unprecedented fashion also, the terms of that contract offer was brought to Congress, and the air traffic controllers lost in that vote here on the floor.

Now, I sympathize with Mr. OBERSTAR and also with Mr. COSTELLO. The appropriators turned down the air traffic controllers in the House. We had several CRs where they attempted to reopen this contract; it was turned down. It was turned down by the appropriators in the Senate. It was turned down in the bill that is now before the other body. Each time that they have gone to the Democrat side, which now controls this body, they have been turned down.

Now, they did manage to put this provision to which I object in the bill, and it is unfortunate. It has a huge financial impact. It is estimated to be $1.9 billion, if this is allowed to go forward. And the money is one thing, but reaching back in an unfair manner to other Federal employees. We have some 20,000 professionals, engineers, people with Ph.D.s, a whole host of staff in FAA that aren't going to be treated in an equitable manner.

And then the bad precedent it sets for Congress. Folks, any time you get into a labor dispute, just bring it to Congress and we will up your salary when we are pressured. That can't be the way we operate. I have agreed to change the mechanism. Nobody in Congress likes to be the negotiator of salaries or contracts, and we shouldn't be, and I am committed to that.

□ 1145

I will also say that since we took up this bill and knowing that this is a pending controversial matter, I have worked day and night to try to get the administration and NATCA union representatives together to resolve those differences. I appreciate the work of all of those involved. The gentleman from Ohio (Mr. LATOURETTE) has also joined the gentleman from Wisconsin (Mr. PETRI) and myself and the Democrat members in that effort. Unfortunately, it's jammed into this bill and that's not fair.

There are other provisions that have been put in here for big labor. Now, I know labor won a big vote with the election and is attempting to increase its membership. I respect that, but I think that the grab they have attempted here goes beyond what I feel is reasonable, not only in expanding organizational opportunities that I think go beyond again a reasonable level but some of the other provisions in here that will add cost, that will add regulations, that will add complications to operating our system and not give us a fair return. Not only do we have a responsibility to bring forth this legislation that runs this system but we have an obligation and responsibility to taxpayers and others, the travelers who finance the system, that their funds be spent wisely.

I do also have some reservations about provisions that will be added in the manager's amendment. Again, it's not always how much money you spend, but how you spend that money, and we have a responsibility to spend that wisely and very efficiently for hardworking Americans who are paying in to also help finance this system.

And then, of course, the final point is the President has issued a veto statement, and he will veto this based on spending, based on the overreach by labor for their contract and other terms that have been put into this legislation. Even though I have opposition, I have pledged to work to move the process forward and continue to renew that pledge at this time as we move forward with the bill.

Madam Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Illinois (Mr. COSTELLO), the Chair of the Aviation Subcommittee.

Mr. COSTELLO. I thank the chairman of the full committee, the gentleman from Minnesota, for recognizing me and yielding this time.

Today is an important day for the future of aviation. We are considering this legislation, which was introduced in a bipartisan manner. I do want to thank the gentleman from Minnesota, the gentleman from Florida and the gentleman from Wisconsin for all of their hard work in bringing the legislation to the floor today.

The issues we address in this legislation are important, and they will determine our ability to continue to maintain the world's safest aviation system. There is a provision in this bill that the gentleman from Florida referred to that addresses FAA's imposed work rules on the air traffic controllers. We spent many hours working together with the FAA and the air traffic controllers trying to bring together an agreement. Unfortunately, an agreement could not be reached and that only left us with one clear choice, and that is binding arbitration.

I strongly believe in collective bargaining and bargaining in good faith with a fair dispute resolution process for both sides. Unfortunately, that did not happen in 2006, but it was corrected with the T&I Committee markup by adopting the Costello amendment with a strong bipartisan vote of 53–16. The approach in H.R. 2881 will ensure fair treatment of FAA employees and restores two fundamental principles: the rights of workers and the right to collectively bargain.

H.R. 2881 also allows us to increase capacity and safety within our aviation system, modernize our air traffic control system, and continue to reduce energy consumption and improve our environment. Our Next Generation system can be absorbed by the existing FAA financing structure, and that is exactly what we did in this bill.

Our bill does not impose user fees as the administration recommended. Instead, our bill uses the current tax structure. This legislation provides a record $68 billion over the next 4 years to improve our Nation's aviation infrastructure, modernize our air traffic control system, and maintain the highest level of safety in this ever-changing aviation environment.

Further, the legislation applies a four-part approach to the FAA Joint Planning and Development Office. We provide more funding, more authority, more accountability and more oversight. These changes will ensure our ability to meet our modernization goals and objectives.

The first half of 2007, as the gentleman from Minnesota pointed out, has been the worst as far as delays in the last 13 years. We have addressed that situation in this legislation and we address the problems with airlines scheduling more flights than the system currently can handle. To help airports increase capital needs and reduce airline delays, like the administration, our legislation would increase the passenger facility charge cap from $4.50 to $7. According to the FAA, if every airport currently collecting a $4 or $4.50 PFC raised its PFC to $7, it would generate $1.1 billion in additional revenue to develop airports each year.

The bill also provides significant increases in the AIP fund. Giving the ability to raise the PFC and the AIP funding will provide the necessary financing of capacity-enhancing airport improvements that will be necessary to reduce delays.

Let me conclude by saying that our legislation also contains passenger and consumer protections, a passenger bill of rights that, in fact, will protect passengers.

I urge passage.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. CHANDLER) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FAA REAUTHORIZATION ACT OF 2007

The Committee resumed its sitting.

Mr. MICA. Madam Chairman, I am pleased to yield 5 minutes to the Republican leader of the Aviation Subcommittee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague from Florida.

All of us who are frequent travelers as we go back and forth to our districts know the strain that is on our air traffic system. We all hear from outraged constituents who have had enough of delays and of cancellations. The American Society of Civil Engineers periodically issues an infrastructure report

card. In 2005, aviation received only a D-plus. We're in a bad situation and it is only going to get worse.

Traffic is predicted to grow over 4 percent per year until we reach 1 billion passengers by 2015. Air cargo is growing at a rate of more than 5 percent per year. We have a general aviation community that is unique and more active than any other country in the world.

The bill before us increases Federal investment in aviation infrastructure with funding for the Airport Improvement Program which provides grants from the aviation trust fund for airport improvements, increased to a total of $15.8 billion over 4 years. The Facilities and Equipment program is increased to $13 billion. We also increase the cap on the level of passenger facility charges that an airport can impose for capacity and safety projects. This cap was last raised 7 years ago and the $4.50 then is now only worth $2.86 due to the incredibly high construction cost inflation.

One of the most important initiatives under way at the FAA is the modernization of our air traffic control system, known as NextGen. We must move away from an antique 50-year-old ground-based technology to a modern satellite-based system in order to increase capacity, lower costs and increase safety. The bill seeks to move this process along while instilling accountability. Congress will need to provide effective oversight to be sure the program stays on track and that we have the financial resources for this $15 to $20 billion multi-year program to keep it moving forward.

Madam Chairman, there are a variety of other provisions too numerous to enumerate which improve on safety, provide for noise mitigation and enhance other environmental initiatives. The mandatory retirement age for pilots would be increased from age 60 to 65. Passenger rights would be enhanced by ensuring that airlines plan for the care of passengers who are held hostage on tarmacs and will seek to avoid such occurrences by establishing a process to avoid clear overscheduling that inevitably leads to delay.

However, I am placed in the rather odd position of voting ''no'' on final passage for my subcommittee's bill. Though the base bill was put together on a bipartisan basis, two amendments were adopted by the committee which cause me grave concern for the long-term prospects of this bill. We have it on good authority that the bill will be vetoed if section 601 regarding contract impasse procedures is not revised. The current provision provides for changes in future impasse procedures, which I don't object to; but then it also reopens the currently imposed contract and includes back pay under terms of the 1998 contract. According to the Congressional Budget Office, the cost of this provision in 2008 is $179 million, and $477 million over the life of the bill. The FAA estimates a total cost as high as $1.9 billion over 5 years and $7.5 billion over 10 years.

Second, an amendment was adopted that would move express carriers from being covered by the Railway Labor Act to the National Labor Relations Act. This provision is really targeted at one company, FedEx. FedEx Express was organized as and still is an air carrier, in particular an express carrier. As such, it has been covered by the Railway Labor Act since its creation in 1971. Yes, it has trucks, but it is a fully integrated system which was reaffirmed by the Ninth Circuit Court of Appeals. Some draw comparisons to UPS, another great and innovative company for which we all have the greatest respect and, yes, even affection. But UPS organized a hundred years ago as a truck company and as such is rightly covered by the National Labor Relations Act. I would note that other companies within the FedEx family such as FedEx Freight are also covered by the NLRA. These are two different companies with two different corporate structures, and I regret that this change is included in the bill before us.

I would like to thank Chairman OBERSTAR, Chairman COSTELLO, and Ranking Member MICA for working together as best we could, sometimes working through basic philosophical differences. I thank the staff for the many hours they have put into helping to produce this bill. Finally, I appreciate the cooperation of the Science Committee for its contribution of the research provisions and the Ways and Means Committee for extending the aviation taxes that fund much of this program.

Madam Chairman, today we are considering H.R. 2881, which will reauthorize our aviation programs for the next 4 years.

Most of us here are experienced air travelers, as we fly back and forth to our districts each week. We all know the capacity crunch our air system is experiencing—both on the ground and in the air. All of us are dealing with outraged constituents who are tired of delays, cancelled flights, or being held hostage for hours at a time while a plane sits on the tarmac.

We need to invest and make improvements to our air transportation system:

Air passenger demand is predicted to grow 4.3 percent each year through 2015—resulting in 1 billion passengers annually by 2015.

The number of aircraft to be handled by air traffic control is expected to grow from 45.1 million in 2004 to 48.5 million in 2015.

Air cargo is growing at a rate of more than 5 percent a year.

According to the FAA and other experts, $9 billion to $15 billion in capital investment is needed per year.

Aviation is critical to our economic vitality. The commercial aviation industry is responsible for 8 percent of our GDP. It creates and sustains more than 10 million jobs.

For a sector that is so critical to our future, you would think a safe and efficient air transportation system would be one of our top national priorities. And yet, the American Society of Civil Engineers' 2005 infrastructure report card gives aviation a grade of only a D+.

The FAA Reauthorization Act of 2007 will take important steps to address these problems.

It increases investment in aviation infrastructure, authorizing $15.8 billion over 4 years for the Airport Improvement Program (AIP) which provides grants to airports for needed airport expansion and development. The Facilities and Equipment program provides needed air navigation systems and funding is increased in this bill to $13 billion over 4 years.

While we need to expand capacity on the ground, we also need to do so in the air. The air traffic control modernization program, known as NextGen, will move us from a ground-based radar system to a satellite-based system. Rather than verbally direct every movement of every plane, air traffic controllers will manage traffic and become involved with specific aircraft only as needed. We will be able to handle the increasing air traffic that we know is coming without a huge increase in controllers.

H.R. 2881 also addresses the issue of passenger rights, as has been demanded by angry passengers who feel they have been abused. The issue of delays, flight schedules and flight diversions is a complicated one. The bill includes a variety of consumer provisions, including requiring airlines to have contingency plans on how they will respond when planes are excessively delayed, including ensuring that trapped passengers are properly cared for. The FAA must approve the plans and can impose civil penalties. The FAA administrator also is directed to work with airlines when there is clear evidence that the number of flights scheduled exceeds the maximum capacity of the airport—a situation that almost guarantees excessive delays.

In addition, H.R. 2881 will improve safety and enhance environmental protection. The number of aviation safety inspectors will be increased, funds for runway incursion reduction programs are increased and other safety programs are strengthened.

We are addressing environmental issues by requiring the phase-out in 5 years of noisy Stage II jet aircraft so those who live around airports can enjoy at least a little more peace and less noise overhead.

In an effort to increase fuel efficiency and decrease emissions, several innovative programs and pilots are established. For example, the Aircraft Departure Queue Management Pilot Program authorizes 5 airports to employ new traffic flow management technologies to better manage the movement of aircraft on the ground. The goal is to reduce ground holds and idling times—leading to reduced emissions and increased fuel savings.

The CLEEN Partnership is a 10-year cooperative agreement for the development and certification of lower energy, emissions and noise, engine and airframe technology.

One of the more popular provisions would raise the age at which commercial pilots must retire from the current age 60 to age 65. This will put the United States in line with international standards. In this day and age, age 60 retirement is really an anachronism, and we need to update and modernize this requirement.

While I support the vast majority of the provisions in this bill, and we did work together on a bipartisan basis to develop the base bill, I find myself in the odd position of having to vote ''no'' on final passage of our reauthorization bill. This is primarily because of two provisions.

First, section 601 of H.R. 2881 amends contract impasse procedures and also effectively

overturns a contract implemented last year. I agree that the current contract impasse procedures that were instituted in the 1996 personnel reforms needs to be revised. I will not oppose revising the impasse procedure. In fact, a binding arbitration resolution solution may be the right solution.

The problem is that the provision also reopens the currently imposed contract and includes back pay from 2005 until negotiations are completed. According to the Congressional Budget Office, the cost of this provision in fiscal year 2008 is $179 million and $477 million over the life of the bill. FAA estimates a total cost as high as $1.9 billion over 5 years and $7.5 billion over 10 years.

If we want a reauthorization enacted—and I do—this provision jeopardizes that goal. It has been made pretty clear to us that including the retroactive provisions will invite a presidential veto. And we may even have a problem getting to conference, based on the comments of some Senators.

So when this bill passes today—as I expect it will—we need to realize that more negotiation and compromise will be needed to actually get a bill that can be signed into law.

Second, section 806 would amend the labor law that covers the employees of FedEx Express. This has been an issue that has arisen on occasion here in the Congress. The simple fact is that FedEx Express, since its inception in 1971, has been and remains an air carrier—in particular an express carrier. FedEx trucks are fully integrated into the air express activities—and even the Ninth Circuit Court has found this to be the case.

The press enjoys characterizing this as a FedEx versus UPS fight. It is not. No member wants to pick sides between two innovative and successful companies. But UPS is a motor carrier subject to the National Labor Relations Act. It has been for the last 100 years. The two companies have a very different corporate structure.

Some continue to make reference to 1996 law that "changed" coverage of FedEx Express to the Railway Labor Act. This is misleading. In fact, a conforming amendment in the ICC Termination Act of 1995 had the inadvertent effect of potentially changing the labor law that would apply to FedEx Express from the Railway Labor Act to the National Labor Relations Act. No discussion on this issue was ever held during consideration of the bill, and there was no conscious decision made to effect that change in the ICC Termination Act. The 1996 legislation—which was championed by former Democratic Senator Fritz Hollings of South Carolina—simply corrected that inadvertent error. FedEx has been covered by the Railway Labor Act since 1971. It is unfortunate this bill would ignore all that has gone on before.

In closing, let me commend my Committee leadership for working together under what has frequently been some difficult times. There are some issues that we simply disagree on, but we have tried to continue to work toward the goal of getting a reauthorization in place.

I also want to express thanks to the Science Committee for its contribution of the research title and to the Ways and Means Committee for the tax title. I am pleased that Ways and Means rejected moving to a user fee-based financing scheme in favor of the current more efficient fuel tax program. Taxes are raised for general aviation and corporate jets, and we should note that these groups are accepting and supportive of the increase, knowing that the system requires it.

Again, I am pleased that we are moving forward. We need to invest in aviation infrastructure. We need to modernize our air traffic control system to increase capacity and improve safety. We need to address the environmental challenge facing the industry today. We need to ensure that our aviation system remains safe.

The United States has always been the leader around the world in aviation innovation—but I fear that position may be threatened. We must continue to lead and set the standard for the rest of the world.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 5 minutes to the distinguished chairman of the Ways and Means Committee, the gentleman from New York (Mr. RANGEL). I thank him for the cooperation and the splendid support the committee has given in the furtherance of this legislation in their extremely important responsibility.

(Mr. RANGEL asked and was given permission to revise and extend his remarks.)

Mr. RANGEL. Fellow Members, I want to thank Chairman COSTELLO and Chairman OBERSTAR for their cooperation and working together as a team with our Republican colleagues to get this job done.

Quite frankly, I thought it was almost going to be pro forma when I knew that the Ways and Means Committee was going to receive this bill for the purposes of providing revenue. So I was a little surprised that when the issue actually came before the full committee, rather than dealing with the question of revenue, I had to deal with the question of outrage. There was not a liberal, conservative, Republican or Democrat that didn't believe that this was our time to tell these aviation people that we passengers have been suffering in such a way that we were going to express it through the tax system.

□ 1200

People on the tarmac for 3, 4, 5 hours; flights being cancelled; weather conditions we never heard of; overcrowding. And we were of the belief that when they came to raising the revenue, that General Aviation, these small planes were congesting the airs and we were going to make them pay dearly for it, and Chairman OBERSTAR and Chairman COSTELLO was asking us to take a deep breath. I told them it wasn't me. But the committee said that this bill is not going to leave our committee unless we have some fingerprints on this thing to let them know that we feel the outrage for our constituents and we want them to know it. And so we made the political mistake of having Chairman OBERSTAR and Chairman COSTELLO come to a caucus and to share with us what the problem was. It was one of those times that you really felt better if you didn't know the extent of the problem and just did what you were supposed to do.

He had the people explain that, yes, we have problems with General Aviation, but these commercial airlines are having these routes being filled with smaller planes and so they are filling the air. And then FAA was saying that we have a plan that will go in effect for 2020, but we don't have enough money to implement it. And then the air traffic controller said, and we need 2 or 3 years to train our people and they won't pay us for it. And then they said that they could handle twice the congestion in the air if only they had more landing fields, but geographically there was no space for additional landing fields. And so then we said: What is it you really want, Chairman OBERSTAR?

And we have really walked away thanking them for incorporating some of the ideas of our committee, as MIKE THOMPSON and LLOYD DOGGETT, and having the Passengers Bill of Rights.

But we want the FAA to know that these long-ranged plans of modernization, for those of us that are in advanced years, we don't really believe that we are going to have to wait in order for us to be treated as human beings. Not as congresspeople, not as big shots, not as VIPs, but we know that changes can be made. And we will be depending on the Transportation and Infrastructure Committee to continue to work with us to make certain that we fulfill our commitment to the American people to make it easier for us to use the airways.

I want to thank you for your cooperation, and I look forward to working with you.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I want to stand and say I am pleased today that the rule will provide one amendment that CHRIS SHAYS from Connecticut and myself also brought to the committee yesterday, but I also want to take this 1 minute to say that I had been hopeful that we could have had a vote on another amendment which would have delayed the FAA's New York-New Jersey-Philadelphia airspace redesign until a further study could have concluded.

You see, Mr. Chairman, the air routes, in an attempt to cut delays, means that thousands of residents will be exposed to new levels of aircraft noise and pollution. There is great concern in townships throughout my district that these new routes will negatively impact upon the quality of life.

The FAA claims to have looked into alternative options to decrease airline delays, but all those options dealt with changing the design of the airspace and reroutes over quiet neighborhoods; yet the FAA has admitted that many of the frustrating delays are caused not by airplane congestion but by airline overscheduling. The amendment that unfortunately did not come out of Rules would have required that the FAA look into those matters before

proceeding. But, again, I am appreciative of the fact that what did come out of Rules, an amendment that we will be discussing a little later on to allow for further studies by the GAO.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kentucky (Mr. CHANDLER), speaking on behalf of the Committee of Science and Technology, and thank them for their contributions to the legislation. Their role is the research and development portion of FAA's operations, and they made a significant and very healthy beneficial contribution. The gentleman from Kentucky will speak on behalf of the Committee.

