretary of Homeland Security  
20               (Transportation Security Administration) shall sub-  
21               mit to the appropriate congressional committees a  
22               report on the implementation of section 44901(l) of  
23               title 49, United States Code, as added by subsection  
24               (a).

1           (2) ELEMENTS.—The report required by para-  
2 graph (1) shall include the following:

3           (A) A description of all matters the Assist-  
4 ant Secretary considers relevant to the imple-  
5 mentation of such section.

6           (B) The status of the compliance of the  
7 Transportation Security Administration with  
8 the provisions of such section.

9           (C) If the Administration is not in full  
10 compliance with such provisions—

11           (i) the reasons for such non-compli-  
12 ance; and

13           (ii) a timeline depicting when the As-  
14 sistant Secretary expects the Administra-  
15 tion to achieve full compliance.

16           (3) SECURITY CLASSIFICATION.—The report re-  
17 quired by paragraph (1) shall be submitted, to the  
18 greatest extent practicable, in an unclassified for-  
19 mat, with a classified annex, if necessary.

20           (4) APPROPRIATE CONGRESSIONAL COMMIT-  
21 TEES DEFINED.—In this subsection, the term “ap-  
22 propriate congressional committees” means—

23           (A) the Committee on Commerce, Science,  
24 and Transportation and Committee on Home-

1 land Security and Governmental Affairs of the  
2 Senate; and

3 (B) the Committee on Homeland Security  
4 of the House of Representatives.

5 **SEC. 740. CONTROLLING HELICOPTER NOISE POLLUTION**  
6 **IN RESIDENTIAL AREAS.**

7 Section 44715 is amended by adding at the end the  
8 following:

9 “(g) CONTROLLING HELICOPTER NOISE POLLUTION  
10 IN RESIDENTIAL AREAS.—

11 “(1) IN GENERAL.—Notwithstanding section  
12 47502, not later than the date that is 1 year and  
13 90 days after the date of the enactment of the FAA  
14 Air Transportation Modernization and Safety Im-  
15 provement Act, the Administrator of the Federal  
16 Aviation Administration shall prescribe—

17 “(A) standards to measure helicopter  
18 noise; and

19 “(B) regulations to control helicopter noise  
20 pollution in residential areas.

21 “(2) RULEMAKING WITH RESPECT TO REDUC-  
22 ING HELICOPTER NOISE POLLUTION IN NASSAU AND  
23 SUFFOLK COUNTIES IN NEW YORK STATE.—

24 “(A) IN GENERAL.—Not later than 1 year  
25 after the date of the enactment of the FAA Air

1           Transportation Modernization and Safety Im-  
2           provement Act, and before finalizing the regula-  
3           tions required by paragraph (1), the Adminis-  
4           trator shall prescribe regulations with respect to  
5           helicopters operating in the counties of Nassau  
6           and Suffolk in the State of New York that in-  
7           clude—

8                   “(i) requirements with respect to the  
9                   flight paths and altitudes of helicopters fly-  
10                  ing over those counties to reduce helicopter  
11                  noise pollution; and

12                  “(ii) penalties for failing to comply  
13                  with the requirements described in clause  
14                  (i).

15                  “(B) APPLICABILITY OF CERTAIN RULE-  
16                  MAKING PROCEDURES.—The requirements of  
17                  Executive Order 12866 (58 Fed. Reg. 51735;  
18                  relating to regulatory planning and review) (or  
19                  any successor thereto) shall not apply to regula-  
20                  tions prescribed under subparagraph (A).

21                  “(3) EXCEPTIONS FOR EMERGENCY, LAW EN-  
22                  FORCEMENT, AND MILITARY HELICOPTERS.—In pre-  
23                  scribing standards and regulations under paragraphs  
24                  (1) and (2), the Administrator may provide for ex-  
25                  ceptions to any requirements with respect to reduc-

1 ing helicopter noise pollution in residential areas for  
 2 helicopter activity related to emergency, law enforce-  
 3 ment, or military activities.”.

4 **TITLE VIII—AIRPORT AND AIR-**  
 5 **WAY TRUST FUND PROVI-**  
 6 **SIONS AND RELATED TAXES**

7 **SEC. 800. AMENDMENT OF 1986 CODE.**

8 Except as otherwise expressly provided, whenever in  
 9 this title an amendment or repeal is expressed in terms  
 10 of an amendment to, or repeal of, a section or other provi-  
 11 sion, the reference shall be considered to be made to a  
 12 section or other provision of the Internal Revenue Code  
 13 of 1986.

14 **SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND**  
 15 **AIRWAY TRUST FUND.**

16 (a) **FUEL TAXES.**—Subparagraph (B) of section  
 17 4081(d)(2) is amended by striking “March 31, 2011” and  
 18 inserting “September 30, 2013”.

19 (b) **TICKET TAXES.**—

20 (1) **PERSONS.**—Clause (ii) of section  
 21 4261(j)(1)(A) is amended by striking “March 31,  
 22 2011” and inserting “September 30, 2013”.

23 (2) **PROPERTY.**—Clause (ii) of section  
 24 4271(d)(1)(A) is amended by striking “March 31,  
 25 2011” and inserting “September 30, 2013”.

1 (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on April 1, 2011.

3 **SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST**  
4 **FUND EXPENDITURE AUTHORITY.**

5 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
6 is amended—

7 (1) by striking “April 1, 2011” in the matter  
8 preceding subparagraph (A) and inserting “October  
9 1, 2013”, and

10 (2) by striking the semicolon at the end of sub-  
11 paragraph (A) and inserting “or the FAA Air  
12 Transportation Modernization and Safety Improve-  
13 ment Act;”.

14 (b) CONFORMING AMENDMENT.—Paragraph (2) of  
15 section 9502(e) is amended by striking “April 1, 2011”  
16 and inserting “October 1, 2013”.

17 (c) EFFECTIVE DATE.—The amendments made by  
18 this section shall take effect on April 1, 2011.

19 **SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE**  
20 **USED IN AVIATION.**

21 (a) RATE OF TAX ON AVIATION-GRADE KER-  
22 OSENE.—

23 (1) IN GENERAL.—Subparagraph (A) of section  
24 4081(a)(2) is amended by striking “and” at the end  
25 of clause (ii), by striking the period at the end of

1 clause (iii) and inserting “, and”, and by adding at  
2 the end the following new clause:

3 “(iv) in the case of aviation-grade ker-  
4 osene, 35.9 cents per gallon.”.

5 (2) FUEL REMOVED DIRECTLY INTO FUEL  
6 TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIA-  
7 TION.—Subparagraph (C) of section 4081(a)(2) is  
8 amended to read as follows:

9 “(C) TAXES IMPOSED ON FUEL USED IN  
10 COMMERCIAL AVIATION.—In the case of avia-  
11 tion-grade kerosene which is removed from any  
12 refinery or terminal directly into the fuel tank  
13 of an aircraft for use in commercial aviation by  
14 a person registered for such use under section  
15 4101, the rate of tax under subparagraph  
16 (A)(iv) shall be 4.3 cents per gallon.”.

17 (3) EXEMPTION FOR AVIATION-GRADE KER-  
18 OSENE REMOVED INTO AN AIRCRAFT.—Subsection  
19 (e) of section 4082 is amended—

20 (A) by striking “kerosene” and inserting  
21 “aviation-grade kerosene”,

22 (B) by striking “section  
23 4081(a)(2)(A)(iii)” and inserting “section  
24 4081(a)(2)(A)(iv)”, and

1 (C) by striking “KEROSENE” in the head-  
2 ing and inserting “AVIATION-GRADE KER-  
3 OSENE”.

4 (4) CONFORMING AMENDMENTS.—

5 (A) Clause (iii) of section 4081(a)(2)(A) is  
6 amended by inserting “other than aviation-  
7 grade kerosene” after “kerosene”.

8 (B) The following provisions are each  
9 amended by striking “kerosene” and inserting  
10 “aviation-grade kerosene”:

11 (i) Section 4081(a)(3)(A)(ii).

12 (ii) Section 4081(a)(3)(A)(iv).

13 (iii) Section 4081(a)(3)(D).

14 (C) Subparagraph (D) of section  
15 4081(a)(3) is amended—

16 (i) by striking “paragraph (2)(C)(i)”  
17 in clause (i) and inserting “paragraph  
18 (2)(C)”, and

19 (ii) by striking “paragraph (2)(C)(ii)”  
20 in clause (ii) and inserting “paragraph  
21 (2)(A)(iv)”.

22 (D) Paragraph (4) of section 4081(a) is  
23 amended—



1 (i) by striking “KEROSENE” in the  
2 heading and inserting “AVIATION-GRADE  
3 KEROSENE”, and

4 (ii) by striking “paragraph (2)(C)(i)”  
5 and inserting “paragraph (2)(C)”.

6 (E) Paragraph (2) of section 4081(d) is  
7 amended by striking “(a)(2)(C)(ii)” and insert-  
8 ing “(a)(2)(A)(iv)”.

9 (b) RETAIL TAX ON AVIATION FUEL.—

10 (1) EXEMPTION FOR PREVIOUSLY TAXED  
11 FUEL.—Paragraph (2) of section 4041(c) is amend-  
12 ed by inserting “at the rate specified in subsection  
13 (a)(2)(A)(iv) thereof” after “section 4081”.

14 (2) RATE OF TAX.—Paragraph (3) of section  
15 4041(c) is amended to read as follows:

16 “(3) RATE OF TAX.—The rate of tax imposed  
17 by this subsection shall be the rate of tax in effect  
18 under section 4081(a)(2)(A)(iv) (4.3 cents per gallon  
19 with respect to any sale or use for commercial avia-  
20 tion).”.

21 (c) REFUNDS RELATING TO AVIATION-GRADE KER-  
22 OSENE.—

23 (1) AVIATION-GRADE KEROSENE USED IN COM-  
24 Mercial AVIATION.—Clause (ii) of section  
25 6427(l)(4)(A) is amended by striking “specified in

1 section 4041(c) or 4081(a)(2)(A)(iii), as the case  
2 may be,” and inserting “so imposed”.

3 (2) KEROSENE USED IN AVIATION.—Paragraph  
4 (4) of section 6427(l) is amended by striking sub-  
5 paragraphs (B) and (C) and inserting the following  
6 new subparagraph:

7 “(B) PAYMENTS TO ULTIMATE, REG-  
8 ISTERED VENDOR.—With respect to any ker-  
9 osene used in aviation (other than kerosene to  
10 which paragraph (6) applies), if the ultimate  
11 purchaser of such kerosene waives (at such time  
12 and in such form and manner as the Secretary  
13 shall prescribe) the right to payment under  
14 paragraph (1) and assigns such right to the ul-  
15 timate vendor, then the Secretary shall pay  
16 (without interest) the amount which would be  
17 paid under paragraph (1) to such ultimate ven-  
18 dor, but only if such ultimate vendor—

19 “(i) is registered under section 4101,  
20 and

21 “(ii) meets the requirements of sub-  
22 paragraph (A), (B), or (D) of section  
23 6416(a)(1).”.