Mr. CHANDLER. Mr. Chairman, I thank the chairman, the gentleman from Minnesota, for all his good work on this bill. We think it is an excellent bill. And I thank the chairman of the subcommittee, the gentleman from Illinois, for all of his good work.

I rise today to express the support of the Science Committee for this bill. I am especially pleased that this legislation includes the FAA Aviation Safety Research Assessment Act, which I introduced this past June. This bill is now section 913 of H.R. 2881.

Aviation safety is extremely important to me, particularly after the tragic Comair crash that occurred in my own district in Lexington, Kentucky last August, which saw 49 dearly loved people lose their lives.

The Comair crash made it clear that improved safety measures are needed to save lives. Section 913 calls for an independent assessment of the FAA's aviation safety-related research programs, in particular, those that focus on preventing runway incursions and lessening air traffic control workloads.

The NTSB's investigation of the Comair crash brought to light several safety advisories that were not being followed, including the FAA's recommendation that two controllers should have been in the tower instead of one.

Repeatedly, I have called for enhanced safety measures, better staffing, and improved working conditions for our air traffic controllers. Thankfully, this bill provides funding for air traffic control equipment and facility upgrades, and also includes language that would send the National Air Traffic Controllers Association and the FAA back to the negotiating table.

Furthermore, the bill provides $42 million for runway incursion reduction programs, $74 million for runway light improvements, and requires the FAA to implement systems to alert controllers and flight crews of potential runway incursions.

This is precisely the type of safety technology that we need to prevent these tragedies, and I thank the gentlemen for all of their good work.

Mr. OBERSTAR. Mr. Chairman, may I inquire of the time remaining on both sides?

The Acting CHAIRMAN (Mr. MEEKS of New York). The gentleman from Minnesota has 17½ minutes. The gentleman from Florida has 14½ minutes.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, at this time I yield myself 2¾ minutes and recognize the distinguished gentleman from Michigan, the dean of the House, Mr. DINGELL.

Mr. DINGELL. Mr. Chairman, I accept the time with thanks to my beloved friend from Minnesota for whom I have enormous affection and respect.

Mr. Chairman, southeastern Michigan is the home for two major airports that accommodate large amounts of air and cargo traffic, Detroit Metro and Willow Run Airport.

Southeast Michigan has made strong efforts to develop an aerotropolis between the two airports, and we meet all of the tests that would be required for this, including rail, truck, highway, water, and other kinds of access. We believe that these would be very useful in establishing an intermodal access program which would complement these efforts by facilitating the many public transit plans in southeast Michigan.

I request at this time the assurance of my beloved friend, the chairman of the subcommittee, that he will be helping us on this, and I assure him that I will be requesting the assurance of the chairman of the Wayne County Airport Authority that he will cooperate fully in giving priority consideration to this matter to move it forward.

I would now yield to the distinguished gentlewoman from Michigan (Mrs. MILLER) who has been so active in this matter.

Mrs. MILLER of Michigan. Mr. Chairman, Detroit Metropolitan Airport is a prime candidate for both an aerotropolis and participation in this program due to its importance as the Midwest jumping off point to Southeast Asia, as a world-renowned manufacturing center, and as an international highway crossroads. At its peak, the aerotropolis could create up to 60,000 jobs for southeast Michigan.

I would also request the support of the chairman in assuring that Wayne County Airport Authority receives priority consideration under section 114, and I thank the gentleman from Michigan, the dean of the House, for the time.

Mr. DINGELL. I yield now to the distinguished gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman from Michigan for yielding.

The Federal Transit Administration recently approved a $700 million Full Funding Grant Agreement for the construction of a new Dallas area rapid transit rail line that will provide access to the vicinity of Dallas Love Field Airport, not direct access to the main terminal. So to remedy this connection lapse, the city of Dallas and the Council of Governments have committed some funding, but the city has a strong desire to use PFCs to cover the remainder of the cost.

I respectfully ask the distinguished chairman to work with me to ensure that Dallas Love Field Airport receives priority consideration for the program outlined in section 114 of the bill.

Mr. DINGELL. Whatever time I have remaining, I yield to my beloved friend from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I assure the gentleman from Michigan, the gentlewoman from Michigan, and the gentlewoman from Texas that these projects are of great importance. They are examples of the type of projects we envisioned when we crafted section 114. Dallas Love Field and Wayne County Airport Authority are well suited to participate in the pilot project, and I would urge FAA to give consideration to both applications.

Mr. DINGELL. I thank my good friend.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes, and yield to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. I thank Chairman OBERSTAR for yielding to me.

I am rising out of concern about a serious safety problem at the Santa Monica General Aviation Airport in my congressional district.

The Santa Monica Airport is a unique facility. It was built in 1922 and has no runway safety areas which are now required by the FAA to enable a safe landing in the event that an aircraft overshoots the runway or fails to lift off.

The airport's single runway is bordered by steep hills, public streets, and densely populated neighborhoods, with homes as close as 250 feet from the runway. As traffic has increased, so have concerns that any plane overshooting the runway would be at great risk of landing in the neighborhood.

For more than 7 years, I have worked with the City of Santa Monica and the Airport Administration to push the FAA to address this serious safety problem. Regrettably, the FAA has been unwilling to take meaningful action. The FAA recently issued a final decision to permit only minor runway changes that are far below FAA standards and would do little to change the status quo.

I want to ask Chairman OBERSTAR to work with me and the FAA to find a solution that is consistent with FAA design guidelines for the Santa Monica Airport and adequately addresses the safety needs of all aircraft categories that use the airport.

Mr. OBERSTAR. I thank the gentleman for raising that issue. Lack of a runway safety area on an airport is a critical gap, a serious gap in the safety features of an airport, and I assure the gentleman we will invite the Santa Monica Airport Authority, with the gentleman's participation, and the Office of Airports of FAA to come in to

have a discussion about the safety needs of this airport and funding them within the airport's master plan into the future.

Mr. WAXMAN. I thank you for your willingness to try to bring us all together. I just want to emphasize that time is of the essence here. We need to do all we can to make operations at Santa Monica Airport safer for the pilots, passengers, and people on the ground. We may need legislative changes in that regard.

Mr. MICA. Mr. Chairman, I yield myself 30 seconds.

I just want to add to the colloquy, and pledge to the gentleman from California that I look forward to working with the Chair of the full committee to address the safety issues of the Santa Monica Airport that you have raised here before the House today.

So you have our commitment on this side of the aisle. It is a safety issue, and we appreciate the gentleman bringing this matter before the House and we assure again our cooperation.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. It is my pleasure to thank our distinguished chairman, Mr. OBERSTAR, for your expertise on these very important issues.

On September 11, 2001, American Airlines Flight 11 flew directly over New York's Indian Point Nuclear Facility on its way to the World Trade Center.

□ 1215

One year later, a taped interview on al-Jazeera indicated that al Qaeda initially planned to include a nuclear plant as one of its targets. The Indian Point nuclear power plant is less than 50 miles from New York City.

The FAA's post-September 11 no fly zone around the plant was lifted in November 2001. Since that time, I've worked with my Hudson Valley colleagues to protect Indian Point from any potential terrorist threat, including calling for a no fly zone around the facility.

Will the chairman commit to working with me to ensure that both the Department of Homeland Security and the Federal Aviation Administration are protecting the airspace around this facility and protecting the more than 20 million people who live near Indian Point from all aviation threats?

Mr. HALL of New York. Will the gentlewoman from New York yield?

Mrs. LOWEY. It is a pleasure for me to yield to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. I thank the gentlelady and associate myself with my colleague's remarks and thank her for her leadership.

Indian Point's location in the most populated, most targeted area of the country, makes it absolutely critical that we take every step to secure the plant. I would reiterate my colleague's question, and ask the chairman if he would please work with us on this issue.

Mrs. LOWEY. Reclaiming my time, I yield to the chairman of the committee, the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. I thank the gentlewoman for raising this issue, and the gentleman from New York (Mr. HALL) as well. This is a matter of very great concern, and you've raised a matter of national security significance.

The FAA does have administrative authority to declare a no fly zone, but would do so in this situation, in cooperation with the Department of Homeland Security to identify the threat, establish the need for restrictions on aircraft operations, and the FAA would then issue the order. I pledge to the gentlewoman and to the gentleman that we'll bring both Departments, Transportation and Homeland Security, together with the delegation from New York to discuss this matter and to do so in a bipartisan fashion, because there are Republican Members who have asked about this matter as well, and begin the process, orderly and appropriately, of designating a no fly zone.

Mr. MICA. Mr. Chairman, we have a distinguished Member from Tennessee on the other side of the aisle who needs some time, and we have some extra time, so I'm pleased to yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. COHEN) and welcome his commentary.

Mr. COHEN. Mr. Chairman, I thank the ranking member.

I rise in support of H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007, which would authorize $66 billion for Federal aviation programs.

This legislation would provide for the Airport Improvement Program, for FAA facilities and equipment to accelerate the implementation of NextGen, which will enable the FAA to replace and repair existing air traffic control facilities and equipment, as well as to provide for the development of high priority safety-related systems.

I must say, however, Mr. Chairman, that I'm extremely disappointed that this legislation includes language that would abolish 80 years of legislative and legal precedent by allowing FedEx Express workers to unionize under the National Labor Relations Act, as opposed to the Railway Labor Act which has traditionally covered all airline employees. And the Ninth Circuit United States District Court in California has reemphasized that, and it's the law of the land.

FedEx Express is the largest employer and economic driving force of the city of Memphis, which is predominantly the Ninth Congressional District, which I represent.

This provision raises a number of questions and concerns regarding the consequences of this precedent for other carrier employees and employers, and it could have been addressed during a hearing on the subject. Unfortunately, in a marked departure from T&I Subcommittee's normal practice, no hearings were held on this issue.

Mr. Chairman, I speak in opposition to FedEx Express language, not as an opponent of workers' rights to collective bargaining, but as an advocate of what I believe are the best economic interests of Tennessee's Ninth Congressional District and this Nation, which needs a steady stream of interstate commerce provided through the Railway Labor Act.

However, I signed on as an original cosponsor of this legislation because I support the vast majority of its provisions, including the language added by Aviation Subcommittee Chairman COSTELLO, which provides for consumer rights, environmental and noise concerns, safety issues and flight attendant, air traffic controller and pilot work conditions.

Mr. Chairman, I would like to thank the committee chairman and the Aviation Subcommittee chairman, as well as the committee ranking members for their hard work on this bill in bringing together an effective measure that includes input from a great number of expert stakeholders across the airline industry. The overall content of this bill is sound, and I believe the few provisions about which I remain concerned will be addressed in the conference.

I urge my colleagues to support this measure.

Mr. COSTELLO. Mr. Chairman, at this time I would yield 2 minutes to the distinguished gentlelady from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to thank Chairmen OBERSTAR and COSTELLO and Ranking Members MICA and PETRI for their hard work in bringing this bill to the floor. This bill could not come at a better time for the traveling public.

Airlines on-time performance is at its lowest rate since the Department of Transportation began keeping records in 1995. And this is happening at the same time that the Department of Transportation is predicting a tripling of passenger and cargo by 2025. This is why we need this bill passed so we can provide funds for increased capacity, safety enhancements, and overall system improvements.

This bill addresses an important issue in my district by preserving the Military Airport Program, MAP, as a set-aside within the Airport Improvement Program. The MAP program provides critical support to those communities which have been given the responsibility of converting closed military bases to civilian use. The participation of the Cecil Field Airport, which is just outside of Jacksonville, is a prime example of how this program can successfully translate former military airfields to commercial service that, in turn, have strengthened the Nation's aviation system and, in the case of

Cecil Field, also continues to include uses by the Air National Guard and Reserve units, making this a win-win for the community and for the military.

MAP grants also support projects that are generally not eligible for AIP funds, but which are typically needed for successful civilian conversion such as surface parking lots, fuel farms, hangars, utility systems, access roads, and cargo buildings.

Again, I want to thank the chairman for guiding this bill to the floor, and I would encourage my colleagues to support this legislation.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Oregon (Mr. DEFAZIO), Chair of the Surface Transportation Subcommittee.

Mr. DEFAZIO. Mr. Chairman, the administration proposed a punitive fee structure aimed at the heart of general aviation; and, ironically, they would have decreased the funding needed for an already congested and overburdened system.

This bill gets us the investment we need to deal with congestion, to deal with the Next Generation air traffic control. It would allow us to partner with the airports who need to deal with their problems through an increase in passenger facility charge. It has fair treatment for the most critical component of the people who keep us alive, the air traffic controllers of America who are being demeaned by petty work rules by this administration and having their pay cut.

It gives long overdue protection to cabin flight attendants and the passengers who fly in those cabins in terms of workplace health and cabin safety. It has critical consumer protection for the first time, something that's been ignored for years here on the Hill under the Republican leadership.

It will provide security for overseas repair. Most Americans would be shocked to know that people, we don't know who they are, overseas are doing the majority of heavy work on our airplanes. This bill would begin to turn that around. And this bill does much, much more. Congratulations to the committee on their great work.

Mr. MICA. Mr. Chairman, I yield myself 1 minute and say I have the greatest respect for the gentleman who just spoke, but I think the facts are a little bit different on cutting the air traffic controllers' compensation. This chart, in fact, shows an 81 percent salary increase since 1998.

Unfortunately, also, there's a disparity now of almost 40 percent between air traffic controllers and other FAA employees in what they receive as far as increases. So that just doesn't jibe with the facts. And I have the respect of the air traffic controllers, and they should be adequately compensated, and I'll support that. But we can't do an unprecedented reach-back and try to do something that's not fair to everyone.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise in support of this bill which contains many excellent provisions. But I would like to thank Chairman OBERSTAR and Subcommittee Chairman COSTELLO, in particular, for including in the manager's amendment two provisions that are particularly important to me.

The first requires the FAA to conduct a study to determine if temperature standards are necessary to protect crew members and passengers from excessive heat on board aircraft. We've all heard the news reports about passengers on planes grounded for hours sometimes in the heat without fresh air and necessary supplies.

The Association of Flight Attendants reports that many crew members have had to work in dangerously high temperatures during ground operations for long periods of time with no ability to obtain relief.

Now, this is not just a matter of discomfort. Heat-related illness can be severe, can even lead to death, particularly for sensitive populations.

My first inclination was to require that the temperature in the aircraft must not exceed 80 degrees during ground operations, but various operational issues make it clear that such a requirement would be premature. I hope that this study will inform Congress of what options are available to us and that it will force the FAA to take seriously this serious problem.

The second provision would mandate the FAA to complete a study of the cabin air quality that we required in the last FAA reauthorization bill passed in 2003. Aircraft in the current commercial fleet are equipped with air circulation systems that bleed air off the engines and are subject to contamination of the air by engine oil and hydraulic fluids. We continue to hear reports from crew members and passengers who have developed long-term neurological problems after documented exposure to oil smoke in the cabin or on the flight deck. In the last reauthorization bill, we included a study to sample and analyze the air on board the cabin aircraft. Unfortunately, the FAA never completed the study.

My preference, again, would be to set standards for cabin air quality now or to require that aircraft use certain filters that can clean the outside air more efficiently. But every time we raise this issue, we hear that the problem has not been properly documented. It is time, and this bill requires that the FAA complete this research.

I would like to thank Mr. OBERSTAR and Mr. COSTELLO for their support of these provisions and for including them in the manager's amendment. I look forward to working with my colleagues to advance these critical workplace and consumer protections, so that people can breathe the air and not faint from the heat. And I urge support for this bill.

Mr. MICA. Mr. Chairman, I would like to yield, at this time, 3½ minutes, and ask also the Chair of the full committee, Mr. OBERSTAR, if he would join me in this time as I yield to Mr. GARRETT for the purpose of a colloquy.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the Chair and I thank the ranking member and I thank the chairman as well for this opportunity to engage in this colloquy. I'd like to thank my friend from Florida for your advice and your assistance on this matter with regard to the New Jersey and New York airspace redesign.

The gentleman from Florida (Mr. MICA) knows the issue firsthand because he has traveled up to New Jersey last year and knows of its importance as a top concern for the residents of north Jersey.

I need to reiterate my concerns with the FAA's record of decision-making regarding this design plan. The alternative chosen by the FAA will reroute planes over areas that used to be quiet communities in an effort to reduce delays and air congestion. But because of this, thousands of residents in north Jersey will soon have planes flying over their homes for the first time ever. And these citizens are justifiably concerned that the increase in noise and pollution and affecting their quality of life will be negative.

Just recently, over 1,400 of these concerned citizens showed up at an FAA meeting to make their concerns known to the design plan. Unfortunately, the FAA did not listen to their concerns and they published their record anyway earlier this month. The FAA chose this plan because they believe it will achieve their goal of reducing delays. Despite all attempts by myself, other colleagues, local officials, there was no attempt at all to balance this goal with the needs of the citizens of the area. There was also no attempt to consider other factors such as airline overscheduling and the size of the planes flying in and out of the area.

□ 1230

Only air routes were studied.

I understand that the legislation we have before us today attempts to deal with the problem of overscheduling, and it would be my hope that the FAA will continue to review the New Jersey airspace issues with an eye towards these less-intrusive solutions to the delay problems.

I would appreciate, then, the support and assistance of the chairman and the ranking member to determine if there are other practical steps that can be taken to decrease the noise and, therefore, to increase the quality of life that this will incur.

I yield now to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I appreciate the gentleman from New Jersey's concern. Mr. GARRETT has been a tireless advocate on behalf of his constituents and he faces a difficult time, as does Mr. SHAYS from Connecticut. I have been in both of their districts and talked to the constituents, and as FAA moves forward, he has my commitment, during this colloquy and after this colloquy, to work with him to try to encourage FAA to see what we can do to minimize the impact on his constituents.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. GARRETT of New Jersey. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman from New Jersey for raising the issue. Mr. GARRETT's right on.

Mr. SESTAK from Pennsylvania, Mr. HALL from New York, Mr. SHAYS from Connecticut, obviously this is a bipartisan, nonpartisan issue. It's a widespread concern.

You have my assurance that I will talk to the FAA, will talk to GAO, ask them to accelerate the work on their report, and GAO's findings need to be reviewed prior to the redesign of the airspace.

Mr. GARRETT of New Jersey. Mr. Chairman, I thank the chairman for his assistance. As indicated before, this is extremely important to our districts. We are completely frustrated over the months with the FAA for their lack of response, lack of consideration for alternative methods, and I appreciate that. We look forward to the amendment later on today with regards to the GAO report that will finally put the information right before the FAA. They can't look any other way. They haven't listened to our constituents. Maybe they will listen to the GAO report, and I am sure, absolutely sure, that they will listen to the chairman and the ranking member.

Thank you again for your assistance.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. SESTAK).

Mr. SESTAK. Mr. Chairman, I appreciate the support of the chairman and ranking member.

For the past 10 years, the FAA has been working on the New York/New Jersey/Philadelphia metropolitan area airspace redesign project. In the time that I and Representative ANDREWS from New Jersey have been working on this issue, it has become increasingly clear to us that the process by which it was conducted is deeply flawed. We are gravely concerned that the FAA has failed to conduct an accurate cost-benefit analysis that takes into account the full cost of this project, including social costs such as the impact of noise on the educational development, health, safety, and property values to dense residential communities, including many in Delaware County in my congressional district, as well as Camden and Gloucester Counties in Representative ANDREWS' congressional district.

As the 2005 Department of Transportation Inspector General report and as former FAA Administrator Marion Blakely indicated to us, the cost effectiveness and operational efficiency gained by the airspace redesign is still largely unknown, and, quite frankly, ''the juice is not worth the squeeze.''