24 (3) AVIATION-GRADE KEROSENE NOT USED IN  
25 AVIATION.—Subsection (l) of section 6427 is amend-

1 ed by redesignating paragraph (5) as paragraph (6)  
2 and by inserting after paragraph (4) the following  
3 new paragraph:

4 “(5) REFUNDS FOR AVIATION-GRADE KER-  
5 OSENE NOT USED IN AVIATION.—If tax has been im-  
6 posed under section 4081 at the rate specified in  
7 section 4081(a)(2)(A)(iv) and the fuel is used other  
8 than in an aircraft, the Secretary shall pay (without  
9 interest) to the ultimate purchaser of such fuel an  
10 amount equal to the amount of tax imposed on such  
11 fuel reduced by the amount of tax that would be im-  
12 posed under section 4041 if no tax under section  
13 4081 had been imposed.”.

14 (4) CONFORMING AMENDMENTS.—

15 (A) Subparagraph (B) of section  
16 4082(d)(2) is amended by striking  
17 “6427(l)(5)(B)” and inserting “6427(l)(6)(B)”.

18 (B) Paragraph (4) of section 6427(i) is  
19 amended—

20 (i) by striking “(4)(C) or (5)” and in-  
21 serting “(4)(B) or (6)”, and

22 (ii) by striking “, (l)(4)(C)(ii), and  
23 (l)(5)” and inserting “and (l)(6)”.

24 (C) Subsection (l) of section 6427 is  
25 amended by striking “DIESEL FUEL AND KER-

1           OSENE” in the heading and inserting “DIESEL  
2           FUEL, KEROSENE, AND AVIATION FUEL”.

3           (D) Paragraph (1) of section 6427(l) is  
4           amended by striking “paragraph (4)(C)(i)” and  
5           inserting “paragraph (4)(B)”.

6           (E) Paragraph (4) of section 6427(l) is  
7           amended—

8                   (i) by striking “KEROSENE USED IN  
9                   AVIATION” in the heading and inserting  
10                   “AVIATION-GRADE KEROSENE USED IN  
11                   COMMERCIAL AVIATION”, and

12                   (ii) in subparagraph (A)—

13                           (I) by striking “kerosene” and  
14                           inserting “aviation-grade kerosene”,

15                           (II) by striking “KEROSENE  
16                           USED IN COMMERCIAL AVIATION” in  
17                           the heading and inserting “IN GEN-  
18                           ERAL”.

19           (d) TRANSFERS TO THE AIRPORT AND AIRWAY  
20 TRUST FUND.—

21           (1) IN GENERAL.—Subparagraph (C) of section  
22 9502(b)(1) is amended to read as follows:

23                   “(C) section 4081 with respect to aviation  
24                   gasoline and aviation-grade kerosene, and”.

1           (2) TRANSFERS ON ACCOUNT OF CERTAIN RE-  
2 FUNDS.—

3           (A) IN GENERAL.—Subsection (d) of sec-  
4 tion 9502 is amended—

5           (i) by striking “(other than subsection  
6 (l)(4) thereof)” in paragraph (2), and

7           (ii) by striking “(other than payments  
8 made by reason of paragraph (4) of section  
9 6427(l))” in paragraph (3).

10          (B) CONFORMING AMENDMENTS.—

11          (i) Paragraph (4) of section 9503(b)  
12 is amended by striking “or” at the end of  
13 subparagraph (C), by striking the period  
14 at the end of subparagraph (D) and insert-  
15 ing a comma, and by inserting after sub-  
16 paragraph (D) the following new subpara-  
17 graphs:

18          “(E) section 4081 to the extent attrib-  
19 utable to the rate specified in clause (ii) or (iv)  
20 of section 4081(a)(2)(A), or

21          “(F) section 4041(c).”.

22          (ii) Subsection (c) of section 9503 is  
23 amended by striking paragraph (5).

24          (iii) Subsection (a) of section 9502 is  
25 amended—

1 (I) by striking “appropriated,  
2 credited, or paid into” and inserting  
3 “appropriated or credited to”, and

4 (II) by striking “, section  
5 9503(e)(5),”.

6 (e) EFFECTIVE DATE.—The amendments made by  
7 this section shall apply to fuels removed, entered, or sold  
8 after March 31, 2011.

9 (f) FLOOR STOCKS TAX.—

10 (1) IMPOSITION OF TAX.—In the case of avia-  
11 tion-grade kerosene fuel which is held on April 1,  
12 2011, by any person, there is hereby imposed a floor  
13 stocks tax on aviation-grade kerosene equal to—

14 (A) the tax which would have been imposed  
15 before such date on such kerosene had the  
16 amendments made by this section been in effect  
17 at all times before such date, reduced by

18 (B) the tax imposed before such date on  
19 such kerosene under section 4081 of the Inter-  
20 nal Revenue Code of 1986, as in effect on such  
21 date.

22 (2) LIABILITY FOR TAX AND METHOD OF PAY-  
23 MENT.—

1           (A) LIABILITY FOR TAX.—A person hold-  
2           ing aviation-grade kerosene on April 1, 2011,  
3           shall be liable for such tax.

4           (B) TIME AND METHOD OF PAYMENT.—  
5           The tax imposed by paragraph (1) shall be paid  
6           at such time and in such manner as the Sec-  
7           retary of the Treasury shall prescribe.

8           (3) TRANSFER OF FLOOR STOCK TAX REVE-  
9           NUES TO TRUST FUNDS.—For purposes of deter-  
10          mining the amount transferred to the Airport and  
11          Airway Trust Fund, the tax imposed by this sub-  
12          section shall be treated as imposed by section  
13          4081(a)(2)(A)(iv) of the Internal Revenue Code of  
14          1986.

15          (4) DEFINITIONS.—For purposes of this sub-  
16          section—

17               (A) AVIATION-GRADE KEROSENE.—The  
18               term “aviation-grade kerosene” means aviation-  
19               grade kerosene as such term is used within the  
20               meaning of section 4081 of the Internal Rev-  
21               enue Code of 1986.

22               (B) HELD BY A PERSON.—Aviation-grade  
23               kerosene shall be considered as held by a person  
24               if title thereto has passed to such person

1           (whether or not delivery to the person has been  
2           made).

3           (C) SECRETARY.—The term “Secretary”  
4           means the Secretary of the Treasury or the  
5           Secretary’s delegate.

6           (5) EXCEPTION FOR EXEMPT USES.—The tax  
7           imposed by paragraph (1) shall not apply to any  
8           aviation-grade kerosene held by any person exclu-  
9           sively for any use to the extent a credit or refund  
10          of the tax is allowable under the Internal Revenue  
11          Code of 1986 for such use.

12          (6) EXCEPTION FOR CERTAIN AMOUNTS OF  
13          AVIATION-GRADE KEROSENE.—

14           (A) IN GENERAL.—No tax shall be im-  
15          posed by paragraph (1) on any aviation-grade  
16          kerosene held on April 1, 2011, by any person  
17          if the aggregate amount of such aviation-grade  
18          kerosene held by such person on such date does  
19          not exceed 2,000 gallons. The preceding sen-  
20          tence shall apply only if such person submits to  
21          the Secretary (at the time and in the manner  
22          required by the Secretary) such information as  
23          the Secretary shall require for purposes of this  
24          subparagraph.



1           (B) EXEMPT AVIATION-GRADE KER-  
2           OSENE.—For purposes of subparagraph (A),  
3           there shall not be taken into account any avia-  
4           tion-grade kerosene held by any person which is  
5           exempt from the tax imposed by paragraph (1)  
6           by reason of paragraph (5).

7           (C) CONTROLLED GROUPS.—For purposes  
8           of this subsection—

9                   (i) CORPORATIONS.—

10                         (I) IN GENERAL.—All persons  
11                         treated as a controlled group shall be  
12                         treated as 1 person.

13                         (II) CONTROLLED GROUP.—The  
14                         term “controlled group” has the  
15                         meaning given to such term by sub-  
16                         section (a) of section 1563 of the In-  
17                         ternal Revenue Code of 1986; except  
18                         that for such purposes the phrase  
19                         “more than 50 percent” shall be sub-  
20                         stituted for the phrase “at least 80  
21                         percent” each place it appears in such  
22                         subsection.

23                         (ii) NONINCORPORATED PERSONS  
24                         UNDER COMMON CONTROL.—Under regula-  
25                         tions prescribed by the Secretary, prin-



1 Air Traffic Control System Modernization Account  
2 as provided in this subsection or section 9602(b).

3 “(2) TRANSFERS TO AIR TRAFFIC CONTROL  
4 SYSTEM MODERNIZATION ACCOUNT.—On October 1,  
5 2011, and annually thereafter the Secretary shall  
6 transfer \$400,000,000 to the Air Traffic Control  
7 System Modernization Account from amounts appro-  
8 priated to the Airport and Airway Trust Fund under  
9 subsection (b) which are attributable to taxes on  
10 aviation-grade kerosene.

11 “(3) EXPENDITURES FROM ACCOUNT.—  
12 Amounts in the Air Traffic Control System Mod-  
13 ernization Account shall be available subject to ap-  
14 propriation for expenditures relating to the mod-  
15 ernization of the air traffic control system (including  
16 facility and equipment account expenditures).”.

17 (b) CONFORMING AMENDMENT.—Paragraph (1) of  
18 section 9502(d) is amended by striking “Amounts” and  
19 inserting “Except as provided in subsection (f), amounts”.

20 (c) EFFECTIVE DATE.—The amendments made by  
21 this section shall take effect on the date of the enactment  
22 of this Act.

23 **SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNER-**  
24 **SHIP PROGRAMS.**

25 (a) FUEL SURTAX.—

1           (1) IN GENERAL.—Subchapter B of chapter 31  
2           is amended by adding at the end the following new  
3           section:

4   **“SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF**  
5                           **A FRACTIONAL OWNERSHIP PROGRAM.**

6           “(a) IN GENERAL.—There is hereby imposed a tax  
7           on any liquid used during any calendar quarter by any  
8           person as a fuel in an aircraft which is—

9                   “(1) registered in the United States, and

10                   “(2) part of a fractional ownership aircraft pro-  
11           gram.

12           “(b) AMOUNT OF TAX.—The rate of tax imposed by  
13           subsection (a) is 14.1 cents per gallon.

14           “(c) FRACTIONAL OWNERSHIP AIRCRAFT PRO-  
15           GRAM.—For purposes of this section—

16                   “(1) IN GENERAL.—The term ‘fractional owner-  
17           ship aircraft program’ means a program under  
18           which—

19                           “(A) a single fractional ownership program  
20           manager provides fractional ownership program  
21           management services on behalf of the fractional  
22           owners,

23                           “(B) 2 or more airworthy aircraft are part  
24           of the program,

1           “(C) there are 1 or more fractional owners  
2           per program aircraft, with at least 1 program  
3           aircraft having more than 1 owner,

4           “(D) each fractional owner possesses at  
5           least a minimum fractional ownership interest  
6           in 1 or more program aircraft,

7           “(E) there exists a dry-lease aircraft ex-  
8           change arrangement among all of the fractional  
9           owners, and

10           “(F) there are multi-year program agree-  
11           ments covering the fractional ownership, frac-  
12           tional ownership program management services,  
13           and dry-lease aircraft exchange aspects of the  
14           program.