I would like to thank my colleagues Chairman OBERSTAR and Chairman COSTELLO for supporting a Government Accountability Office study to provide a comprehensive assessment of the New York/New Jersey/Philadelphia metropolitan area airspace redesign, including its cost, schedule, estimate reliability, environmental impact, and lessons learned for improvement. This is particularly important since GAO provides an independent cost-benefit analysis of this plan.

Mr. MICA. I continue to reserve the balance of my time, Mr. Chairman.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 1 minute to the distinguished gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Chairman, I would like to thank the chairman and subcommittee chairman, Mr. OBERSTAR and Mr. COSTELLO, and their staff for the good work they did on this bill, but, more specifically, for including provisions from my passengers' bill of rights legislation into the manager's amendment, which will become part of the bill.

These provisions are going to set a standard that will ensure the flying public will be treated appropriately when they experience delays. It will require a deplaning plan and standard. And when delayed on the tarmac, it will ensure that these folks have clean and safe water, proper air circulation, and clean and working restrooms.

This is a great success for the flying public, and I want to thank everyone for making this happen. But I want to remind everyone that our job is not done. We are going to have to continue to provide the oversight to ensure that the airlines and Department of Transportation do their jobs and that these provisions do, in fact, provide the protections that these people flying deserve.

So thank you very much, and I look forward to voting in favor of this bill.

Mr. OBERSTAR. Mr. Chairman, if the gentleman would yield, I thank the gentleman for his contribution. It has been a very substantial one.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Chairman, I am in strong support of this bill and commend Chairman OBERSTAR and Chairman COSTELLO for their work on this bill and Ranking Members PETRI and MICA for their work.

This is a very important bill for modernization and safety improvements, which are critical, and also passenger rights.

I also want to speak about three specific provisions. I would like to thank the chairman for working with me on two provisions to invest in R&D for new, cleaner fuels in aviation.

The first is a provision for an FAA Center of Excellence focused on alternative jet fuel research and development, as we work to address global warming and cut down on our use of foreign fossil fuels.

Second, R&D funding for alternative avgas for piston engine planes. Piston engine planes currently use leaded gas. It's important that we work to find an alternative. I want to thank Chairman GORDON also for working with me on that in the Science Committee.

And, third, I'm pleased with the inclusion of report language on the Qualification Based Selection process for PFC-funded airport projects. I look forward to working with the big four on this issue as the bill moves forward in conference.

I urge support for this legislation.

Mr. MICA. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. ARCURI).

Mr. ARCURI. Mr. Chairman, I thank the chairman for allowing me the opportunity to discuss this vital economic development issue for Upstate New York.

Chairman OBERSTAR, thank you first for your leadership on the Transportation and Infrastructure Committee and for bringing forward this bill.

As you know, this past February GAO reported that the very unique airport which is closest to our Nation's capital, National Airport, is underutilized. In fact, the GAO reported that National Airport is the least congested airport of the top 30 in the Nation.

Residents of my Upstate New York district want to continue visiting our Nation's capital for business or pleasure at a reasonable airfare. However, because a very few airlines control the vast majority of landing and takeoff slots at National, that is artificially limited.

Mr. Chairman, like all of my colleagues, I appreciate your strong leadership and guidance on aviation issues and your genuine concern for regional interests. I therefore respectfully request that you strongly consider adopting findings of GAO's conclusive report and increase flying at National Airport by a very modest two round trips per hour so that new competition can be added, so that fares can be decreased.

The Acting CHAIRMAN. The time of the gentleman from New York has expired.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

I want to express appreciation to the gentleman for raising this issue and for his forbearance as we work through the legislative process.

The GAO report is on the mark. The gentleman's concerns are right. We will work with him and with all of our colleagues who depend on National Airport to increase capacity at that airport.

Mr. MICA. Mr. Chairman, could I inquire about the remaining time on both sides?

The Acting CHAIRMAN. The gentleman from Florida has 7 minutes remaining, and the gentleman from Minnesota has 45 seconds remaining.

Mr. MICA. Mr. Chairman, I believe the gentleman from Minnesota has the right to close. He deserves more than 45 seconds. I would like to, at the appropriate time, yield him 45 additional seconds, which would give him 1½ minutes.

Mr. Chairman, I yield myself 1 minute at this time.

Just in closing for my part, again I want to thank the chairmen of both the subcommittee and the full committee and our ranking member, Mr. PETRI, for their work.

And I said at the beginning, we have an obligation to move this process forward. Mr. PETRI and I are committed to that.

Now, we do disagree with some of the provisions that have been incorporated into this measure. We will cast our votes in opposition. But we are trying to move this forward. We have a responsibility. We have an aviation system that is approaching a meltdown. We have an increase in passengers, and we want the safest possible system. So in that spirit we are going to move forward, and I hope that we can improve the bill if we can get it to conference and if we can move forward.

Mr. Chairman, with that pledge, I am pleased now to yield the balance of my time to Mr. PETRI minus the 45 seconds I allotted to the other side.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5¼ minutes.

Mr. PETRI. Mr. Chairman, I thank my colleague for giving me an opportunity to again express my appreciation not only to him but to the staff and to the chairman of our committee, Mr. OBERSTAR; the chairman of the subcommittee, Mr. COSTELLO; all the members as well as members in the leadership of what is called powerful Ways and Means Committee around here and the Science Committee for their contribution to this bill.

The fact of the matter is that we have approached the bulk of our work in a strong bipartisan way. We worked on the underlying bill in that spirit. Unfortunately, there are several provisions that are controversial and would impede our ability to actually get work through the whole process and signed by the President that were added in the full committee. But let there be no doubt that our country needs to get this legislation passed to accommodate new investment in our aviation system.

We are at the brink of rolling out a new generation of technology to accommodate the growth, to increase efficiency and safety in that system, be it a 15-, 20-, maybe 25-year multimillion dollar system. Doing that will increase the capacity of the system. We will maintain America's lead in aviation on a global basis and having that framework in place so that the administrators and the industries involved can plan with reduced uncertainty, which is very, very important. We are already late with this legislation. The current program is scheduled to expire at the end of this month. We will probably be doing a short-term extension. But we do need a reauthorization to proceed in a way that can be brought to a successful conclusion and signed by our President. And we look forward to working through the process with our colleagues on the other side of this building and on the other side of this aisle.

I thank the gentleman for yielding.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman from Florida for yielding a few additional seconds to close.

This has been, all through the hearing process, an open and inclusive process that we conducted in the best tradition of the Committee on Transportation and Infrastructure. We appreciate the participation of the members on the Republican side. Mr. MICA has given a considerable amount of his time from all the other issues that we have to deal with in committee. The gentleman from Wisconsin has been a quick learner and a very astute participant in both the hearings and the markup process. And the gentleman from Illinois (Mr. COSTELLO) has really put his arms around the subject of aviation, mastered the issues, and brought forth an extraordinary piece of legislation that will serve aviation well and serve the Nation well out into the future.

Yes, we have disagreement principally on two issues, and we have been open and candid about that right from the outset. We have worked cooperatively, bipartisanly to try to resolve the air traffic controller issue. Both parties seemed irreconcilable. We have created a process in this legislation by which the air traffic controller issue can be resolved with an arbitration process.

□ 1245

And I think that's in the best interest of the Nation.

As we go forward from here, I look forward to the amendments that will be forthcoming, and I think in a very constructive manner we can conclude the action on this bill today.

Mr. HOLT. Mr. Chairman, I rise today in support of the Federal Aviation Administration Reauthorization bill of 2007, H.R. 2881.

This summer's record delays at many of our Nation's airports have made it evident that our air traffic control system is in desperate need of reform. According to the FAA, 25 percent of flights arrived late, nearly 3 percent of flights were cancelled and customer complaints doubled since last year. My central New Jersey constituents who use Newark Liberty International Airport suffer from the worst delays in the country with only 55 percent of flights arriving on time.

The legislation before us today will give the FAA the tools it needs in order to reduce these delays and help increase flight safety. It will provide the much needed funding to modernize our aging air traffic control system and to strengthen and rebuild airport infrastructure. It will require the FAA to meet with airport officials and airlines to ensure flight reductions in areas where over-scheduling is causing chronic delays. This bill will make sure that there are the adequate consumer protections in place to protect our Nation's airline passengers.

Few of us have forgotten the February 14, 2007 and December 29, 2006 incidents where hundreds of airline passengers were held on tarmacs for up to 10 hours in appalling conditions. These passengers were held in planes with foul air, backed up toilets, little food and water, and no information. The legislation before us today will ensure that these situations will be avoided in the future.

H.R. 2881 requires airlines and airports to have emergency contingency plans to take care of passengers that are involved in long tarmac delays. Through these plans it will mandate that these passengers have access to food, water, clean restrooms, medical care and requires that passengers are allowed to deplane. It also requires the Department of Transportation to enact regulations that will require airlines to fairly compensate passengers whose flights are cancelled. These commonsense protections will make sure that the airlines respect the basic needs and rights of passengers.

The Federal Aviation Administration Reauthorization bill of 2007 contains a number of other provisions which will improve the way that our aviation industry operates. It will help protect our environment through requiring the development of more efficient engines that release less greenhouse gases into the air as well as directs the FAA to develop more energy efficient routes. Our Nation's air traffic controllers work long and stress-filled hours to ensure that we have the safest air travel in the world. This bill ensures that the FAA will be forced to come back to the contract negotiating table. It will also increase the number of aviation safety inspectors by one third, require the FAA to be more accountable, and improve the security of aircraft repair stations.

I urge my colleagues to support the FAA Reauthorization bill of 2007.

Ms. BEAN. Mr. Chairman, as we debate H.R. 2881, the FAA Reauthorization Act of 2007, I want to highlight a critical flight safety and water quality issue—glycol recovery. As airports work to comply with existing and future stormwater requirements under the Clean Water Act, there is a critical need to find a cost-effective means of reducing the impact of deicing operations on water quality without compromising safety. Glycol recovery vehicles are an available, cost-effective solution that provides superior environmental protection.

In its Source Water Protection Bulletin regarding airport deicing, the EPA states that "vacuum vehicles are a cost-effective alternative to installing traditional drainage collection systems or deicing pads." In addition, glycol recovery vehicles reduce airport delays by

allowing deicing to occur at the gate rather than requiring planes to travel through a deicing facility.

Unfortunately, there appears to be confusion among the airports as to whether the purchase of glycol recovery vehicles is an eligible expense under the AIP. I have been advised by the FAA that glycol recovery vehicles are currently eligible for purchase using AIP funding under existing statutory authority. However, despite this interpretation, FAA grant summaries show that over the last 7 years, there has been only one case where a glycol recovery vehicle was purchased using AIP funds and that was classified as snow removal equipment.

In order to confirm that glycol recovery vehicles are in fact eligible for AIP funding, I joined Aviation Subcommittee Chairman JERRY COSTELLO and Representative TIMOTHY JOHNSON in sending a letter to FAA Acting Administrator Sturgell. Our letter dated September 20, which I will submit to the RECORD, asked for a response in writing describing the means by which airports have been informed that glycol recovery vehicles are eligible for AIP funding, as well as actions that the FAA plans to take in the future to inform airports of such eligibility.

I want to thank my colleagues for their support and look forward to a prompt response from the FAA.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 20, 2007.

Hon. ROBERT A. STURGELL,
Acting Administrator, Federal Aviation Administration, Department of Transportation, Washington, DC.

DEAR ACTING ADMINISTRATOR STURGELL: As Congress continues the process of reauthorizing the Federal Aviation Administration (FAA), we are seeking clarification of our understanding that glycol recovery vehicles are eligible for Airport Improvement Program (AIP) funding. Unfortunately, there appears to be confusion among the airports as to whether their purchase of glycol recovery vehicles is an eligible expense under the AIP. We have been advised by the FAA that such vehicles are currently eligible for purchase using AIP funding under existing statutory authority. We concur and respectfully request that you respond to this letter in writing describing the means by which airports have been informed that glycol recovery vehicles are eligible for AIP funding, as well as actions that the FAA plans to take in the future to inform airports of such eligibility.

As you are aware, aircraft and runway deicing operations are a critical element of aviation safety. Currently, glycol-based aircraft deicing fluid is the most widely used technique for maintaining Federal Aviation Administration (FAA) deicing safety standards. However, glycol runoff, if not contained, can pose a significant threat to water systems. In its Source Water Protection Bulletin regarding airport deicing, the Environmental Protection Agency states, ''Vacuum vehicles are a cost-effective alternative to installing traditional drainage collection systems or deicing pads.'' In addition, glycol recovery vehicles can reduce airport delays by allowing deicing to occur at the gate rather than requiring planes to travel through a deicing facility.

Therefore, as airports work to maintain these safety standards and protect water quality while performing deicing operations, we believe it is important that they be made aware of all tools available for funding through the AIP. Glycol recovery vehicles are one of these tools and are an available, cost-effective solution that provides superior environmental protection.

Thank you in advance for your prompt action to clarify confusion among AIP users as to the eligibility of glycol recovery vehicles.

Sincerely,

JERRY COSTELLO,
Chairman, Aviation Subcommittee.
MELISSA L. BEAN,
Member of Congress.
TIMOTHY JOHNSON,
Member of Congress.

Ms. NORTON. Mr. Chairman, the Nation's aviation system is in crisis. Delays have reached the highest levels in 13 years and the air traffic control system is groaning under the weight of a system based on 1950s technologies. The Federal Aviation Administration Reauthorization Act of 2007 takes the first steps towards reducing these delays, improving airport infrastructure and creating a satellite-based air traffic control system. I want to thank Chairman OBERSTAR and Subcommittee Chairman COSTELLO for their leadership in bringing this bipartisan legislation to the floor.

In 1986 Congress granted ''full power and dominion over, and complete discretion in, operation and development of the Airports'' to a regional authority. In return the District of Columbia, Maryland and Virginia agreed to take operational control and have raised more than $3 billion to modernize National and Dulles airports. All agree that the regional authority, the Metropolitan Washington Airport Authority, has done an excellent job. However, FAA Reauthorization legislation is almost always dogged by attempts, usually in the Senate, to increase flights outside the perimeter and inside the perimeter for Reagan Washington National Airport. MWAA has balanced concerns of safety, security and efficiency at these airports. National has avoided some of the delays that plague other airports and served the region in a comprehensive way, while Dulles has thrived as an international and national hub. We must allow professionals to do what only professionals are equipped to do.

As the only regional member of the Aviation Subcommittee I have argued to maintain the current perimeter and slot system and thank both Chairman OBERSTAR and Subcommittee Chairman COSTELLO for supporting me and the region. Regional members and I have been successful in keeping amendments from being brought today and now it is time for Members to cease interfering for their own convenience.

The current reauthorization legislation shifts some outside-the-perimeter slots to better times and offers the slots to new entrants at National. This reordering of slots could increase competition and entice low-cost carriers to National, an airport where current airlines command a premium disadvantaging residents of the region. I hope that new entrants will help this region obtain quality low-fare carriers at National Airport for residents of the District of Columbia and the region who use National but are priced out of the major destinations inside the perimeter such as New York, Miami and Boston.

Other unfinished business of the Transportation and Security Administration that affects the FAA at National Airport still remains at National. Before 9/11 National averaged 600 general aviation/charter operations a week. However, since the new security program initiated in October 2005 only 200 general aviation aircraft have flown into National. The requirements of this security program have been unduly burdensome, while at other New York airports, general aviation has returned to its previous levels.

The Aviation Subcommittee will hold hearings on this issue so we can continue to work with MWAA on a balanced approach that will benefit the region and the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today in strong support of H.R. 2881, the Federal Aviation Administration Reauthorization Act of 2007. This important legislation would usher in important modernizations to our Nation's aging air travel system, bringing air travel in a new direction while making important safety improvements.

Mr. Chairman, after 9/11, we feared that tragedy would lead to large-scale declines in air travel. Six years later, airline traffic is instead growing, but with this boom have come some negative consequences for passengers. Key among these have been airline delays: The first half of 2007 saw record high numbers of airline delays. Through July, over one-quarter of all flights were delayed, and over 6 percent of flights arrived more than 1 hour late. Projections indicate this problem is likely only to get worse, with numbers of passengers, operations, and cargo expected to triple by 2025.

We need to invest now to improve our Nation's air-travel infrastructure. Even more critical than these increasingly inconvenient delays are the growing deficiencies in our aging air traffic control systems. As chairwoman of the Subcommittee on Transportation Security arid Infrastructure Protection of the Committee on Homeland Security, I am committed to ensuring a maximum level of safety and security for Americans traveling the skies. To this end, I believe that the modernization of air traffic control and airport infrastructure needs to be a higher priority.

This legislation recognizes this crucial need. It provides $13 billion to accelerate the implementation of the Next Generation Air Transportation System. This program will enable the FAA to repair and replace existing facilities and equipment, and will also make funds available for implementing other high-priority safety-related systems. In addition, this bill includes a fiscally responsible increase in the general aviation jet fuel tax rate from 21.8 cents per gallon to 35.9 cents per gallon, and it increases the aviation gasoline tax rate from 19.3 cents per gallon to 24.1 cents per gallon. Crucially, the funds secured by these increases will be dedicated to air traffic control modernization.

Mr. Chairman, I believe that safety must lie at the heart of our efforts to improve air travel. You cannot put a price on the value of keeping American travelers safe. This legislation will make important strides toward this important goal by increasing the number of aviation safety inspectors by more than one-third. It will also strengthen efforts to reduce runway incursions.

In addition, this legislation will increase accountability, by requiring detailed plans for the Next Generation Air Transportation System. It also authorizes GAO and Inspector General audits and reports, which will help reduce cost overruns and delays in the air traffic control modernization program.

Mr. Chairman, I support this legislation, and I am extremely pleased that it will include the

amendment offered by my colleagues Mr. LAMPSON and Mr. POE. This amendment eliminates a 55 percent increase in passenger facility charges, which are imposed whenever a passenger passes through an airport. These taxes create a substantial financial burden on travelers, particularly those who must pass through several airports in transit. While I do not minimize the need for funds to improve airport facilities, I believe there are far more equitable ways of obtaining this funding.

Mr. Chairman, as we work to ensure funding for our Nation's vital air transit system, I look forward to working with the airports to increase contracting opportunities for minority-owned business. As airports embark on important programs of improvement, I call on them to create an even playing field, in which small- and minority-owned businesses can compete for contracts.

Mr. Chairman, air travel is crucial to many Americans, who rely on safe and rapid transit to conduct business, visit family, or take a family vacation. With ever increasing strains on our air transit system, this important legislation will take air travel in a new direction—providing consumer protections for airline passengers, modernizing infrastructure, improving safety, and reducing delays for people and commerce, fuel consumption, and emissions that cause global warming.

I strongly support this legislation, and I urge my colleagues to do the same.

Mr. ENGEL. Mr. Chairman, I stand today in strong support of this amendment.

This has been the worst year on record for air traffic delays. The New York area, which I represent, has three major airports with some of the worst delays in the Nation. Obviously, this situation must change. This amendment would commission a study to determine how best to fix these delays.

The FAA had a chance to commission such a study, but instead they decided to take a unilateral, misguided approach to redesign the airspace over thousands of residents in my Congressional District. The FAA did this without consulting the very people whose lives would be most affected.

A study should have been conducted years ago. I support reducing delays, but we should first know if the FAA's actions will improve air travel. It would be a mistake for the FAA to continue on this course without knowing whether the airspace redesign would even reduce delays.

I urge my colleagues to support this amendment because today we are affected, tomorrow you could be.

Mr. BACA. Mr. Chairman, I ask for unanimous consent to revise and extend my remarks. I rise to express my strong support for H.R. 2881, the Federal Aviation Administration Reauthorization Act.

The first half of 2007 has included the worst record in history for airline delays. So far, more than one quarter of all flights this year have been delayed. Yet, airline traffic is expected to grow at a rapid pace—with a tripling of the number of passengers flying by the year 2025. H.R. 2881 is an important first step in addressing America's transportation dilemma. It modernizes our aging air traffic control system, and strengthens airport infrastructure to reduce delays and improve safety. This bill provides the necessary funds to improve America's airport infrastructure.

H.R. 2881 also includes critical consumer protections by creating a Passenger Bill of Rights, which provides for emergency contingency plans and greater oversight by the FAA into flight delays. In the area I represent, southern California, flight delays and congestion are a major problem. H.R. 2881 provides much needed reforms to help my local airport, the LA/Ontario International Airport, improve its infrastructure—so it may accommodate much of the expected increase in air traffic for the area in the coming years.

These reforms will reduce delays, increase capacity, enhance security, and promote new competition at Ontario airport and ultimately help generate much needed economic development and job growth in my district.

Mr. Chairman, H.R. 2881 is vital to modernizing America's air traffic system, reducing flight delays, and ensuring our Nation is prepared for the massive increases in number of flights we will see over the next decade.

Again, I express my full support of this bill and urge my fellow colleagues to adopt its final passage.

Mr. HALL of Texas. Mr. Chairman, research and development is absolutely fundamental to the mission of the Federal Aviation Administration, and the bill before us today includes a number of provisions that will ensure the agency's R&D enterprise continues to be robust and productive. Title I of H.R. 2881 reauthorizes the FAA's Research, Engineering and Development program for 4 years at levels that, for the most part, are consistent with the Administration's request. The bill also contains a number of provisions specific to R&D projects and activities, many of which are consolidated in Title IX, but are also incorporated in other parts of the bill.

The Federal Aviation Administration is a unique federal enterprise that is fully reliant on maintaining a highly sophisticated network of communications, navigation, and surveillance facilities located at many sites throughout this country. The FAA also regulates the design and operation of the aircraft that fly within our airspace. Our national airspace system, and the economic benefits that flow from it, would not be possible without a well-funded research and development program and a dedicated staff of scientists and engineers. Research results have led to the development of a huge number of products that continue to improve the safety, efficiency and capacity of our national airways system and the planes that fly in it.

The Science and Technology Committee held oversight hearings early this year in preparation for writing and reporting H.R. 2698, The Federal Aviation Research and Development Reauthorization Act of 2007, and just 3 months ago, on June 22, our committee reported the bill on a voice vote. H.R. 2881 incorporates virtually all of the bill's provisions, and for that, I want to extend my thanks to the leadership and staff of the Transportation and Infrastructure Committee for their willingness to work together on these important issues.

While there are a number of R&D provisions in this bill, in the time remaining I want to highlight three programs. First and foremost, the Joint Planning and Development Office (JPDO) is working to develop the Next Generation Air Transportation System (NextGen) that is—and I say this without any exaggeration—absolutely essential if we are to ensure a vibrant and growing air transportation network. The current system is at capacity and will not be able to accommodate future growth.

The JPDO is a unique federal collaboration originally authorized in the R&D title of the Vision 100 legislation signed by the President during the 108th Congress. It is led by the FAA and includes a number of other federal agencies, and its role is to coordinate and manage the research, development and implementation of technologies needed to meet future capacity, safety, efficiency, and security requirements for our national airspace system. H.R. 2881 strengthens management oversight and accountability, and directs participating federal agencies to assign a senior agency official to be specifically responsible for that agency's role in the development and implementation of NextGen. It also creates a more transparent budgeting process to help Congress determine if the Administration is providing amounts needed and requested by JPDO participating agencies. With regard to JPDO's budget, the bill before us is silent on authorization amounts, leaving this and future Congresses with the ability to fund the JPDO as needed. The fact is, at this early stage of development, too little is known about NextGen's cost and budget profile over the decade ahead to develop credible cost estimates.

At the Administration's request, H.R. 2881 includes a new start called the 'CLEEN (*C*ontinuous *L*ower *E*nergy, *E*missions, and *N*oise engine and airframe technology) research, development and implementation partnership.' The goals of this program are to research and develop technologies capable of significantly reducing emissions and noise produced by turbine-powered aircraft, as well as increasing their fuel efficiency. This legislation directs the FAA to coordinate its efforts with NASA.

Finally, this legislation takes important first steps to allow for the safe and routine operation of unmanned aircraft systems (UAS) in our national airspace system. All of us know the important capabilities provided by UAS systems in the Middle East. Here at home, these aircraft will vastly improve our ability to monitor our borders, to help communities recover from natural disasters, and take environmental and land-use measurements. But first we need to develop 'sense and avoid' technologies, along with flight control and navigation technologies, so that unmanned aircraft can safely fly in the same airspace used by general aviation and commercial aircraft without threat of collision. H.R. 2881 gives the FAA the authority to begin the necessary research, plus to develop schedules to meet mandated deadlines.

Mr. Chairman, FAA's research and development activities are essential to its mission, and the features I've described, plus many others in the legislation before us, will strengthen the agency's capabilities to accommodate and manage our Nation's national airspace system.

Having said that, I do want to express reservations about portions of H.R. 2881 unrelated to research and development, and caution Members to carefully weigh the bill in its totality before casting their votes. I clearly understand this bill has some very contentious issues that may, on balance, leave Members no choice but to vote against final passage.

I am particularly concerned about provisions in this bill that will impose a variety of new costs on an industry that is still recovering from several years of billion-dollar losses and,

to make matters worse, could delay FAA's ability to replace its aging air traffic control system. To give two examples, H.R. 2881 would permit up to a 55 percent increase in passenger facilities charges assessed by airports, the costs of which appear as an additional fee on airline tickets. The bill also voids the current labor-management contract for air traffic controllers, forcing the agency to reinstitute its older—and more expensive—labor contract, and it requires reopening negotiations on a new contract under a new negotiating regime. This labor provision seriously jeopardizes FAA's ability to finance its new air traffic control system, which, by some estimates, could result in an additional payout to air traffic controllers of up to a half-billion dollars over the next 4 years, plus whatever additional costs are imposed by a new contract. These are just two of a number of provisions that will most certainly push up the price of air travel. The net effect of these changes will be to push the cost of air travel so high as to make it unaffordable for many working Americans to fly, seriously affecting their quality of life.

For these and other reasons, I cannot, and will not, support H.R. 2881 in its present form.

Mr. SALAZAR. Mr. Chairman, I thank the gentleman from Vermont for yielding and I would like to recognize Chairman OBERSTAR and Chairman COSTELLO for their exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 2881, the FAA Reauthorization Act of 2007, and urge swift passage of the measure.

There are many good and important issues addressed in this bill: funding for capital programs; air traffic control modernization and NextGen; financing that doesn't overburden general aviation; safety; the imposed work rules on our air traffic controllers; consumer protections; R&D; environment; and more.

But I'd like to especially thank the bipartisan leadership on the committee for working with me on issues that are particularly important to me and my constituents.

H.R. 2881 provides increased funding to local governments throughout the country to maintain and develop their airports, which serve as cornerstones for economic growth.

The bill also provides increased radar surveillance coverage in mountainous areas—such as those in Colorado—which will increase the safety and capacity for many of our mountain airports.

As many of us come from and represent small, rural communities, we appreciate the need to preserve and improve rural aviation programs, such as Essential Air Service.

EAS serves rural communities across the country that otherwise would not receive any scheduled air service.

Yet the Administration, once again, has proposed to cut funding by more than half.

That would be devastating to more than 140 rural communities—including Cortez, Alamosa and Pueblo, Colorado.

I'm proud of the work that we did on the committee to correct this wrong and I'm pleased to see the improvements made to rural aviation in this bill.

I believe H.R. 2881 ensures that we remain the world's safest aviation system, and I urge my colleagues to support this bill.

Mr. OBERSTAR. Mr. Chairman, I include in the RECORD exchanges of letters between the Committee on Transportation and Infrastructure and other relevant committees.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, September 17, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR CHAIRMAN OBERSTAR: I write to you regarding H.R. 2881, the ''FAA Reauthorization Act of 2007.'' This legislation authorizes the Federal Aviation Administration's (FAA) programs, including research and development programs.

H.R. 2881 contains provisions that fall within the jurisdiction of the Committee on Science and Technology. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 2881.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation on provisions of the bill that are within the Committee's jurisdiction.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BART GORDON,
Chairman

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 17, 2007.

Hon. BART GORDON,
Chairman, Committee on Science and Technology, House of Representatives, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your September 14, 2007 letter regarding H.R. 2881, the ''FAA Reauthorization Act of 2007''. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Science and Technology. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 2881.

I value your cooperation and look forward to working with you as we move ahead with this important aviation legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, September 14, 2007.

Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure Washington, DC.

DEAR CHAIRMAN OBERSTAR: Thank you for working with me to address concerns in H.R. 2881, a bill to authorize appropriations for the Federal Aviation Administration for fiscal year 2008. Like you, I strongly believe that providing for the authorization of adequate appropriations for the Federal Aviation Administration is vital.

H.R. 2881 contains provisions that fall within the jurisdiction of the Committee on Homeland Security. I recognize and appreciate your desire to bring this bill to the full House expeditiously. As a condition to our agreement to forgo a mark-up of this legislation, you have agreed to remedy our jurisdictional and substantive concerns during consideration of H.R. 2881 or similar legislation by the full House. The Committee on Homeland Security's decision to waive consideration of H.R. 2881, or similar legislation, should not be construed as waiving, altering, or diminishing the Committee's prerogatives with respect to this legislation.

Additionally, the Committee on Homeland Security reserves the right to seek the appointment of conferees during any House-Senate conference convened on this legislation or on provisions of this or a similar bill that are within the jurisdiction of the Committee on Homeland Security. I ask for your commitment to support any such request by the Committee on Homeland Security for the appointment of conferees on H.R. 2881 or similar legislation.

Finally, I respectfully ask that you place a copy of your letter and this response in the Committee Report to accompany H.R. 2881, or similar legislation, and in the CONGRESSIONAL RECORD during floor consideration of H.R. 2881.

Thank you for your cooperation in this matter. I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

BENNIE G. THOMPSON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, September 14, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN THOMPSON: Thank you for your September 14, 2007 letter regarding H.R. 2881, the ''FAA Reauthorization Act of 2007''. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that provisions in the bill are of jurisdictional interest to the Committee on Homeland Security. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House-Senate conference on those provisions over which the Committee on Homeland Security has jurisdiction in H.R. 2881.

I value your cooperation and look forward to working with you as we move ahead with this important aviation legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
Chairman.

Mr. Chairman, I would also like to thank the staff of the Committees on Transportation and Infrastructure, Ways and Means, and Science and Technology for their extraordinary work on this bill. In particular, I thank:

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Full Committee: David Heymsfeld, Ward McCarragher, Sharon Barkeloo, Jennifer Walsh, Erik Hansen, Elisa Yi, Jim Coon, Amy Steinmann.

Subcommittee: Stacie Soumbeniotis, Giles Giovinazzi, Jana Denning, Pam Keller, Christa Fornarotto, Holly Woodruff Lyons, Bailey Edwards, Russell Kline.

COMMITTEE ON WAYS AND MEANS

Ted Zegers, Susan Athy, Chris Giosa.

COMMITTEE ON SCIENCE AND TECHNOLOGY

John Piazza, Richard Obermann, Tim Athan, Ed Feddeman, Katy Crooks.

OFFICE OF LEGISLATIVE COUNSEL

David Mendelsohn, Curt Haensel, Rosemary Gallagher.

Ms. HIRONO. Mr. Chairman, I rise in support of H.R. 2881, the FAA Reauthorization Act of 2007. I thank Chairman OBERSTAR and Chairman COSTELLO for their leadership and hard work to bring this complex legislation to the floor.

While there are disagreements on certain issues, the bill that emerged from the committee will serve the greater interests for the American people for years to come. I am truly proud to have been part of the Transportation and Infrastructure Committee and the Subcommittee on Aviation in developing this important legislation.

I will address a few of the numerous positive provisions of the bill that warrant mention and support.

One section extends the coverage of OSHA to flight attendants. For all too long—well over 30 years—flight attendants have fought an unsuccessful fight to win basic occupational and health protections available to nearly all other American workers.

Despite a Memorandum of Understanding in 2000 between FAA and the Occupational Health and Safety Administration to rectify this discriminatory application of employment law, flight attendants are still left without any meaningful safety and health protections. Since the FAA has shown no inclination to follow through on the MOU, it is time for Congress to act.

Every day, flight attendants risk exposure to poor air quality, blood-borne viruses including HIV and Hepatitis B, cosmic radiation and noise. They are expected to perform excessive lifting, pushing, pulling and carrying—including carry-on baggage and poorly designed food and beverage carts. Without workplace regulatory protections, flight attendants who are sick and injured have no one to help them. This unacceptable condition threatens not only the health of flight attendants, but the safety of the hundreds of passengers who depend on flight attendants for many in-flight services, not to mention life-saving assistance in times of emergency.

The time has long passed for flight attendants to be denied the same protections that the Federal Government affords millions of other hard-working employees in both the private and public sector, including its own employees. It is time for Congress to extend OSHA protections to 50,000 American workers who have been denied this basic employment right by their federal regulator, the FAA, which should be leading this effort.

Another important provision that will bring fundamental fairness to the industry is the bill's abolition of the arbitrary 60-year age limit on commercial pilots. Only commercial airline pilots in the U.S. are prohibited from flying after age 60. The International Civil Aviation Authority already allows its pilots to fly to age 65. Many advanced countries, including Canada, Australia and New Zealand have no age limit. Only the U.S., Pakistan, France and Colombia still hold on to this arbitrary disqualification of otherwise competent pilots.

While eliminating this totally subjective and discriminatory restriction on the right to work, the bill provides the necessary safeguards to protect the flying public. No pilot over the age of 60 who is not otherwise capable and qualified will be able to work on the flight deck, just like any other qualified pilot of any age.

The FAA itself agrees that the 60-year old limit should be abolished, but it will take the agency two years to promulgate regulations to change this admittedly archaic rule. Meanwhile, an estimated 4,000 pilots will needlessly be forced to retire unless we pass this bill.

Finally, one of the more contentious provisions of the bill relates to collective bargaining for air traffic controllers. I support the air traffic controllers on this issue. It is a matter of simple fairness that the FAA be compelled to deal fairly with this important group of its employees. There is no fair and equal collective bargaining if one side can walk away from the negotiation table and unilaterally impose its position once an impasse is reached. Fundamental fairness requires that the parties resume negotiations until an agreement is reached and, if the parties cannot agree, mediation should be required. Meanwhile, the pre-impasse terms and conditions of employment should be maintained, as it is in all collective bargaining relationships, until a new collective bargaining agreement is ratified.

Collective bargaining not only protects the rights and benefits of the air traffic controllers, but also protects the lives and safety of the traveling public. When they are adequately compensated and allowed sufficient time for training, rest and recuperation, air traffic controllers would able to do their jobs more effectively.

There is no worse a method to destroy morale and loyalty—and hence effectiveness and performance—of employees than to show such disrespect for them. In a job as critical to the safety of millions of travelers, the effectiveness and professionalism of air traffic controllers must be fostered, not undermined by unfair employment practices that treat them with such undeserved disdain. Giving these important employees bargaining rights equal to the employer is not only the right thing to do, it is the safe thing to do for all Americans.

For the reasons I have stated, I support this comprehensive and major improvement to our nation's aviation system. I urge my colleagues to look at the bill in its entirety and vote to pass this important legislation.

Mr. COBLE. Mr. Chairman, aviation is a growing industry in the 6th Congressional District of North Carolina, and therefore my interest in the reauthorization of the Federal Aviation Administration stems from both a consumer and industry perspective. I'd like to take a few moments to highlight some provisions in H.R. 2881 which are beneficial to my area and others which cause concern.

There is a vibrant general aviation community within North Carolina, and many of the airports in my district are dependent upon the Airport Improvement Program to fund necessary infrastructure improvements. I am pleased that this legislation builds upon this successful program. It is my hope that as the bill moves forward, we will continue to seek ways to augment, and even create incentives, within the AIP program because it is a vital tool for economic development.

In addition, I remain supportive of the Small Community Air Services Development Program which is reauthorized in H.R. 2881. I have seen first-hand the success this program has had in my district, and believe that it is another tool which encourages community development, particularly in rural areas.

I'm also pleased that the bill before us takes the initial steps to modernize and update our air traffic control system. While I don't pretend to understand the technology, I do believe that upgrading our current air traffic control system will create more efficient and effective management of our airways. I'm hopeful that this investment, coupled with improving infrastructure, will help to alleviate much of the delays and cancellations that each of us currently face all too often when we go to the airport. We still have much work to do, but I believe this bill is a step in the right direction.

There are also areas in the base bill which concern me. I have nothing but the utmost respect for the air traffic controllers of this Nation, and especially those that live and work within my district. I have had frank and constructive conversations on a variety of issues with them in the past several months.

Despite that, I still have reservations about the intent and ramifications of the language in the base bill which would reopen the recently implemented contract. First and foremost, the issue of back pay concerns me from a fiscal and fairness perspective. Regardless of whether you support or oppose the current contract, to simply invalidate the contract, in my opinion, undermines the bargaining process. Further, I remain concerned at the effect this amendment will have on our Nation's taxpayers.

Additionally, I remain concerned by language in the bill which would require non-pilot employees to be covered under the National Labor Relations Act. This language, which is directed at one express shipping company, in my opinion could undermine the national transportation network and create many unintended consequences.

As this bill moves forward, I hope that we can continue to work towards modernizing our air traffic control system and also resolve issues where there is disagreement. Because of the concerns outlined above, I intend to oppose the base bill, but do so recognizing that there are provisions which I support.

Mr. UDALL of Colorado. Mr. Chairman, I rise in support of H.R. 2881 and urge its approval.

The version of H.R. 2881 that is before us today is the product of a constructive, bipartisan collaboration between the Transportation and Infrastructure Committee and the Science and Technology Committee.

I want to express my appreciation for the fine work done by the Transportation and Infrastructure Committee members and staff, and in particular Chairman JIM OBERSTAR and Ranking Member JOHN MICA, along with the Chairman of the Aviation Subcommittee (and senior member of the Science and Technology Committee), JERRY COSTELLO, and Ranking Minority member TOM PETRI. I appreciate the cooperative efforts that made this merged bill possible.

I also want to thank Chairman BART GORDON, Ranking Member RALPH HALL, and my good friend and Ranking Member on the space and aeronautics subcommittee, Representative TOM FEENEY, for all of their hard work on H.R. 2698, the Federal Aviation R&D Reauthorization Act of 2007—which was unanimously passed by the Science and Technology Committee earlier this year and which has now been incorporated into the bill we are considering today.

The Science and Technology Committee majority and minority staff has done great work on this bill and I would like to thank them

as well, especially Richard Obermann, Ed Feddeman, Tim Athan, and John Piazza for their hard work. I am pleased that H.R. 2881 will reauthorize a range of important R&D activities at the FAA—including R&D related to aviation noise and emissions reduction—establish new R&D initiatives in some key areas, and include provisions aimed at strengthening the Next Generation Air Transportation System (NextGen) initiative and the interagency Joint Planning and Development Office (JPDO), which has the responsibility for planning and developing NextGen.

Because of my limited time, I would like to highlight just two of the new initiatives in the bill that I think are especially important.