15           “(2) MINIMUM FRACTIONAL OWNERSHIP INTER-  
16           EST.—

17           “(A) IN GENERAL.—The term ‘minimum  
18           fractional ownership interest’ means, with re-  
19           spect to each type of aircraft—

20           “(i) a fractional ownership interest  
21           equal to or greater than  $\frac{1}{16}$  of at least 1  
22           subsonic, fixed wing or powered lift pro-  
23           gram aircraft, or

1                   “(ii) a fractional ownership interest  
2                   equal to or greater than  $\frac{1}{32}$  of a least 1  
3                   rotorcraft program aircraft.

4                   “(B) FRACTIONAL OWNERSHIP INTER-  
5                   EST.—The term ‘fractional ownership interest’  
6                   means—

7                   “(i) the ownership of an interest in a  
8                   program aircraft,

9                   “(ii) the holding of a multi-year lease-  
10                  hold interest in a program aircraft, or

11                  “(iii) the holding of a multi-year  
12                  leasehold interest which is convertible into  
13                  an ownership interest in a program air-  
14                  craft.

15                  “(3) DRY-LEASE AIRCRAFT EXCHANGE.—The  
16                  term ‘dry-lease aircraft exchange’ means an agree-  
17                  ment, documented by the written program agree-  
18                  ments, under which the program aircraft are avail-  
19                  able, on an as needed basis without crew, to each  
20                  fractional owner.

21                  “(d) TERMINATION.—This section shall not apply to  
22                  liquids used as a fuel in an aircraft after September 30,  
23                  2013.”.

24                  (2) CONFORMING AMENDMENT.—Subsection (e)  
25                  of section 4082 is amended by inserting “(other

1 than an aircraft described in section 4043(a))” after  
2 “an aircraft”.

3 (3) TRANSFER OF REVENUES TO AIRPORT AND  
4 AIRWAY TRUST FUND.—Subsection (1) of section  
5 9502(b) is amended by redesignating subparagraphs  
6 (B) and (C) as subparagraphs (C) and (D), respec-  
7 tively, and by inserting after subparagraph (A) the  
8 following new subparagraph:

9 “(B) section 4043 (relating to surtax on  
10 fuel used in aircraft part of a fractional owner-  
11 ship program),”.

12 (4) CLERICAL AMENDMENT.—The table of sec-  
13 tions for subchapter B of chapter 31 is amended by  
14 adding at the end the following new item:

“Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership pro-  
gram.”.

15 (b) FRACTIONAL OWNERSHIP PROGRAMS TREATED  
16 AS NON-COMMERCIAL AVIATION.—Subsection (b) of sec-  
17 tion 4083 is amended by adding at the end the following  
18 new sentence: “For uses of aircraft before October 1,  
19 2013, such term shall not include the use of any aircraft  
20 which is part of a fractional ownership aircraft program  
21 (as defined by section 4043(c)).”.

22 (c) EXEMPTION FROM TAX ON TRANSPORTATION OF  
23 PERSONS.—Section 4261, as amended by this Act, is  
24 amended by redesignating subsection (j) as subsection (k)

1 and by inserting after subsection (i) the following new sub-  
2 section:

3 “(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL  
4 OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be im-  
5 posed by this section or section 4271 on any air transpor-  
6 tation provided before October 1, 2013, by an aircraft  
7 which is part of a fractional ownership aircraft program  
8 (as defined by section 4043(c)).”.

9 (d) EFFECTIVE DATES.—

10 (1) SUBSECTION (a).—The amendments made  
11 by subsection (a) shall apply to fuel used after  
12 March 31, 2011.

13 (2) SUBSECTION (b).—The amendment made by  
14 subsection (b) shall apply to uses of aircraft after  
15 March 31, 2011.

16 (3) SUBSECTION (c).—The amendments made  
17 by subsection (c) shall apply to taxable transpor-  
18 tation provided after March 31, 2011.

19 **SEC. 806. TERMINATION OF EXEMPTION FOR SMALL JET**  
20 **AIRCRAFT ON NONESTABLISHED LINES.**

21 (a) IN GENERAL.—the first sentence of section 4281  
22 is amended by inserting “or when such aircraft is a tur-  
23 bine engine powered aircraft” after “an established line”.



1 (b) EFFECTIVE DATE.—The amendment made by  
2 this section shall apply to taxable transportation provided  
3 after March 31, 2011.

4 **SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLO-**  
5 **SURES.**

6 (a) IN GENERAL.—Section 7275 (relating to penalty  
7 for offenses relating to certain airline tickets and adver-  
8 tising) is amended—

9 (1) by redesignating subsection (c) as sub-  
10 section (d),

11 (2) by striking “subsection (a) or (b)” in sub-  
12 section (d), as so redesignated, and inserting “sub-  
13 section (a), (b), or (c)”, and

14 (3) by inserting after subsection (b) the fol-  
15 lowing new subsection:

16 “(c) NON-TAX CHARGES.—

17 “(1) IN GENERAL.—In the case of transpor-  
18 tation by air for which disclosure on the ticket or  
19 advertising for such transportation of the amounts  
20 paid for passenger taxes is required by subsection  
21 (a)(2) or (b)(1)(B), if such amounts are separately  
22 disclosed, it shall be unlawful for the disclosure of  
23 such amounts to include any amounts not attrib-  
24 utable to such taxes.



1 **SEC. 809. PROTECTION OF AIRPORT AND AIRWAY TRUST**  
2 **FUND SOLVENCY.**

3 (a) IN GENERAL.—Paragraph (1) of section 9502(d)  
4 is amended by adding at the end the following new sen-  
5 tence: “Unless otherwise provided by this section, for pur-  
6 poses of this paragraph for fiscal year 2012 or 2013, the  
7 amount available for making expenditures for such fiscal  
8 year shall not exceed 90 percent of the receipts of the Air-  
9 port and Airway Trust Fund plus interest credited to such  
10 Trust Fund for such fiscal year as estimated by the Sec-  
11 retary of the Treasury.”.

12 (b) EFFECTIVE DATE.—The amendment made by  
13 this section shall apply to fiscal years beginning after Sep-  
14 tember 30, 2011.

15 **SEC. 810. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE**  
16 **CARRIER BANKRUPTCY.**

17 (a) GENERAL RULES.—

18 (1) ROLLOVER OF AIRLINE PAYMENT  
19 AMOUNT.—If a qualified airline employee receives  
20 any airline payment amount and transfers any por-  
21 tion of such amount to a traditional IRA within 180  
22 days of receipt of such amount (or, if later, within  
23 180 days of the date of the enactment of this Act),  
24 then such amount (to the extent so transferred)  
25 shall be treated as a rollover contribution described  
26 in section 402(c) of the Internal Revenue Code of

1 1986. A qualified airline employee making such a  
2 transfer may exclude from gross income the amount  
3 transferred, in the taxable year in which the airline  
4 payment amount was paid to the qualified airline  
5 employee by the commercial passenger airline car-  
6 rier.

7 (2) TRANSFER OF AMOUNTS ATTRIBUTABLE TO  
8 AIRLINE PAYMENT AMOUNT FOLLOWING ROLLOVER  
9 TO ROTH IRA.—A qualified airline employee who has  
10 contributed an airline payment amount to a Roth  
11 IRA that is treated as a qualified rollover contribu-  
12 tion pursuant to section 125 of the Worker, Retiree,  
13 and Employer Recovery Act of 2008, may transfer  
14 to a traditional IRA, in a trustee-to-trustee transfer,  
15 all or any part of the contribution (together with any  
16 net income allocable to such contribution), and the  
17 transfer to the traditional IRA will be deemed to  
18 have been made at the time of the rollover to the  
19 Roth IRA, if such transfer is made within 180 days  
20 of the date of the enactment of this Act. A qualified  
21 airline employee making such a transfer may exclude  
22 from gross income the airline payment amount pre-  
23 viously rolled over to the Roth IRA, to the extent an  
24 amount attributable to the previous rollover was  
25 transferred to a traditional IRA, in the taxable year

1 in which the airline payment amount was paid to the  
2 qualified airline employee by the commercial pas-  
3 senger airline carrier. No amount so transferred to  
4 a traditional IRA may be treated as a qualified roll-  
5 over contribution with respect to a Roth IRA within  
6 the 5-taxable year period beginning with the taxable  
7 year in which such transfer was made.

8 (3) EXTENSION OF TIME TO FILE CLAIM FOR  
9 REFUND.—A qualified airline employee who excludes  
10 an amount from gross income in a prior taxable year  
11 under paragraph (1) or (2) may reflect such exclu-  
12 sion in a claim for refund filed within the period of  
13 limitation under section 6511(a) (or, if later, April  
14 15, 2012).

15 (b) TREATMENT OF AIRLINE PAYMENT AMOUNTS  
16 AND TRANSFERS FOR EMPLOYMENT TAXES.—For pur-  
17 poses of chapter 21 of the Internal Revenue Code of 1986  
18 and section 209 of the Social Security Act, an airline pay-  
19 ment amount shall not fail to be treated as a payment  
20 of wages by the commercial passenger airline carrier to  
21 the qualified airline employee in the taxable year of pay-  
22 ment because such amount is excluded from the qualified  
23 airline employee's gross income under subsection (a).

24 (c) DEFINITIONS AND SPECIAL RULES.—For pur-  
25 poses of this section—

1 (1) AIRLINE PAYMENT AMOUNT.—

2 (A) IN GENERAL.—The term “airline pay-  
3 ment amount” means any payment of any  
4 money or other property which is payable by a  
5 commercial passenger airline carrier to a quali-  
6 fied airline employee—

7 (i) under the approval of an order of  
8 a Federal bankruptcy court in a case filed  
9 after September 11, 2001, and before Jan-  
10 uary 1, 2007, and

11 (ii) in respect of the qualified airline  
12 employee’s interest in a bankruptcy claim  
13 against the carrier, any note of the carrier  
14 (or amount paid in lieu of a note being  
15 issued), or any other fixed obligation of the  
16 carrier to pay a lump sum amount.

17 The amount of such payment shall be deter-  
18 mined without regard to any requirement to de-  
19 duct and withhold tax from such payment  
20 under sections 3102(a) and 3402(a).

21 (B) EXCEPTION.—An airline payment  
22 amount shall not include any amount payable  
23 on the basis of the carrier’s future earnings or  
24 profits.

1           (2) QUALIFIED AIRLINE EMPLOYEE.—The term  
2           “qualified airline employee” means an employee or  
3           former employee of a commercial passenger airline  
4           carrier who was a participant in a defined benefit  
5           plan maintained by the carrier which—

6                   (A) is a plan described in section 401(a) of  
7           the Internal Revenue Code of 1986 which in-  
8           cludes a trust exempt from tax under section  
9           501(a) of such Code, and

10                   (B) was terminated or became subject to  
11           the restrictions contained in paragraphs (2) and  
12           (3) of section 402(b) of the Pension Protection  
13           Act of 2006.

14           (3) TRADITIONAL IRA.—The term “traditional  
15           IRA” means an individual retirement plan (as de-  
16           fined in section 7701(a)(37) of the Internal Revenue  
17           Code of 1986) which is not a Roth IRA.

18           (4) ROTH IRA.—The term “Roth IRA” has the  
19           meaning given such term by section 408A(b) of such  
20           Code.