First, the bill establishes an interagency research program to better understand the impact of aviation on climate change. This is a serious matter, with both economic and quality-of-life implications, and thus I believe that this research effort is critically important.

Second, the bill establishes a multi-agency research program to conduct research on the impacts of space weather on aviation and air passengers. This is motivated by the increased importance of space weather to aviation, especially with the increased incidence of flight operations over the polar regions.

Mr. Chairman, while I could spend all my time discussing the important provisions from H.R. 2698 that have been included in H.R. 2881, I would be remiss if I did not discuss several other features of the bill that I think are important. It is clear, I think, that enhancing the Nation's aviation needs while addressing unique challenges of individual communities is not an easy task. I believe that this bill moves our Nation's air transportation system forward while being understanding of the obstacles that face each state and locality.

In June, the Department of Transportation (DOT) reported that only 72.5 percent of domestic flights by the largest U.S. airlines arrived on-time from January to April of this year. This is the worst showing since DOT began reporting on-time performance in 1995. Robust investment in aviation infrastructure is crucial to increase air capacity and decrease fight delays. I am pleased that this bill provides for increased funding for a number of FAA capital programs, including the Airport Improvement Program (AIP).

Passage of this legislation is vital to the health of the Nation's air transportation system and the continued economic vitality of Colorado. I am especially pleased that the bill designates a program within FAA to improve safety and efficiency of radar coverage in mountainous areas. While the Colorado Department of Transportation (CDOT) and the FAA have already begun such an endeavor, this bill will further cement and provide funding for enhanced radar coverage at mountain airports in Colorado and elsewhere. Not only will this program increase safety but it will also provide multi-modal benefits by reducing congestion on highways due to flight diversions or denied service.

Mr. Chairman, it is no exaggeration to say that the Nation's air transportation system is critical to our economic well-being, our international competitiveness, and our quality of life. I believe that H.R. 2881 will help maintain its continued vitality and safety, and I urge Members to support the bill.

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of this very important legislation reauthorizing the Federal Aviation Administration, and urge my colleagues to join me in voting for its passage.

I also rise to commend Chairman OBERSTAR and Ranking Member MICA on the Committee on Transportation and Infrastructure as well as Chairman COSTELLO and Ranking Member PETRI of the Subcommittee on Aviation for their excellent leadership on this bill and for their continued dedicated service on transportation issues.

This bill contains a number of critical provisions that will improve our nation's transportation system. In particular, this legislation will go a long way towards modernizing and improving our nation's air traffic control capabilities by providing $13 billion to accelerate the implementation of the Next Generation Air Transportation system. Through modernization and increased use of technology, this system will enable our air traffic control system to meet two to three times the amount of current demand, allowing us to keep pace with the ever-increasing number of flights. This technology will also allow us to more accurately track flights, preventing collisions in our increasingly congested skies. In addition, the FAA will be given the resources to make necessary improvements and replacements of facilities and equipment, ensuring the highest degree of air traffic support.

I would also like to thank the Chairmen and Ranking Members of the full Committee and Subcommittee for including report language on the potential application of Qualification Based Selection for Passenger Facility Charge funded airport projects. Qualification Based Selection is a process that works well with Airport Improvement Program funded projects and some other federally-funded transportation projects. It has been a process that has saved time and saved money in other transportation projects. Consequently, taking a closer and more comprehensive look to see how it could be effectively implemented with PFC-funded projects seems to be a logical step.

This reauthorization also takes some important steps towards protecting flight crews and passengers. For example, OSHA requirements are finally extended to aircraft crewmembers under this bill, helping to ensure their on-the-job safety. This legislation also directs the FAA to conduct a study on pilot fatigue, and based on the findings of that study, update their regulations regarding flight time limitations and rest requirements for pilots. Furthermore, airlines and airports will be required to have contingency plans in place to take care of passengers affected by long delays, including providing food, water and medical care. This provision is a welcome relief to all of us who have ever experienced long and painful flight delays.

Furthermore, this reauthorization includes $570 million to increase the number of aviation safety inspectors by more than one-third. These inspectors develop, administer, and enforce safety requirements for all aircraft being developed and flying today. Increasing the number of these inspectors will help ensure that our skies are as safe as possible.

I am also pleased that this reauthorization includes a number of provisions that will improve our environment. It directs the FAA to work to develop lower energy, emissions and noise engine and airframe technology. This type of technology will help to reduce our dependence on fossil fuels, improve our air quality, and combat climate change. This bill also contains measures to improve the environments of airport lands, including addressing water and air quality issues, and reduce aircraft idling time to reduce emissions and fuel consumption.

In addition to these environmental provisions, I would also like to thank Chairman OBERSTAR and Ranking Member MICA of the full Committee and Chairman COSTELLO and Ranking Member PETRI of the Aviation Subcommittee for working with me to include two provisions increasing R&D for environmental improvements related to aircraft fuel.

Currently, general aviation piston aircraft operate on 100 Octane leaded aviation gasoline, or avgas, which contains four times the amount of lead found in the already-banned leaded automotive fuel and is extremely toxic. Unfortunately, no economical alternative currently exists. Environmental and health concerns over this leaded gasoline will only continue to grow as use of these planes increases.

In order to address this issue, I worked to include in this bill a provision to continue and enhance R&D for alternative aviation fuels. This provision, which authorizes $750,000 for fiscal years 2008 through 2010, will help to expedite the development, testing, and approval of an economical, unleaded alternative aircraft fuel.

Also included in this reauthorization is a provision I authored for a new FAA Center of Excellence focused on alternative jet fuel research. FAA Air Transportation Centers of Excellence provide research on important transportation issues through partnerships between the FAA, universities, industry and state and local government. In conducting transportation research, Centers of Excellence also prepare a new generation of trained professionals ready to meet our nation's transportation needs.

And in the coming years, perhaps no transportation need will be greater than the need for alternative energies. Increasing demand for fossil fuels and continued volatility in many energy supplying nations means that the price of fossil fuels will continue to go up. And, increased emissions from the use of fossil fuels further endanger our global environment.

Jet fuel in particular illustrates the dangers of our current reliance on fossil fuels. Many airlines in this country, already fighting bankruptcy, are particularly vulnerable to higher fuel prices and increased volatility in the energy market. And while jet emissions still constitute only 3% of global emissions, that share is growing rapidly as the number of flights worldwide continues to increase.

Consequently, it is apparent that developing alternative jet fuels is imperative for our Nation's airlines and our environment. Recognizing this need, and witnessing the valuable R&D that FAA Centers of Excellence have provided in other areas such as Airliner Cabin Environment, Noise and Emissions, and Airport Technology, I authored a provision included in this reauthorization which will create an FAA Center of Excellence dedicated to alternative jet fuel research. This Center of Excellence's research will improve the long-term health of our domestic aviation economy and our global environment.

The benefits of this Center of Excellence and all the improvements in safety, efficiency, labor protections and environment provided by

this reauthorization are particularly important to my hometown of Chicago. Chicago is the transportation hub of the Nation and transportation is—metaphorically and literally—what keeps our region moving. Chicago Midway Airport, which is in my District, and nearby O'Hare International Airport, are two of the busiest and largest airports in the Nation. And while thousands of people pass through these airports every day, they are the local airports for my constituents and the surrounding communities. Consequently, any national improvements in our aviation system will be acutely felt by those of us who live under the busy skies of northeastern Illinois. I believe this reauthorization is a good beginning in improving not only the flying experience of my constituents, but also in reducing the amount of aviation emissions and noise that they encounter on a daily basis.

And importantly for my District, this FAA reauthorization provides necessary funding to make our runways safer. This issue is important to the many people in Chicagoland who still clearly remember the tragic accident in 2005 when an aircraft skidded off the runway at Midway Airport and into a passing car, killing a young boy. To address some of the concerns raised by these types of accidents, this legislation provides $42 million over four years for runway incursion reduction programs and $74 million over four years for runway status light acquisition and installation. These runway improvements will not only help to protect flight crews and aircraft passengers, but also the people such as those in my district who live and work alongside our Nation's airports.

In conclusion, this FAA reauthorization contains important efficiency, safety and environmental provisions that will benefit the Nation and Chicagoland in particular, and I urge my colleagues to join me in supporting its passage.

Mr. TANNER. Mr. Chairman, I rise today to strongly oppose a provision that was included in H.R. 2881, the FAA Reauthorization Act of 2007.

The underlying bill contains language that would unfairly target a single company located in my Sate and compel them to change the way they do business. There have been no hearings on this issue and I am concerned that there could be considerable unintended consequences if this provision is approved.

Inclusion of the language could also put this critical aviation safety bill at risk. I have been told that several Senators have made clear this provision is a non-starter that puts a speedy and successful Conference at risk.

At a time where air traffic is in gridlock, I think we have a duty to the American public to pass a bill that can quickly be conferenced with the Senate. Because I do think that we need to move forward on FAA reform, I will reluctantly vote for H.R. 2881. However, I believe that this bill is far too important to be used as a vehicle for targeting a single American company and am hopeful that this issue will be addressed in conference.

The Acting CHAIRMAN. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 110–335, modified by the amendment printed in part B of the report, is adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''FAA Reauthorization Act of 2007''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

Sec. 101. Airport planning and development and noise compatibility planning and programs.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. FAA operations.
Sec. 104. Research and development.
Sec. 105. Funding for aviation programs.

Subtitle B—Passenger Facility Charges

Sec. 111. PFC authority.
Sec. 112. PFC eligibility for bicycle storage.
Sec. 113. Noise compatibility projects.
Sec. 114. Intermodal ground access project pilot program.
Sec. 115. Impacts on airports of accommodating connecting passengers.

Subtitle C—Fees for FAA Services

Sec. 121. Update on overflights.
Sec. 122. Registration fees.

Subtitle D—AIP Modifications

Sec. 131. Amendments to AIP definitions.
Sec. 132. Amendments to grant assurances.
Sec. 133. Government share of project costs.
Sec. 134. Amendments to allowable costs.
Sec. 135. Uniform certification training for airport concessions under disadvantaged business enterprise program.
Sec. 136. Preference for small business concerns owned and controlled by disabled veterans.
Sec. 137. Calculation of State apportionment fund.
Sec. 138. Reducing apportionments.
Sec. 139. Minimum amount for discretionary fund.
Sec. 140. Marshall Islands, Micronesia, and Palau.
Sec. 141. Use of apportioned amounts.
Sec. 142. Sale of private airport to public sponsor.
Sec. 143. Airport privatization pilot program.
Sec. 144. Airport security program.
Sec. 145. Sunset of pilot program for purchase of airport development rights.
Sec. 146. Extension of grant authority for compatible land use planning and projects by State and local governments.
Sec. 147. Repeal of limitations on Metropolitan Washington Airports Authority.
Sec. 148. Midway Island Airport.
Sec. 149. Miscellaneous amendments.

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

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

TITLE III—SAFETY

Subtitle A—General Provisions

Sec. 301. Age standards for pilots.
Sec. 302. Judicial review of denial of airman certificates.
Sec. 303. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 304. Inspection of foreign repair stations.
Sec. 305. Runway incursion reduction.
Sec. 306. Improved pilot licenses.
Sec. 307. Aircraft fuel tank safety improvement.
Sec. 308. Flight crew fatigue.
Sec. 309. OSHA standards.
Sec. 310. Aircraft surveillance in mountainous areas.
Sec. 311. Off-airport, low-altitude aircraft weather observation technology.

Subtitle B—Unmanned Aircraft Systems

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

TITLE IV—AIR SERVICE IMPROVEMENTS

Sec. 401. Monthly air carrier reports.
Sec. 402. Flight operations at Reagan National Airport.
Sec. 403. EAS contract guidelines.
Sec. 404. Essential air service reform.
Sec. 405. Small community air service.
Sec. 406. Air passenger service improvements.
Sec. 407. Contents of competition plans.
Sec. 408. Extension of competitive access reports.
Sec. 409. Contract tower program.
Sec. 410. Airfares for members of the Armed Forces.
Sec. 411. Medical oxygen and portable respiratory assistive devices.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

Sec. 501. Amendments to air tour management program.

Sec. 502. State block grant program.
Sec. 503. Airport funding of special studies or reviews.
Sec. 504. Grant eligibility for assessment of flight procedures.
Sec. 505. CLEEN research, development, and implementation partnership.
Sec. 506. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
Sec. 507. Environmental mitigation pilot program.
Sec. 508. Aircraft departure queue management pilot program.
Sec. 509. High performance and sustainable air traffic control facilities.
Sec. 510. Regulatory responsibility for aircraft engine noise and emissions standards.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

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

TITLE VII—AVIATION INSURANCE

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

TITLE VIII—MISCELLANEOUS

Sec. 801. Air carrier citizenship.
Sec. 802. Disclosure of data to Federal agencies in interest of national security.
Sec. 803. FAA access to criminal history records and database systems.
Sec. 804. Clarification of air carrier fee disputes.
Sec. 805. Study on national plan of integrated airport systems.
Sec. 806. Express carrier employee protection.
Sec. 807. Consolidation and realignment of FAA facilities.
Sec. 808. Transportation Security Administration centralized training facility feasibility study.
Sec. 809. GAO study on cooperation of airline industry in international child abduction cases.
Sec. 810. Lost Nation Airport, Ohio.
Sec. 811. Pollock Municipal Airport, Louisiana.
Sec. 812. Human intervention and motivation study program.
Sec. 813. Washington, D.C., Air Defense Identification Zone.
Sec. 814. Merrill Field Airport, Anchorage, Alaska.
Sec. 815. William P. Hobby Airport, Houston, Texas.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

Sec. 901. Short title.
Sec. 902. Definitions.
Sec. 903. Interagency research initiative on the impact of aviation on the climate.
Sec. 904. Research program on runways.
Sec. 905. Research on design for certification.
Sec. 906. Centers of excellence.
Sec. 907. Airport cooperative research program.
Sec. 908. Unmanned aircraft systems.
Sec. 909. Research grants program involving undergraduate students.
Sec. 910. Research program on space weather and aviation.
Sec. 911. Aviation gas research and development program.
Sec. 912. Research reviews and assessments.
Sec. 913. Review of FAA's aviation safety-related research programs.
Sec. 914. Research program on alternative jet fuel technology for civil aircraft.
Sec. 915. Center for excellence in aviation employment.

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

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

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall apply only to fiscal years beginning after September 30, 2007.

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

(a) AUTHORIZATION.—Section 48103 is amended—

(1) by striking ''September 30, 2003'' and inserting ''September 30, 2007''; and

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

''(1) $3,800,000,000 for fiscal year 2008;

''(2) $3,900,000,000 fiscal year 2009;

''(3) $4,000,000,000 fiscal year 2010; and

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

(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $3,120,000,000 for fiscal year 2008.

''(2) $3,246,000,000 for fiscal year 2009.

''(3) $3,259,000,000 for fiscal year 2010.

''(4) $3,353,000,000 for fiscal year 2011.''.

(b) USE OF FUNDS.—Section 48101 is amended by striking subsections (c) through (i) and inserting the following:

''(c) WAKE VORTEX MITIGATION.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development and analysis of wake vortex mitigation, including advisory systems.

''(d) WEATHER HAZARDS.—

''(1) IN GENERAL.—Of amounts appropriated under subsection (a), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used for the development of in-flight and ground-based weather threat mitigation systems, including ground de-icing and anti-icing systems and other systems for predicting, detecting, and mitigating the effects of certain weather conditions on both airframes and engines.

''(2) SPECIFIC HAZARDS.—Weather conditions referred to in paragraph (1) include—

''(A) ground-based icing threats such as ice pellets and freezing drizzle;

''(B) oceanic weather, including convective weather, and other hazards associated with oceanic operations (where commercial traffic is high and only rudimentary satellite sensing is available) to reduce the hazards presented to commercial aviation, including convective weather ice crystal ingestion threats; and

''(C) en route turbulence prediction.

''(e) SAFETY MANAGEMENT SYSTEMS.—Of amounts appropriated under subsection (a) and section 106(k)(1), such sums as may be necessary for each of fiscal years 2008 through 2011 may be used to advance the development and implementation of safety management systems.

''(f) RUNWAY INCURSION REDUCTION PROGRAMS.—Of amounts appropriated under subsection (a), $8,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $12,000,000 for fiscal year 2011 may be used for the development and implementation of runway incursion reduction programs.

''(g) RUNWAY STATUS LIGHTS.—Of amounts appropriated under subsection (a), $15,000,000 for fiscal year 2008, $27,000,000 for fiscal year 2009, $12,000,000 for fiscal year 2010, and $20,000,000 for 2011 may be used for the acquisition and installation of runway status lights.

''(h) ADDITIONAL PROGRAMS IN FISCAL YEAR 2008.—Of amounts appropriated under subsection (a), $19,500,000 for fiscal year 2008 may be used for—

''(1) system capacity, planning, and improvement;

''(2) operations concept validation;

''(3) NAS weather requirements;

''(4) Airspace Management Lab;

''(5) Local Area Augmentation System (LAAS); and

''(6) wind profiling and weather research, Juneau.

''(i) ADDITIONAL PROGRAMS IN FISCAL YEARS 2009–2011.—Of amounts appropriated under subsection (a), $14,500,000 for each of fiscal years 2009, 2010, and 2011 may be used for—

''(1) system capacity, planning, and improvement;

''(2) operations concept validation;

''(3) NAS weather requirements; and

''(4) Airspace Management Lab.''.

SEC. 103. FAA OPERATIONS.

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

''(A) $8,726,000,000 for fiscal year 2008;

''(B) $8,978,000,000 for fiscal year 2009;

''(C) $9,305,000,000 for fiscal year 2010; and

''(D) $9,590,000,000 for fiscal year 2011.''.

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

(1) by striking subparagraphs (A), (B), (C), (D), and (F);

(2) by redesignating subparagraphs (E) and (G) as subparagraphs (A) and (B), respectively; and

(3) in subparagraphs (A) and (B) (as so redesignated) by striking ''2004 through 2007'' and inserting ''2008 through 2011''.

(c) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) to fund airline data collection and analysis by the Bureau of Transportation Statistics in the Research and Innovative Technology Administration of the Department of Transportation—

(1) $4,000,000 for fiscal year 2008; and

(2) $6,000,000 for each of fiscal years 2009, 2010, and 2011.

SEC. 104. RESEARCH AND DEVELOPMENT.

Section 48102(a) is amended—

(1) in paragraph (11)(L) by striking ''and'';

(2) in paragraph (12)(L) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(13) for fiscal year 2008, $335,191,000, including—

''(A) $7,350,000 for fire research and safety;

''(B) $4,086,000 for propulsion and fuel systems;

''(C) $2,713,000 for advanced materials and structural safety;

''(D) $3,574,000 for atmospheric hazards and digital system safety;

''(E) $14,931,000 for aging aircraft;

''(F) $2,202,000 for aircraft catastrophic failure prevention research;

''(G) $14,651,000 for flightdeck maintenance, system integration, and human factors;

''(H) $9,517,000 for aviation safety risk analysis;

''(I) $15,254,000 for air traffic control, technical operations, and human factors;

''(J) $6,780,000 for aeromedical research;

''(K) $19,888,000 for weather programs;

''(L) $6,310,000 for unmanned aircraft systems research;

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

''(N) $10,755,000 for wake turbulence;

''(O) $20,469,000 for environment and energy;

''(P) $1,184,000 for system planning and resource management;

''(Q) $3,415,000 for the William J. Hughes Technical Center Laboratory Facility;

''(R) $74,200,000 for the Center for Advanced Aviation System Development;

''(S) $2,000,000 for the Airport Cooperative Research Program—capacity;

''(T) $3,000,000 for the Airport Cooperative Research Program—environment;

''(U) $5,000,000 for the Airport Cooperative Research Program—safety;

''(V) $3,600,000 for GPS civil requirements;

''(W) $15,000,000 for Safe Flight 21, Alaska Capstone;

''(X) $8,907,000 for airports technology research—capacity;

''(Y) $9,805,000 for airports technology research—safety;

''(14) for fiscal year 2009, $481,554,000, including—

''(A) $8,457,000 for fire research and safety;

''(B) $4,050,000 for propulsion and fuel systems;

''(C) $2,686,000 for advanced materials and structural safety;

''(D) $3,568,000 for atmospheric hazards and digital system safety;

''(E) $14,683,000 for aging aircraft;

''(F) $2,158,000 for aircraft catastrophic failure prevention research;

''(G) $37,499,000 for flightdeck maintenance, system integration, and human factors;

''(H) $8,349,000 for aviation safety risk analysis;

''(I) $15,323,000 for air traffic control, technical operations, and human factors;

''(J) $6,932,000 for aeromedical research;

''(K) $22,336,000 for weather program;

''(L) $6,738,000 for unmanned aircraft systems research;

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

''(N) $10,560,000 for wake turbulence;

''(O) $35,039,000 for environment and energy;

''(P) $1,847,000 for system planning and resource management;

''(Q) $3,548,000 for the William J. Hughes Technical Center Laboratory Facility;

''(R) $85,000,000 for Center for Advanced Aviation System Development;

''(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

''(T) $5,000,000 for the Airport Cooperative Research Program—environment;

''(U) $5,000,000 for the Airport Cooperative Research Program—safety;

''(V) $3,469,000 for GPS civil requirements;

''(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

''(X) $8,907,000 for airports technology research—capacity;

''(Y) $9,805,000 for airports technology research—safety;

''(15) for fiscal year 2010, $486,502,000, including—

''(A) $8,546,000 for fire research and safety;

''(B) $4,075,000 for propulsion and fuel systems;

''(C) $2,700,000 for advanced materials and structural safety;

''(D) $3,608,000 for atmospheric hazards and digital system safety;

''(E) $14,688,000 for aging aircraft;

''(F) $2,153,000 for aircraft catastrophic failure prevention research;

''(G) $36,967,000 for flightdeck maintenance, system integration, and human factors;

''(H) $8,334,000 for aviation safety risk analysis;

''(I) $15,471,000 for air traffic control, technical operations, and human factors;

''(J) $7,149,000 for aeromedical research;

''(K) $23,286,000 for weather program;

''(L) $6,236,000 for unmanned aircraft systems research;

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

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

''(O) $34,678,000 for environment and energy;

''(P) $1,827,000 for system planning and resource management;

''(Q) $3,644,000 for William J. Hughes Technical Center Laboratory Facility;

''(R) $90,000,000 for the Center for Advanced Aviation System Development;

''(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

''(T) $5,000,000 for the Airport Cooperative Research Program—environment;

''(U) $5,000,000 for the Airport Cooperative Research Program—safety;

''(V) $3,416,000 for GPS civil requirements;

''(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

''(X) $8,907,000 for airports technology research—capacity;

''(Y) $9,805,000 for airports technology research—safety; and

''(16) for fiscal year 2011, $514,832,000, including—

''(A) $8,815,000 for fire research and safety;

''(B) $4,150,000 for propulsion and fuel systems;

''(C) $2,747,000 for advanced materials and structural safety;

''(D) $3,687,000 for atmospheric hazards and digital system safety;

''(E) $14,903,000 for aging aircraft;

''(F) $2,181,000 for aircraft catastrophic failure prevention research;

''(G) $39,245,000 for flightdeck maintenance, system integration and human factors;

''(H) $8,446,000 for aviation safety risk analysis;

''(I) $15,715,000 for air traffic control, technical operations, and human factors;

''(J) $7,390,000 for aeromedical research;

''(K) $23,638,000 for weather program;

''(L) $6,295,000 for unmanned aircraft systems research;

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

''(N) $10,471,000 for wake turbulence;

''(O) $34,811,000 for environment and energy;

''(P) $1,836,000 for system planning and resource management;

''(Q) $3,758,000 for William J. Hughes Technical Center Laboratory Facility;

''(R) $114,000,000 for Center for Advanced Aviation System Development;

''(S) $5,000,000 for the Airport Cooperative Research Program—capacity;

''(T) $5,000,000 for the Airport Cooperative Research Program—environment;

''(U) $5,000,000 for the Airport Cooperative Research Program—safety;

''(V) $3,432,000 for GPS civil requirements;

''(W) $20,000,000 for Safe Flight 21, Alaska Capstone;

''(X) $8,907,000 for airports technology research—capacity;

''(Y) $9,805,000 for airports technology research—safety.''.

SEC. 105. FUNDING FOR AVIATION PROGRAMS.

(a) AIRPORT AND AIRWAY TRUST FUND GUARANTEE.—Section 48114(a)(1)(A) is amended to read as follows:

''(A) IN GENERAL.—The total budget resources made available from the Airport and Airway Trust Fund each fiscal year through fiscal year 2011 pursuant to sections 48101, 48102, 48103, and 106(k) shall—

''(i) in each of fiscal years 2008 and 2009, be equal to 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(ii) in each of fiscal years 2010 and 2011, be equal to the sum of—

''(I) 95 percent of the estimated level of receipts plus interest credited to the Airport and Airway Trust Fund for that fiscal year; and

''(II) the actual level of receipts plus interest credited to the Airport and Airway Trust Fund for the second preceding fiscal year minus the total amount made available for obligation from the Airport and Airway Trust Fund for the second preceding fiscal year.

Such amounts may be used only for aviation investment programs listed in subsection (b).''.

(b) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS FROM THE GENERAL FUND.—Section 48114(a)(2) is amended by striking ''2007'' and inserting ''2011''.

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

(1) in the paragraph heading by striking ''LEVEL'' and inserting ''ESTIMATED LEVEL''; and

(2) by striking ''level of receipts plus interest'' and inserting ''estimated level of receipts plus interest''.

(d) ENFORCEMENT OF GUARANTEES.—Section 48114(c)(2) is amended by striking ''2007'' and inserting ''2011''.

Subtitle B—Passenger Facility Charges

SEC. 111. PFC AUTHORITY.

(a) PFC DEFINED.—Section 40117(a)(5) is amended to read as follows:

''(5) PASSENGER FACILITY CHARGE.—The term 'passenger facility charge' means a charge or fee imposed under this section.''.

(b) INCREASE IN PFC MAXIMUM LEVEL.—Section 40117(b)(4) is amended by striking ''$4.00 or $4.50'' and inserting ''$4.00, $4.50, $5.00, $6.00, or $7.00''.

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

(1) by striking paragraph (7); and

(2) by redesignating paragraph (8) as paragraph (7).

(d) CORRECTION OF REFERENCES.—

(1) SECTION 40117.—Section 40117 is amended—

(A) in the section heading by striking ''**fees**'' and inserting ''**charges**'';

(B) in the heading for subsection (e) by striking ''FEES'' and inserting ''CHARGES'';

(C) in the heading for subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(D) in the heading for paragraph (5) of subsection (l) by striking ''FEE'' and inserting ''CHARGE'';

(E) in the heading for subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(F) in the heading for paragraph (1) of subsection (m) by striking ''FEES'' and inserting ''CHARGES'';

(G) by striking ''fee'' each place it appears (other than the second sentence of subsection (g)(4)) and inserting ''charge''; and

(H) by striking ''fees'' each place it appears and inserting ''charges''.

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

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

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

(C) Section 47114(f).

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

(E) Section 47139(b).

(F) Section 47524(e).

(G) Section 47526(2).

SEC. 112. PFC ELIGIBILITY FOR BICYCLE STORAGE.

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

''(H) A project to construct secure bicycle storage facilities that are to be used by passengers at the airport and that are in compliance with applicable security standards.''.

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

SEC. 113. NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

''(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

''(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

''(i) the Secretary determines that the building is adversely affected by airport noise;

''(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

''(iii) the project is for a school identified in one of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

''(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

''(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

''(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.''.

SEC. 114. INTERMODAL GROUND ACCESS PROJECT PILOT PROGRAM.

Section 40117 is amended by adding at the end the following:

''(n) PILOT PROGRAM FOR PFC ELIGIBILITY FOR INTERMODAL GROUND ACCESS PROJECTS.—

''(1) PFC ELIGIBILITY.—Subject to the requirements of this subsection, the Secretary shall establish a pilot program under which the Secretary may authorize, at no more than 5 airports, a passenger facility charge imposed under subsection (b)(1) or (b)(4) to be used to finance the eligible cost of an intermodal ground access project.

''(2) INTERMODAL GROUND ACCESS PROJECT DEFINED.—In this section, the term 'intermodal ground access project' means a project for constructing a local facility owned or operated by an eligible agency that is directly and substantially related to the movement of passengers or property traveling in air transportation.

''(3) ELIGIBLE COSTS.—

''(A) IN GENERAL.—For purposes of paragraph (1), the eligible cost of an intermodal ground access project shall be the total cost of the project multiplied by the ratio that—

''(i) the number of individuals projected to use the project to gain access to or depart from the airport; bears to

''(ii) the total number of the individuals projected to use the facility.

''(B) DETERMINATIONS REGARDING PROJECTED PROJECT USE.—

''(i) IN GENERAL.—Except as provided by clause (ii), the Secretary shall determine the projected use of a project for purposes of subparagraph (A) at the time the project is approved under this subsection.

''(ii) PUBLIC TRANSPORTATION PROJECTS.—In the case of a project approved under this section to be financed in part using funds administered by the Federal Transit Administration, the Secretary shall use the travel forecasting model for the project at the time such project is approved by the Federal Transit Administration to enter preliminary engineering to determine the projected use of the project for purposes of subparagraph (A).''.

SEC. 115. IMPACTS ON AIRPORTS OF ACCOMMODATING CONNECTING PASSENGERS.

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

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

(2) the treatment of airports at which the majority of passengers are connecting passengers under the passenger facility charge program authorized by section 40117 of title 49, United States Code.

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

(1) the differences in facility needs, and the costs for constructing, maintaining, and operating those facilities, for airports at which the majority of passengers are connecting passengers as compared to airports at which the majority of passengers are originating and destination passengers;

(2) whether the costs to an airport of accommodating additional connecting passengers differs from the cost of accommodating additional originating and destination passengers;

(3) for each airport charging a passenger facility charge, the percentage of passenger facility charge revenue attributable to connecting passengers and the percentage of such revenue attributable to originating and destination passengers;

(4) the potential effects on airport revenues of requiring airports to charge different levels of passenger facility charges on connecting passengers and originating and destination passengers; and

(5) the added costs to air carriers of collecting passenger facility charges under a system in which different levels of passenger facility charges are imposed on connecting passengers and originating and destination passengers.

(c) REPORT TO CONGRESS.—

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

(2) CONTENTS.—The report shall include—

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

(B) recommendations, if any, of the Secretary based on the results of the study for any changes to the passenger facility charge program, including recommendations as to whether different levels of passenger facility charges should be imposed on connecting passengers and originating and destination passengers.

Subtitle C—Fees for FAA Services

SEC. 121. UPDATE ON OVERFLIGHTS.

(a) ESTABLISHMENT AND ADJUSTMENT OF FEES.—Section 45301(b) is amended to read as follows:

''(b) ESTABLISHMENT AND ADJUSTMENT OF FEES.—

''(1) IN GENERAL.—In establishing and adjusting fees under subsection (a), the Administrator shall ensure that the fees are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States and the costs of other services provided by the Administrator, or by programs financed by the Administrator, to flights that neither take off nor land in the United States. The determination of such costs by the Administrator, and the allocation of such costs by the Administrator to services provided, are not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2008. In developing the adjusted overflight fees, the Administrator may seek and consider the recommendations offered by an aviation rulemaking committee for overflight fees that are provided to the Administrator by June 1, 2008, and are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights.

''(3) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(4) COSTS DEFINED.—In this subsection, the term 'costs' includes those costs associated with the operation, maintenance, leasing costs, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(5) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as an interim final rule, pursuant to which public comment will be sought and a final rule issued.''.

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

''(e) ADJUSTMENTS.—In addition to adjustments under subsection (b), the Administrator may periodically adjust the fees established under this section.''.

SEC. 122. REGISTRATION FEES.

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

''§ 45305. Registration, certification, and related fees

''(a) GENERAL AUTHORITY AND FEES.—The Administrator of the Federal Aviation Administration shall establish the following fees for services and activities of the Administration:

''(1) $130 for registering an aircraft.

''(2) $45 for replacing an aircraft registration.

''(3) $130 for issuing an original dealer's aircraft certificate.

''(4) $105 for issuing an aircraft certificate (other than an original dealer's aircraft certificate).

''(5) $80 for issuing a special registration number.

''(6) $50 for issuing a renewal of a special registration number.

''(7) $130 for recording a security interest in an aircraft or aircraft part.

''(8) $50 for issuing an airman certificate.

''(9) $25 for issuing a replacement airman certificate.

''(10) $42 for issuing an airman medical certificate.

''(11) $100 for providing a legal opinion pertaining to aircraft registration or recordation.

''(b) FEES CREDITED AS OFFSETTING COLLECTIONS.—

''(1) IN GENERAL.—Notwithstanding section 3302 of title 31, any fee authorized to be collected under this section shall, subject to appropriation made in advance—

''(A) be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

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

''(C) remain available until expended.

''(2) CONTINUING APPROPRIATIONS.—The Administrator may continue to assess, collect, and spend fees established under this section during any period in which the funding for the Federal Aviation Administration is provided under an Act providing continuing appropriations in lieu of the Administration's regular appropriations.

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

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

''45305. Registration, certification, and related fees.''.

(c) FEES INVOLVING AIRCRAFT NOT PROVIDING AIR TRANSPORTATION.—Section 45302(e) is amended—

(1) by striking ''A fee'' and inserting the following:

''(1) IN GENERAL.—A fee''; and

(2) by adding at the end the following:

''(2) EFFECT OF IMPOSITION OF OTHER FEES.—A fee may not be imposed for a service or activity under this section during any period in which a fee for the same service or activity is imposed under section 45305.''.

Subtitle D—AIP Modifications

SEC. 131. AMENDMENTS TO AIP DEFINITIONS.

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

(1) in subparagraph (B)(iv) by striking ''20'' and inserting ''9''; and

(2) by adding at the end the following:

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

''(N) terminal development under section 47119(a).

''(O) acquiring and installing facilities and equipment to provide air conditioning, heating, or electric power from terminal-based, non-exclusive use facilities to aircraft parked at a public use airport for the purpose of reducing energy use or harmful emissions as compared to the provision of such air conditioning, heating, or electric power from aircraft-based systems.''.

(b) AIRPORT PLANNING.—Section 47102(5) is amended by inserting before the period at the end the following: ''and developing an environmental management system''.

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

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

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

(3) by inserting after paragraph (7) the following:

''(8) 'general aviation airport' means a public airport that is located in a State and that, as determined by the Secretary—

''(A) does not have scheduled service; or

''(B) has scheduled service with less that 2,500 passenger boardings each year.''.

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

''(24) 'revenue producing aeronautical support facilities' means fuel farms, hangar buildings, self-service credit card aeronautical fueling systems, airplane wash racks, major rehabilitation of a hangar owned by a sponsor, or other aeronautical support facilities that the Secretary determines will increase the revenue producing ability of the airport.''.

(e) TERMINAL DEVELOPMENT.—Section 47102 is further amended by adding at the end the following:

''(28) 'terminal development' means—

''(A) development of—

''(i) an airport passenger terminal building, including terminal gates;

''(ii) access roads servicing exclusively airport traffic that leads directly to or from an airport passenger terminal building; and

''(iii) walkways that lead directly to or from an airport passenger terminal building; and

''(B) the cost of a vehicle described in section 47119(a)(1)(B).''.

SEC. 132. AMENDMENTS TO GRANT ASSURANCES.

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

(b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

(1) USE OF PROCEEDS.—Section 47107(c)(2)(A)(iii) is amended by striking ''paid to the Secretary'' and all that follows before the semicolon and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes under paragraph (4)''.

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

''(4) PRIORITIES FOR REINVESTMENT.—In approving the reinvestment or transfer of proceeds under subsection (c)(2)(A)(iii), the Secretary shall give preference, in descending order, to the following actions:

''(A) Reinvestment in an approved noise compatibility project.

''(B) Reinvestment in an approved project that is eligible for funding under section 47117(e).

''(C) Reinvestment in an approved airport development project that is eligible for funding under sections 47114, 47115, or 47117.

''(D) Transfer to a sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport.

''(E) Payment to the Secretary for deposit in the Airport and Airway Trust Fund.''.

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

SEC. 133. GOVERNMENT SHARE OF PROJECT COSTS.

Section 47109 is amended—

(1) in subsection (a) by striking ''provided in subsection (b) or subsection (c) of this section'' and inserting ''otherwise specifically provided in this section''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub airport changes to a medium hub airport, the Government's share of allowable project costs for the airport may not exceed 90 percent for the first 2 fiscal years following such change in hub status.

''(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED COMMUNITIES.—The Government's share of allowable project costs shall be 95 percent for a project at an airport that—

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

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

SEC. 134. AMENDMENTS TO ALLOWABLE COSTS.

(a) ALLOWABLE PROJECT COSTS.—Section 47110(b)(2) is amended—

(1) by striking ''or'' at the end of subparagraph (C);

(2) by striking the semicolon at the end of subparagraph (D) and inserting ''; or''; and

(3) by adding at the end the following:

''(E) if the cost is for airport development and is incurred before execution of the grant agreement, but in the same fiscal year as execution of the grant agreement, and if—

''(i) the cost was incurred before execution of the grant agreement due to the short construction season in the vicinity of the airport;

''(ii) the cost is in accordance with an airport layout plan approved by the Secretary and with all statutory and administrative requirements that would have been applicable to the project if the project had been carried out after execution of the grant agreement;

''(iii) the sponsor notifies the Secretary before authorizing work to commence on the project; and

''(iv) the sponsor's decision to proceed with the project in advance of execution of the grant agreement does not affect the priority assigned to the project by the Secretary for the allocation of discretionary funds;''.

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

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that

the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs will be paid with funds apportioned to the airport sponsor under section 47114(c)(1) or 47114(d);

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

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''.

(c) NONPRIMARY AIRPORTS.—Section 47110(h) is amended—

(1) by inserting ''construction of'' before ''revenue producing''; and

(2) by striking '', including fuel farms and hangars,''.

SEC. 135. UNIFORM CERTIFICATION TRAINING FOR AIRPORT CONCESSIONS UNDER DISADVANTAGED BUSINESS ENTERPRISE PROGRAM.

(a) IN GENERAL.—Section 47107(e) is amended—

(1) by redesignating paragraph (8) as paragraph (9); and

(2) by inserting after paragraph (7) the following:

''(8) MANDATORY TRAINING PROGRAM FOR AIRPORT CONCESSIONS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the FAA Reauthorization Act of 2007, the Secretary shall establish a mandatory training program for persons described in subparagraph (C) on the certification of whether a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(B) IMPLEMENTATION.—The training program may be implemented by one or more private entities approved by the Secretary.

''(C) PARTICIPANTS.—A person referred to in paragraph (1) is an official or agent of an airport owner or operator who is required to provide a written assurance under paragraph (1) that the airport owner or operator will meet the percentage goal of paragraph (1) or who is responsible for determining whether or not a small business concern in airport concessions qualifies as a small business concern owned and controlled by a socially and economically disadvantaged individual for purposes of paragraph (1).