21           (d) SURVIVING SPOUSE.—If a qualified airline em-  
22           ployee died after receiving an airline payment amount, or  
23           if an airline payment amount was paid to the surviving  
24           spouse of a qualified airline employee in respect of the  
25           qualified airline employee, the surviving spouse of the

1 qualified airline employee may take all actions permitted  
2 under section 125 of the Worker, Retiree and Employer  
3 Recovery Act of 2008, or under this section, to the same  
4 extent that the qualified airline employee could have done  
5 had the qualified airline employee survived.

6 (e) EFFECTIVE DATE.—This section shall apply to  
7 transfers made after the date of the enactment of this Act  
8 with respect to airline payment amounts paid before, on,  
9 or after such date.

10 **SEC. 811. APPLICATION OF LEVY TO PAYMENTS TO FED-**  
11 **ERAL VENDORS RELATING TO PROPERTY.**

12 (a) IN GENERAL.—Section 6331(h)(3) of the Inter-  
13 nal Revenue Code of 1986 is amended by striking “goods  
14 or services” and inserting “property, goods, or services”.

15 (b) EFFECTIVE DATE.—The amendment made by  
16 this section shall apply to levies issued after the date of  
17 the enactment of this Act.

18 **SEC. 812. MODIFICATION OF CONTROL DEFINITION FOR**  
19 **PURPOSES OF SECTION 249.**

20 (a) IN GENERAL.—Section 249(a) of the Internal  
21 Revenue Code of 1986 is amended by striking “, or a cor-  
22 poration in control of, or controlled by,” and inserting “,  
23 or a corporation in the same parent-subsiary controlled  
24 group (within the meaning of section 1563(a)(1) as”.



1 (b) CONFORMING AMENDMENT.—Section 249(b) of  
2 the Internal Revenue Code of 1986 is amended—

3 (1) by striking “subsection (a)—” and all that  
4 follows through “The adjusted issue price” and in-  
5 serting “subsection (a), the adjusted issue price”,  
6 and

7 (2) by striking paragraph (2).

8 (c) EFFECTIVE DATE.—The amendments made by  
9 this section shall apply to repurchases after the date of  
10 the enactment of this Act.

## 11 **TITLE IX—BUDGETARY EFFECTS**

### 12 **SEC. 901. BUDGETARY EFFECTS.**

13 The budgetary effects of this Act, for the purpose of  
14 complying with the Statutory Pay-As-You-Go-Act of 2010,  
15 shall be determined by reference to the latest statement  
16 titled “Budgetary Effects of PAYGO Legislation” for this  
17 Act, submitted for printing in the Congressional Record  
18 by the Chairman of the Senate Budget Committee, pro-  
19 vided that such statement has been submitted prior to the  
20 vote on passage.

1 **TITLE X—RESCISSION OF UN-**  
2 **USED TRANSPORTATION EAR-**  
3 **MARKS AND GENERAL RE-**  
4 **PORTING REQUIREMENT**

5 **SEC. 1001. DEFINITION.**

6 In this title, the term “earmark” means the following:

7 (1) A congressionally directed spending item, as  
8 defined in Rule XLIV of the Standing Rules of the  
9 Senate.

10 (2) A congressional earmark, as defined for  
11 purposes of Rule XXI of the Rules of the House of  
12 Representatives.

13 **SEC. 1002. RESCISSION.**

14 Any earmark of funds provided for the Department  
15 of Transportation with more than 90 percent of the appro-  
16 priated amount remaining available for obligation at the  
17 end of the 9th fiscal year following the fiscal year in which  
18 the earmark was made available is rescinded effective at  
19 the end of that 9th fiscal year, except that the Secretary  
20 of Transportation may delay any such rescission if the  
21 Secretary determines that an additional obligation of the  
22 earmark is likely to occur during the following 12-month  
23 period.

1 **SEC. 1003. AGENCY WIDE IDENTIFICATION AND REPORTS.**

2 (a) AGENCY IDENTIFICATION.—Each Federal agency  
3 shall identify and report every project that is an earmark  
4 with an unobligated balance at the end of each fiscal year  
5 to the Director of OMB.

6 (b) ANNUAL REPORT.—The Director of OMB shall  
7 submit to Congress and publically post on the website of  
8 OMB an annual report that includes—

9 (1) a listing and accounting for earmarks with  
10 unobligated balances summarized by agency includ-  
11 ing the amount of the original earmark, amount of  
12 the unobligated balance, and the year when the  
13 funding expires, if applicable;

14 (2) the number of rescissions resulting from  
15 this title and the annual savings resulting from this  
16 title for the previous fiscal year; and

17 (3) a listing and accounting for earmarks pro-  
18 vided for the Department of Transportation sched-  
19 uled to be rescinded at the end of the current fiscal  
20 year.

1 **TITLE XI—REPEAL OF EXPAN-**  
2 **SION OF INFORMATION RE-**  
3 **PORTING REQUIREMENTS**

4 **SEC. 1101. REPEAL OF EXPANSION OF INFORMATION RE-**  
5 **PORTING REQUIREMENTS.**

6 (a) IN GENERAL.—Section 9006 of the Patient Pro-  
7 tection and Affordable Care Act, and the amendments  
8 made thereby, are hereby repealed; and the Internal Rev-  
9 enue Code of 1986 shall be applied as if such section, and  
10 amendments, had never been enacted.

11 (b) RESCISSION OF UNSPENT FEDERAL FUNDS TO  
12 OFFSET LOSS IN REVENUES.—

13 (1) IN GENERAL.—Notwithstanding any other  
14 provision of law, of all available unobligated funds,  
15 \$44,000,000,000 in appropriated discretionary funds  
16 are hereby rescinded.