''(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this paragraph.''.

(b) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and other appropriate committees of Congress a report on the results of the training program conducted under the amendment made by subsection (a).

SEC. 136. PREFERENCE FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY DISABLED VETERANS.

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

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

SEC. 137. CALCULATION OF STATE APPORTIONMENT FUND.

Section 47114(d) is amended—

(1) in paragraph (2)—

(A) by striking ''Except as provided in paragraph (3), the Secretary'' and inserting ''The Secretary''; and

(B) by striking ''18.5 percent'' and inserting ''10 percent''; and

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

''(3) ADDITIONAL AMOUNT.—

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

''(i) $150,000; or

''(ii) 1/5 of the most recently published estimate of the 5-year costs for airport improvement for the airport, as listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103.

''(B) REDUCTION.—In any fiscal year in which the total amount made available for apportionment under paragraph (2) is less than $300,000,000, the Secretary shall reduce, on a prorated basis, the amount to be apportioned under subparagraph (A) and make such reduction available to be apportioned under paragraph (2), so as to apportion under paragraph (2) a minimum of $300,000,000.''.

SEC. 138. REDUCING APPORTIONMENTS.

Section 47114(f)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (A);

(2) in subparagraph (B)—

(A) by inserting ''except as provided by subparagraph (C),'' before ''in the case''; and

(B) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(C) in the case of a charge of more than $4.50 imposed by the sponsor of an airport enplaning at least one percent of the total number of boardings each year in the United States, 100 percent of the projected revenues from the charge in the fiscal year but not more than 100 percent of the amount that otherwise would be apportioned under this section.''.

SEC. 139. MINIMUM AMOUNT FOR DISCRETIONARY FUND.

Section 47115(g)(1) is amended by striking ''sum of—'' and all that follows through the period at the end of subparagraph (B) and inserting ''sum of $520,000,000.''.

SEC. 140. MARSHALL ISLANDS, MICRONESIA, AND PALAU.

Section 47115(j) is amended by striking ''fiscal years 2004 through 2007'' and inserting ''fiscal years 2008 through 2011''.

SEC. 141. USE OF APPORTIONED AMOUNTS.

Section 47117(e)(1)(A) is amended—

(1) in the first sentence—

(A) by striking ''35 percent'' and inserting ''$300,000,000'';

(B) by striking ''and'' after ''47141,''; and

(C) by inserting before the period at the end the following: '', and for water quality mitigation projects to comply with the Federal Water Pollution Control Act (33 U.S.C. 1251 et. seq.) as approved in an environmental record of decision for an airport development project under this title''; and

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

SEC. 142. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

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

(1) by striking ''Subsection (a) shall not apply if'' and inserting the following:

''(1) PRIOR LAWS AND AGREEMENTS.—Subsection (a) shall not apply if''; and

(2) by adding at the end the following:

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

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this subtitle for any portion of the public sponsor's acquisition of airport land; and

''(C) an amount equal to the remaining unamortized portion of any airport improvement grant made to that airport for purposes other than land acquisition, amortized over a 20-year period, plus an amount equal to the Federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport, is repaid to the Secretary by the private owner.

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

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

SEC. 143. AIRPORT PRIVATIZATION PILOT PROGRAM.

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

(b) PROHIBITION ON RECEIPT OF FUNDS.—

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

''(n) PROHIBITION ON RECEIPT OF CERTAIN FUNDS.—An airport receiving an exemption under subsection (b) shall be prohibited from receiving apportionments under section 47114 or discretionary funds under section 47115.''.

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

(A) in the subsection heading by striking ''APPORTIONMENTS;'';

(B) in paragraph (1) by striking the semicolon at the end and inserting ''; or'';

(C) by striking paragraph (2); and

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

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

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

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

SEC. 144. AIRPORT SECURITY PROGRAM.

Section 47137(g) is amended by striking ''$5,000,000'' and inserting ''$8,500,000''.

SEC. 145. SUNSET OF PILOT PROGRAM FOR PURCHASE OF AIRPORT DEVELOPMENT RIGHTS.

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

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

SEC. 146. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

SEC. 147. REPEAL OF LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.

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

SEC. 148. MIDWAY ISLAND AIRPORT.

Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (117 Stat. 2518) is amended by striking ''October 1, 2007'' and inserting ''October 1, 2011''.

SEC. 149. MISCELLANEOUS AMENDMENTS.

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

(1) in subsection (a)—

(A) by striking ''each airport to—'' and inserting ''the airport system to—'';

(B) in paragraph (1) by striking ''system in the particular area;'' and inserting ''system, including connection to the surface transportation network; and'';

(C) in paragraph (2) by striking ''; and'' and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) in paragraph (1) by striking the semicolon and inserting ''; and'';

(B) by striking paragraph (2) and redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2) (as so redesignated) by striking '', Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,''; and

(3) in subsection (d) by striking ''status of the''.

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

(1) in paragraph (1)—

(A) in subparagraph (B) by striking ''separated from'' and inserting ''discharged or released from active duty in''; and

(B) by adding at the end the following:

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

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

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

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

(2) by inserting before subsection (b) (as so redesignated) the following:

''(a) TERMINAL DEVELOPMENT PROJECTS.—

''(1) IN GENERAL.—The Secretary may approve a project for terminal development (including multimodal terminal development) in a nonrevenue-producing public-use area of a commercial service airport—

''(A) if the sponsor certifies that the airport, on the date the grant application is submitted to the Secretary, has—

''(i) all the safety equipment required for certification of the airport under section 44706;

''(ii) all the security equipment required by regulation; and

''(iii) provided for access by passengers to the area of the airport for boarding or exiting aircraft that are not air carrier aircraft;

''(B) if the cost is directly related to moving passengers and baggage in air commerce within the airport, including vehicles for moving passengers between terminal facilities and between terminal facilities and aircraft; and

''(C) under terms necessary to protect the interests of the Government.

''(2) PROJECT IN REVENUE-PRODUCING AREAS AND NONREVENUE-PRODUCING PARKING LOTS.—In making a decision under paragraph (1), the Secretary may approve as allowable costs the expenses of terminal development in a revenue-producing area and construction, reconstruction, repair, and improvement in a nonrevenue-producing parking lot if—

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

''(B) the sponsor certifies that any needed airport development project affecting safety, security, or capacity will not be deferred because of the Secretary's approval.'';

(3) in paragraphs (3) and (4)(A) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(4) in paragraph (5) of subsection (b) (as redesignated by paragraph (1) of this subsection) by striking ''subsection (b)(1) and (2)'' and inserting ''subsections (c)(1) and (c)(2)'';

(5) in paragraphs (2)(A), (3), and (4) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d) of this title'' and inserting ''subsection (a)'';

(6) in paragraph (2)(B) of subsection (c) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)'';

(7) in subsection (c)(5) (as redesignated by paragraph (1) of this subsection) by striking ''section 47110(d)'' and inserting ''subsection (a)''; and

(8) by adding at the end the following:

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

(d) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

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

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

''(2) a summary of individual grants issued;

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

''(4) the allocation of appropriations; and''.

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

(1) in subsection (a) by striking ''47102(3)(F),''; and

(2) in subsection (b)—

(A) by striking ''47102(3)(F),''; and

(B) by striking ''47103(3)(F),''.

(f) CONFORMING AMENDMENT TO CIVIL PENALTY ASSESSMENT AUTHORITY.—Section 46301(d)(2) is amended by inserting ''46319,'' after ''46318,''.

(g) OTHER CONFORMING AMENDMENTS.—Sections 40117(a)(3)(B) and 47108(e)(3) are each amended by striking ''section 47110(d)'' each place it appears and inserting ''section 47119(a)''.

(h) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property'' and all that follows through ''(10 U.S.C. 2687 note))''.

(i) AIRPORT CAPACITY BENCHMARK REPORTS.—Section 47175(2) is amended by striking ''Airport Capacity Benchmark Report 2001'' and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or table 1 of the Federal Aviation Administration's most recent airport capacity benchmark report''.

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

SEC. 201. MISSION STATEMENT; SENSE OF CONGRESS.

(a) FINDINGS.—Congress finds the following:

(1) The United States faces a great national challenge as the Nation's aviation infrastructure is at a crossroads.

(2) The demand for aviation services, a critical element of the United States economy, vital in supporting the quality of life of the people of the United States, and critical in support of the Nation's defense and national security, is growing at an ever increasing rate. At the same time, the ability of the United States air transportation system to expand and change to meet this increasing demand is limited.

(3) The aviation industry accounts for more than 10,000,000 jobs in the United States and contributes approximately $900,000,000,000 annually to the United States gross domestic product.

(4) The United States air transportation system continues to drive economic growth in the United States and will continue to be a major economic driver as air traffic triples over the next 20 years.

(5) The Next Generation Air Transportation System (in this section referred to as the ''NextGen System'') is the system for achieving long-term transformation of the United States air transportation system that focuses on developing and implementing new technologies and that will set the stage for the long-term development of a scalable and more flexible air transportation system without compromising the unprecedented safety record of United States aviation.

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

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

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

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

(2) one fundamental requirement for the success of the NextGen System is strong leadership and sufficient resources;

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

(4) Government agencies and industry must work together, carefully integrating and aligning their work to meet the needs of the NextGen System in the development of budgets, programs, planning, and research;

(5) the Department of Transportation, the Federal Aviation Administration, the Department of Defense, the Department of Homeland Security, the Department of Commerce, and the National Aeronautics and Space Administration must work in cooperation and make transformational improvements to the United States air transportation infrastructure a priority; and

(6) due to the critical importance of the NextGen System to the economic and national security of the United States, partner departments and agencies must be provided with the resources required to complete the implementation of the NextGen System.

SEC. 202. NEXT GENERATION AIR TRANSPORTATION SYSTEM JOINT PLANNING AND DEVELOPMENT OFFICE.

(a) ESTABLISHMENT.—

(1) ASSOCIATE ADMINISTRATOR FOR THE NEXT GENERATION AIR TRANSPORTATION SYSTEM.—Section 709(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2582) is amended—

(A) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(B) by inserting after paragraph (1) the following:

''(2) The director of the Office shall be the Associate Administrator for the Next Generation Air Transportation System, who shall be appointed by the Administrator of the Federal Aviation Administration. The Associate Administrator shall report to the Administrator.''.

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

(A) in subparagraph (G) by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (H) by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(I) establishing specific quantitative goals for the safety, capacity, efficiency, performance, and environmental impacts of each phase of Next Generation Air Transportation System implementation activities and measuring actual operational experience against those goals, taking into account noise pollution reduction concerns of affected communities to the greatest extent practicable in establishing the environmental goals;

''(J) working to ensure global interoperability of the Next Generation Air Transportation System;

''(K) working to ensure the use of weather information and space weather information in the Next Generation Air Transportation System as soon as possible;

''(L) overseeing, with the Administrator of the Federal Aviation Administration, the selection of products or outcomes of research and development activities that would be moved to the next stage of a demonstration project; and

''(M) maintaining a baseline modeling and simulation environment for testing and evaluating alternative concepts to satisfy Next Generation Air Transportation enterprise architecture requirements.''.

(3) COOPERATION WITH OTHER FEDERAL AGENCIES.—Section 709(a)(4) of such Act (as redesignated by paragraph (1) of this subsection) is amended—

(A) by striking ''(4)'' and inserting ''(4)(A)''; and

(B) by adding at the end the following:

''(B) The Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate a senior official in the agency to be responsible for—

''(i) carrying out the activities of the agency relating to the Next Generation Air Transportation System in coordination with the Office, including the execution of all aspects of the work of the agency in developing and implementing the integrated work plan described in subsection (b)(5);

''(ii) serving as a liaison for the agency in activities of the agency relating to the Next Generation Air Transportation System and coordinating with other Federal agencies involved in activities relating to the System; and

''(iii) ensuring that the agency meets its obligations as set forth in any memorandum of understanding executed by or on behalf of the agency relating to the Next Generation Air Transportation System.

''(C) The head of a Federal agency referred to in subparagraph (B) shall ensure that—

''(i) the responsibilities of the agency relating to the Next Generation Air Transportation System are clearly communicated to the senior official of the agency designated under subparagraph (B); and

''(ii) the performance of the senior official in carrying out the responsibilities of the agency relating to the Next Generation Air Transportation System is reflected in the official's annual performance evaluations and compensation.

''(D) The head of a Federal agency referred to in subparagraph (B) shall—

''(i) establish or designate an office within the agency to carry out its responsibilities under the memorandum of understanding under the supervision of the designated official; and

''(ii) ensure that the designated official has sufficient budgetary authority and staff resources to carry out the agency's Next Generation Air Transportation System responsibilities as set forth in the integrated plan under subsection (b).

''(E) Not later than 6 months after the date of enactment of this subparagraph, the head of each Federal agency that has responsibility for carrying out any activity under the integrated plan under subsection (b) shall execute a memorandum of understanding with the Office obligating that agency to carry out the activity.''.

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

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

''(B) The Director, to the maximum extent practicable, shall—

''(i) ensure that—

''(I) each Federal agency covered by the plan has sufficient funds requested in the President's budget, as submitted under section 1105(a) of title 31, United States Code, for each fiscal year covered by the plan to carry out its responsibilities under the plan; and

''(II) the development and implementation of the Next Generation Air Transportation System remains on schedule;

''(ii) include, in the President's budget, a statement of the portion of the estimated budget of each Federal agency covered by the plan that relates to the activities of the agency under the Next Generation Air Transportation System initiative; and

''(iii) identify and justify as part of the President's budget submission any inconsistencies between the plan and amounts requested in the budget.

''(7) The Associate Administrator of the Next Generation Air Transportation System shall be a voting member of the Joint Resources Council of the Federal Aviation Administration.''.

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

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

(A) by striking ''meets air'' and inserting ''meets anticipated future air''; and

(B) by striking ''beyond those currently included in the Federal Aviation Administration's operational evolution plan'';

(2) by striking ''and'' at the end of paragraph (3);

(3) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(4) by adding at the end the following:

''(5) a multiagency integrated work plan for the Next Generation Air Transportation System that includes—

''(A) an outline of the activities required to achieve the end-state architecture, as expressed in the concept of operations and enterprise architecture documents, that identifies each Federal agency or other entity responsible for each activity in the outline;

''(B) details on a year-by-year basis of specific accomplishments, activities, research requirements, rulemakings, policy decisions, and other milestones of progress for each Federal agency or entity conducting activities relating to the Next Generation Air Transportation System;

''(C) for each element of the Next Generation Air Transportation System, an outline, on a year-by-year basis, of what is to be accomplished in that year toward meeting the Next Generation Air Transportation System's end-state architecture, as expressed in the concept of operations and enterprise architecture documents, as well as identifying each Federal agency or other entity that will be responsible for each component of any research, development, or implementation program;

''(D) an estimate of all necessary expenditures on a year-by-year basis, including a statement of each Federal agency or entity's responsibility for costs and available resources, for each stage of development from the basic research stage through the demonstration and implementation phase;

''(E) a clear explanation of how each step in the development of the Next Generation Air Transportation System will lead to the following step and of the implications of not successfully completing a step in the time period described in the integrated work plan;

''(F) a transition plan for the implementation of the Next Generation Air Transportation System that includes date-specific milestones for the implementation of new capabilities into the national airspace system; and

''(G) date-specific timetables for meeting the environmental goals identified in subsection (a)(3)(I).''.

(c) OPERATIONAL EVOLUTION PARTNERSHIP.—Section 709(d) of such Act (117 Stat. 2584) is amended to read as follows:

''(d) OPERATIONAL EVOLUTION PARTNERSHIP.—The Administrator of the Federal Aviation Administration shall develop and publish annually the document known as the 'Operational Evolution Partnership', or any successor document, that provides a detailed description of how the agency is implementing the Next Generation Air Transportation System.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 709(e) of such Act (117 Stat. 2584) is amended by striking ''2010'' and inserting ''2011''.

(e) CONTINGENCY PLANNING.—The Associate Administrator for the Next Generation Air Transportation System shall, as part of the design of the System, develop contingency plans for dealing with the degradation of the System in the event of a natural disaster, major equipment failure, or act of terrorism.

SEC. 203. NEXT GENERATION AIR TRANSPORTATION SENIOR POLICY COMMITTEE.

(a) MEETINGS.—Section 710(a) of Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2584) is amended by inserting before the period at the end the following ''and shall meet at least twice each year''.

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

''(e) ANNUAL REPORT.—

''(1) SUBMISSION TO CONGRESS.—Not later than one year after the date of enactment of this subsection, and annually thereafter on the date of submission of the President's budget request to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report summarizing the progress made in carrying out the integrated

work plan required by section 709(b)(5) and any changes in that plan.

''(2) CONTENTS.—The report shall include—

''(A) a copy of the updated integrated work plan;

''(B) a description of the progress made in carrying out the integrated work plan and any changes in that plan, including any changes based on funding shortfalls and limitations set by the Office of Management and Budget;

''(C) a detailed description of—

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

''(ii) the impact of not meeting the milestone and what actions will be taken in the future to account for the failure to complete the milestone;

''(D) an explanation of any change to future years in the integrated work plan and the reasons for such change; and

''(E) an identification of the levels of funding for each agency participating in the integrated work plan devoted to programs and activities under the plan for the previous fiscal year and in the President's budget request.''.

SEC. 204. AUTOMATIC DEPENDENT SURVEILLANCE-BROADCAST SERVICES.

(a) REPORT ON FAA PROGRAM AND SCHEDULE.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prepare a report detailing the program and schedule for integrating automatic dependent surveillance-broadcast (in this section referred to as ''ADS-B'') technology into the national airspace system.

(2) CONTENTS.—The report shall include—

(A) a description of segment 1 and segment 2 activity to acquire ADS-B services;

(B) a description of plans for implementation of advanced operational procedures and ADS-B air-to-air applications; and

(C) a discussion of protections that the Administration will require as part of any contract or program in the event of a contractor's default, bankruptcy, acquisition by another entity, or any other event jeopardizing the uninterrupted provision of ADS-B services.

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

(b) REQUIREMENTS OF FAA CONTRACTS FOR ADS-B SERVICES.—Any contract entered into by the Administrator with an entity to acquire ADS-B services shall contain terms and conditions that—

(1) require approval by the Administrator before the contract may be assigned to or assumed by another entity, including any successor entity, subsidiary of the contractor, or other corporate entity;

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

(3) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of a termination of the contract;

(4) require the contractor to provide continued broadcast services for a reasonable period, as determined by the Administrator, until the provision of such services can be transferred to another vendor or to the Government in the event of material nonperformance, as determined by the Administrator; and

(5) permit the Government to acquire or utilize for a reasonable period, as determined by the Administrator, the assets, equipment, hardware, and software necessary to ensure the continued and uninterrupted provision of ADS-B services and to have ready access to such assets, equipment, hardware, and software through its own personnel, agents, or others, if the Administrator provides reasonable compensation for such acquisition or utilization.

(c) REVIEW BY DOT INSPECTOR GENERAL.—

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

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

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

(B) an assessment of expected benefits attributable to the deployment of ADS-B services, including the implementation of advanced operational procedures and air-to-air applications as well as to the extent to which ground radar will be retained;

(C) a determination of whether the Administration has established sufficient mechanisms to ensure that all design, acquisition, operation, and maintenance requirements have been met by the contractor;

(D) an assessment of whether the Administration and any contractors are meeting cost, schedule, and performance milestones, as measured against the original baseline of the Administration's program for providing ADS-B services;

(E) an assessment of whether security issues are being adequately addressed in the overall design and implementation of the ADS-B system; and

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

(3) REPORTS TO CONGRESS.—The Inspector General shall periodically, on at least an annual basis, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this subsection.