17 (2) IMPLEMENTATION.—The Director of the  
18 Office of Management and Budget shall determine  
19 and identify from which appropriation accounts the  
20 rescission under paragraph (1) shall apply and the  
21 amount of such rescission that shall apply to each  
22 such account. Not later than 60 days after the date  
23 of the enactment of this Act, the Director of the Of-  
24 fice of Management and Budget shall submit a re-  
25 port to the Secretary of the Treasury and Congress

1 of the accounts and amounts determined and identi-  
 2 fied for rescission under the preceding sentence.

3 (3) EXCEPTION.—This subsection shall not  
 4 apply to the unobligated funds of the Department of  
 5 Defense, the Department of Veterans Affairs, or the  
 6 Social Security Administration.

7 **TITLE XII—EMERGENCY MED-**  
 8 **ICAL SERVICE PROVIDERS**  
 9 **PROTECTION AND LIABILITY**  
 10 **PROTECTION FOR CERTAIN**  
 11 **VOLUNTEER PILOTS**

12 **SUBTITLE A—EMERGENCY MEDICAL SERVICE**  
 13 **PROVIDERS PROTECTION**

14 **SEC. 1201. DALE LONG EMERGENCY MEDICAL SERVICE**  
 15 **PROVIDERS PROTECTION ACT.**

16 (a) SHORT TITLE.—This subtitle may be cited as the  
 17 “Dale Long Emergency Medical Service Providers Protec-  
 18 tion Act”.

19 (b) ELIGIBILITY.—Section 1204 of title I of the Om-  
 20 nibus Crime Control and Safe Streets Act of 1968 (42  
 21 U.S.C. 3796b) is amended—

22 (1) in paragraph (7), by striking “public em-  
 23 ployee member of a rescue squad or ambulance  
 24 crew;” and inserting “employee or volunteer member

1 of a rescue squad or ambulance crew (including a  
2 ground or air ambulance service) that—

3 “(A) is a public agency; or

4 “(B) is (or is a part of) a nonprofit entity  
5 serving the public that—

6 “(i) is officially authorized or licensed  
7 to engage in rescue activity or to provide  
8 emergency medical services; and

9 “(ii) is officially designated as a pre-  
10 hospital emergency medical response agen-  
11 cy;”; and

12 (2) in paragraph (9)—

13 (A) in subparagraph (A), by striking “as a  
14 chaplain” and all that follows through the semi-  
15 colon, and inserting “or as a chaplain;”;

16 (B) in subparagraph (B)(ii), by striking  
17 “or” after the semicolon;

18 (C) in subparagraph (C)(ii), by striking  
19 the period and inserting “; or”; and

20 (D) by adding at the end the following:

21 “(D) a member of a rescue squad or am-  
22 bulance crew who, as authorized or licensed by  
23 law and by the applicable agency or entity (and  
24 as designated by such agency or entity), is en-

1 gaging in rescue activity or in the provision of  
2 emergency medical services.”.

3 (c) OFFSET.—Of the unobligated balances available  
4 under the Department of Justice Assets Forfeiture Fund,  
5 \$13,000,000 are permanently cancelled.

6 (d) EFFECTIVE DATE.—The amendments made by  
7 subsection (b) shall apply only to injuries sustained on or  
8 after June 1, 2009.

9 SUBTITLE B—LIABILITY PROTECTION

10 **SEC. 1211. SHORT TITLE.**

11 This subtitle may be cited as the “Volunteer Pilot  
12 Protection Act of 2011”.

13 **SEC. 1212. FINDINGS AND PURPOSE.**

14 (a) FINDINGS.—Congress finds the following:

15 (1) Many volunteer pilots fly for public benefit  
16 and provide valuable services to communities and in-  
17 dividuals.

18 (2) In calendar year 2006, volunteer pilots pro-  
19 vided long-distance, no-cost transportation for more  
20 than 58,000 people during times of special need.

21 (b) PURPOSE.—The purpose of this title is to pro-  
22 mote the activities of volunteer pilots that fly for public  
23 benefit and to sustain the availability of the services that  
24 such volunteers provide, including the following:

1           (1) Transportation at no cost to financially  
2           needy medical patients for medical treatment, eval-  
3           uation, and diagnosis.

4           (2) Flights for humanitarian and charitable  
5           purposes.

6           (3) Other flights of compassion.

7 **SEC. 1213. LIABILITY PROTECTION FOR VOLUNTEER PI-**  
8 **LOTS THAT FLY FOR PUBLIC BENEFIT.**

9           Section 4 of the Volunteer Protection Act of 1997  
10 (42 U.S.C. 14503) is amended in subsection (a)(4)—

11           (1) by redesignating subparagraphs (A) and  
12           (B) as clauses (i) and (ii), respectively;

13           (2) by striking “the harm” and inserting “(A)  
14           except in the case of subparagraph (B), the harm”;

15           (3) in subparagraph (A)(ii), as redesignated by  
16           this paragraph, by striking the period at the end and  
17           inserting “; and”; and

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

19           “(B) the volunteer—

20           “(i) was operating an aircraft to promote  
21           the activities of volunteer pilots that fly for  
22           public benefit and to sustain the availability of  
23           the services that such volunteers provide, in-  
24           cluding transportation at no cost to financially  
25           needy medical patients for medical treatment,



1           evaluation, and diagnosis, and for humanitarian  
2           and charitable purposes; and  
3                   “(ii) was properly licensed and insured for  
4           the operation of such aircraft.”.

Passed the Senate February 17, 2011.

Attest:

*Secretary.*



112TH CONGRESS  
1ST SESSION

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**S. 223**

**AN ACT**

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.