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

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish a process for including in the planning, development, and deployment of air traffic control modernization projects (including the Next Generation Air Transportation System) and collaborating with qualified employees selected by each exclusive collective bargaining representative of employees of the Administration who are likely to be impacted by such planning, development, and deployment.

(b) PARTICIPATION.—

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

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

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

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

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the implementation of this section.

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

(a) IN GENERAL.—The Comptroller General shall conduct a review of the progress and challenges associated with transforming the Nation's air traffic control system into the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

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

(1) An evaluation of the continued implementation and institutionalization of the processes that are key to the ability of the Air Traffic Organization to effectively maintain management structures and systems acquisitions procedures utilized under the current air traffic control modernization program as a basis for the NextGen System.

(2) An assessment of the progress and challenges associated with collaboration and contributions of the partner agencies working with the Joint Planning and Development Office of the Federal Aviation Administration (in this section referred to as the ''JPDO'') in planning and implementing the NextGen System.

(3) The progress and challenges associated with coordinating government and industry stakeholders in activities relating to the NextGen System, including an assessment of the contributions of the NextGen Institute.

(4) An assessment of planning and implementation of the NextGen System against established schedules, milestones, and budgets.

(5) An evaluation of the recently modified organizational structure of the JPDO.

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

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

(c) REPORTS.—

(1) REPORT TO CONGRESS ON PRIORITIES.—Not later than one year after the date of enactment of this Act, the Comptroller General shall determine the priority of topics to be reviewed under this section and report such priorities to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(2) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the committees referred to in paragraph (1) a report on the results of the review conducted under this section.

SEC. 207. GAO REVIEW OF NEXT GENERATION AIR TRANSPORTATION SYSTEM ACQUISITION AND PROCEDURES DEVELOPMENT.

(a) STUDY.—The Comptroller General shall conduct a review of the progress made and challenges related to the acquisition of designated technologies and the development of procedures for the Next Generation Air Transportation System (in this section referred to as the ''NextGen System'').

(b) SPECIFIC SYSTEMS REVIEW.—The review shall include, at a minimum, an examination of the acquisition costs, schedule, and other relevant considerations for the following systems:

(1) En Route Automation Modernization (ERAM).

(2) Standard Terminal Automation Replacement System/Common Automated Radar Terminal System (STARS/CARTS).

(3) Automatic Dependent Surveillance-Broadcast (ADS-B).

(4) System Wide Information Management (SWIM).

(5) Traffic Flow Management Modernization (TFM-M).

(c) REVIEW.—The review shall include, at a minimum, an assessment of the progress and challenges related to the development of standards, regulations, and procedures that will be necessary to implement the NextGen System, including required navigation performance, area navigation, the airspace management program, and other programs and procedures that the Comptroller General identifies as relevant to the transformation of the air traffic system.

(d) PERIODIC REPORTS TO CONGRESS ON RESULTS OF THE REVIEW.—The Comptroller General shall periodically submit to the Committee on Transportation and Infrastructure and the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section.

SEC. 208. DOT INSPECTOR GENERAL REVIEW OF OPERATIONAL AND APPROACH PROCEDURES BY A THIRD PARTY.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding the effectiveness of the oversight activities conducted by the Federal Aviation Administration in connection with any agreement with or delegation of authority to a third party for the development of flight procedures for the national airspace system.

(b) ASSESSMENTS.—The Inspector General shall include, at a minimum, in the review—

(1) an assessment of the extent to which the Federal Aviation Administration is relying or intends to rely on a third party for the development of new procedures and a determination of whether the Administration has established sufficient mechanisms and staffing to provide safety oversight of a third party; and

(2) an assessment regarding whether the Administration has sufficient existing personnel and technical resources or mechanisms to develop such flight procedures in a safe and efficient manner to meet the demands of the national airspace system without the use of third party resources.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 209. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE FOR NEXT GENERATION AIR TRANSPORTATION SYSTEM.

(a) REVIEW.—The Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Research Council to review the enterprise architecture for the Next Generation Air Transportation System.

(b) CONTENTS.—At a minimum, the review to be conducted under subsection (a) shall—

(1) highlight the technical activities, including human-system design, organizational design, and other safety and human factor aspects of the system, that will be necessary to successfully transition current and planned modernization programs to the future system envisioned by the Joint Planning and Development Office of the Administration;

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

(3) include judgments on how risks with automation efforts for the Next Generation Air Transportation System can be mitigated based on the experiences of other public or private entities in developing complex, software-intensive systems.

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

SEC. 210. NEXTGEN TECHNOLOGY TESTBED.

Of amounts appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of the fiscal years 2008 through 2011 to contribute to the establishment by a public-private partnership (including a university component with significant aviation expertise in air traffic management, simulation, meteorology, and engineering and aviation business) an airport-based testing site for existing Next Generation Air Transport System technologies. The Administrator shall ensure that next generation air traffic control integrated systems developed by private industries are installed at the site for demonstration, operational research, and evaluation by the Administration. The testing site shall serve a mix of general aviation and commercial traffic.

SEC. 211. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended in the last sentence by inserting ''with or'' before ''without reimbursement''.

SEC. 212. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by redesignating subparagraph (D) as subparagraph (E);

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

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

''(C) aeronautical and meteorological information to air traffic control facilities or aircraft;

''(D) communication, navigation, or surveillance equipment for air-to-ground or air-to-air applications;'';

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

(A) by striking ''another structure'' and inserting ''any structure, equipment,''; and

(B) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(F) buildings, equipment, and systems dedicated to the national airspace system.''.

SEC. 213. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation'' and inserting ''compensation, and the amount received shall be credited as an offsetting collection to the account from which the amount was expended and shall remain available until expended''.

SEC. 214. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by striking the semicolon at the end of paragraph (3) and inserting ''; and'';

(2) by striking paragraph (4); and

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

SEC. 215. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting ''public and private'' before ''foreign aviation authorities''; and

(B) by striking the period at the end of the first sentence and inserting ''or efficiency. The Administrator may participate in, and submit offers in response to, competitions to provide such services and may contract with foreign aviation authorities to provide such services consistent with section 106(l)(6). Notwithstanding any other provision of law or policy, the Administrator may accept payments received under this subsection in arrears.''; and

(2) in paragraph (3) by striking ''credited'' and all that follows through the period at the end and inserting ''credited as an offsetting collection to the account from which the expenses were incurred in providing such services and shall remain available until expended.''.

SEC. 216. FRONT LINE MANAGER STAFFING.

(a) STUDY.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a study on front line manager staffing requirements in air traffic control facilities.

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

(1) the number of supervisory positions of operation requiring watch coverage in each air traffic control facility;

(2) coverage requirements in relation to traffic demand;

(3) facility type;

(4) complexity of traffic and managerial responsibilities;

(5) proficiency and training requirements; and

(6) such other factors as the Administrator considers appropriate.

(c) DETERMINATIONS.—The Administrator shall transmit any determinations made as a result of the study to the Chief Operating Officer for the air traffic control system.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study and a description of any determinations submitted to the Chief Operating Officer under subsection (c).

SEC. 217. FLIGHT SERVICE STATIONS.

(a) ESTABLISHMENT OF MONITORING SYSTEM.—Not later than 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and implement a monitoring system for flight service specialist staffing and training under service contracts for flight service stations.

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

(1) flight specialist staffing plans for individual facilities;

(2) actual staffing levels for individual facilities;

(3) the initial and recurrent certification and training of flight service specialists on the safety, operational, and technological aspects of flight services, including any certification and training necessary to meet user demand; and

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

(c) REPORT TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) a description of monitoring system;

(2) if the Administrator determines that contractual changes or corrective actions are required for the Administration to ensure that the vendor under a contract for flight service station services provides safe and high quality service to consumers, a description of the changes or actions required; and

(3) a description of the contingency plans of the Administrator and the protections that the Administrator will have in place to provide uninterrupted flight service station services in the event of—

(A) material non-performance of the contract;

(B) a vendor's default, bankruptcy, or acquisition by another entity; or

(C) any other event that could jeopardize the uninterrupted provision of flight service station services.

TITLE III—SAFETY

Subtitle A—General Provisions

SEC. 301. AGE STANDARDS FOR PILOTS.

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

"§ 44729. Age standards for pilots

''(a) IN GENERAL.—Subject to the limitation in subsection (c), a pilot may serve in multicrew covered operations until attaining 65 years of age.

''(b) COVERED OPERATIONS DEFINED.—In this section, the term 'covered operations' means operations under part 121 of title 14, Code of Federal Regulations.

''(c) LIMITATION FOR INTERNATIONAL FLIGHTS.—

''(1) APPLICABILITY OF ICAO STANDARD.—A pilot who has attained 60 years of age may serve as pilot-in-command in covered operations between the United States and another country only if there is another pilot in the flight deck crew who has not yet attained 60 years of age.

''(2) SUNSET OF LIMITATION.—Paragraph (1) shall cease to be effective on such date as the Convention on International Civil Aviation provides that a pilot who has attained 60 years of age may serve as pilot-in-command in international commercial operations without regard to whether there is another pilot in the flight deck crew who has not attained age 60.

''(d) SUNSET OF AGE-60 RETIREMENT RULE.—On and after the date of enactment of this section, section 121.383(c) of title 14, Code of Federal Regulations, shall cease to be effective.

''(e) APPLICABILITY.—

''(1) NONRETROACTIVITY.—No person who has attained 60 years of age before the date of enactment of this section may serve as a pilot for an air carrier engaged in covered operations unless—

''(A) such person is in the employment of that air carrier in such operations on such date of enactment as a required flight deck crew member; or

''(B) such person is newly hired by an air carrier as a pilot on or after such date of enactment without credit for prior seniority or prior longevity for benefits or other terms related to length of service prior to the date of rehire under any labor agreement or employment policies of the air carrier.

''(2) PROTECTION FOR COMPLIANCE.—An action taken in conformance with this section, taken in conformance with a regulation issued to carry out this section, or taken prior to the date of enactment of this section in conformance with section 121.383(c) of title 14, Code of Federal Regulations (as in effect before such date of enactment), may not serve as a basis for liability or relief in a proceeding before any court or agency of the United States or of any State or locality.

''(f) AMENDMENTS TO LABOR AGREEMENTS AND BENEFIT PLANS.—Any amendment to a labor agreement or benefit plan of an air carrier that is required to conform with the requirements of this section or a regulation issued to carry out this section, and is applicable to pilots represented for collective bargaining, shall be made by agreement of the air carrier and the designated bargaining representative of the pilots of the air carrier.

''(g) MEDICAL STANDARDS AND RECORDS.—

''(1) MEDICAL EXAMINATIONS AND STANDARDS.—Except as provided by paragraph (2), a person serving as a pilot for an air carrier engaged in covered operations shall not be subject to different medical standards, or different, greater, or more frequent medical examinations, on account of age unless the Secretary determines (based on data received or studies published after the date of enactment of this section) that different medical standards, or different, greater, or more frequent medical examinations, are needed to ensure an adequate level of safety in flight.

''(2) DURATION OF FIRST-CLASS MEDICAL CERTIFICATE.—No person who has attained 60 years of age may serve as a pilot of an air carrier engaged in covered operations unless the person has a first-class medical certificate. Such a certificate shall expire on the last day of the 6-month period following the date of examination shown on the certificate.

''(h) SAFETY.—

''(1) TRAINING.—Each air carrier engaged in covered operations shall continue to use pilot training and qualification programs approved by the Federal Aviation Administration, with specific emphasis on initial and recurrent training and qualification of pilots who have attained 60 years of age, to ensure continued acceptable levels of pilot skill and judgment.

''(2) LINE EVALUATIONS.—Not later than 6 months after the date of enactment of this section, and every 6 months thereafter, an air carrier engaged in covered operations shall evaluate the performance of each pilot of the air carrier who has attained 60 years of age through a line check of such pilot. Notwithstanding the preceding sentence, an air carrier shall not be required to conduct for a 6-month period a line check under this paragraph of a pilot serving as second in command if the pilot has undergone a regularly scheduled simulator evaluation during that period.

''(3) GAO REPORT.—Not later than 24 months after the date of enactment of this section, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effect, if any, on aviation safety of the modification to pilot age standards made by subsection (a).''.

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

''44729. Age standards for pilots.''.

SEC. 302. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

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

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

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

SEC. 303. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

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

''(5) RELEASE OF DATA.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, the Administrator may make available upon request to a person seeking to maintain the airworthiness of an aircraft, engine, propeller, or appliance, engineering data in the possession of the Administration relating to a type certificate or a supplemental type certificate for such aircraft, engine, propeller, or appliance, without the consent of the owner of record, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 or more years;

''(ii) after using due diligence, the Administrator is unable to find the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate; and

''(iii) making such data available will enhance aviation safety.

''(B) ENGINEERING DATA DEFINED.—In this section, the term 'engineering data' as used with respect to an aircraft, engine, propeller, or appliance means type design drawing and specifications for the entire aircraft, engine, propeller, or appliance or change to the aircraft, engine, propeller, or appliance, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular certificate for the aircraft engine, propeller, or appliance.''.

(b) DESIGN ORGANIZATION CERTIFICATES.—Section 44704(e)(1) is amended by striking ''Beginning 7 years after the date of enactment of this subsection,'' and inserting ''Beginning January 1, 2013,''.

SEC. 304. INSPECTION OF FOREIGN REPAIR STATIONS.

(a) IN GENERAL.—Chapter 447 (as amended by section 301 of this Act) is further amended by adding at the end the following:

"§ 44730. Inspection of foreign repair stations

''Not later than one year after the date of enactment of this section, and annually thereafter, the Administrator of the Federal Aviation Administration shall submit to Congress a certification that each foreign repair station that is certified by the Administrator under part 145 of title 14, Code of Federal Regulations, and performs work on air carrier aircraft or components has been inspected by safety inspectors of the Administration not fewer than 2 times in the preceding calendar year.''.

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

''44730. Inspection of foreign repair stations.''.

SEC. 305. RUNWAY INCURSION REDUCTION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall submit to Congress a report

containing a plan for the installation and deployment of systems the Administration is installing to alert controllers or flight crews, or both, of potential runway incursions. The plan shall be integrated into the annual Operational Evolution Partnership document of the Administration or any successor document.

SEC. 306. IMPROVED PILOT LICENSES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall begin to issue improved pilot licenses consistent with the requirements of title 49, United States Code, and title 14, Code of Federal Regulations.

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

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

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

(3) be capable of accommodating a digital photograph, a biometric identifier, or any other unique identifier that the Administrator considers necessary.

(c) TAMPERING.—To the extent practical, the Administrator shall develop methods to determine or reveal whether any component or security feature of a license issued under subsection (a) has been tampered, altered, or counterfeited.

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

(e) REPORT.—Not later than 9 months after the date of enactment of this Act and every 6 months thereafter until September 30, 2011, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the issuance of improved pilot licenses under this section.

SEC. 307. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2007, the Administrator of the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 308. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Not later than 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

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

(1) research on pilot fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements of pilots recommended by the National Aeronautics and Space Administration and the National Transportation Safety Board; and

(3) Federal Aviation Administration and international standards regarding flight limitations and rest for pilots.

(c) REPORT.—Not later than 18 months after initiating the study, the National Academy of Sciences shall submit to the Administrator a report containing its findings and recommendations regarding the study under subsections (a) and (b), including recommendations with respect to Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(d) RULEMAKING.—After the Administrator receives the report of the National Academy of Sciences, the Administrator shall consider the findings in the report and update as appropriate based on scientific data Federal Aviation Administration regulations governing flight time limitations and rest requirements for pilots.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Not later than 60 days after the date of enactment of this Act, the Administrator shall initiate a process for the Civil Aerospace Medical Institute to carry out its recommendations for further study of the issue of flight attendant fatigue and to submit not later than March 31, 2009, to Congress a report on such process, including an analysis of the following:

(1) A survey of field operations of flight attendants.

(2) A study of incident reports regarding flight attendant fatigue.

(3) Field research on the effects of such fatigue.

(4) A validation of models for assessing flight attendant fatigue, international policies, and practices regarding flight limitations and rest of flight attendants, and the potential benefits of training flight attendants regarding such fatigue.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 309. OSHA STANDARDS.

(a) IN GENERAL.—The Administrator of the FAA shall—

(1) not later than 6 months after the date of enactment of this Act, establish milestones, in consultation with the Administrator of the OSHA, to complete work begun under the August 2000 memorandum of understanding between the FAA and OSHA and to address issues needing further action identified in the joint report of the FAA and OSHA in December 2000; and

(2) not later than 24 months after the date of enactment of this Act, issue a policy statement to set forth the circumstances in which requirements of OSHA may be applied to crewmembers while working in an aircraft cabin.

(b) CONTENTS OF POLICY STATEMENT.—

(1) ESTABLISHMENT OF COORDINATING BODY.—The policy statement to be developed under subsection (a)(2) shall provide for the establishment of a coordinating body, similar to the aviation safety and health joint team established pursuant to the August 2000 memorandum of understanding between the FAA and OSHA, that includes representatives designated by the FAA and OSHA—

(A) to examine the applicability of current and proposed regulations of OSHA for application and enforcement by the FAA;

(B) to recommend policies for facilitating the training of inspectors of the FAA; and

(C) to make recommendations that will govern the inspection and enforcement by the FAA of occupational safety and health standards on board an aircraft providing air transportation.

(2) FAA STANDARDS.—The policy statement to be developed under subsection (a)(2) shall ensure that standards adopted by the FAA set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report describing the milestones established under subsection (a)(1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(2) OSHA.—The term ''OSHA'' means the ''Occupational Safety and Health Administration''.

SEC. 310. AIRCRAFT SURVEILLANCE IN MOUNTAINOUS AREAS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration may establish a pilot program to improve safety and efficiency by providing surveillance for aircraft flying outside of radar coverage in mountainous areas.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATHER OBSERVATION TECHNOLOGY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a review of off-airport, low-altitude aircraft weather observation technologies.

(b) SPECIFIC REVIEW.—The review shall include, at a minimum, an examination of off-airport, low-altitude weather reporting needs, an assessment of technical alternatives (including automated weather observation stations), an investment analysis, and recommendations for improving weather reporting.

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

Subtitle B—Unmanned Aircraft Systems

SEC. 321. COMMERCIAL UNMANNED AIRCRAFT SYSTEMS INTEGRATION PLAN.

(a) INTEGRATION PLAN.—

(1) COMPREHENSIVE PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary, in consultation with representatives of the aviation industry, shall develop a comprehensive plan to safely integrate commercial unmanned aircraft systems into the national airspace system.

(2) MINIMUM REQUIREMENTS.—In developing the plan under paragraph (1), the Secretary shall, at a minimum—

(A) review technologies and research that will assist in facilitating the safe integration of commercial unmanned aircraft systems into the national airspace system;

(B) provide recommendations for the rulemaking to be conducted under subsection (b) to—

(i) define the acceptable standards for operations and certification of commercial unmanned aircraft systems;

(ii) ensure that any commercial unmanned aircraft system includes a detect, sense, and avoid capability; and

(iii) develop standards and requirements for the operator or programmer of a commercial unmanned aircraft system, including standards and requirements for registration and licensing;

(C) recommend how best to enhance the technologies and subsystems necessary to effect the safe and routine operations of commercial unmanned aircraft systems in the national airspace system; and

(D) recommend how a phased-in approach to the integration of commercial unmanned aircraft systems into the national airspace system can best be achieved and a timeline upon which such a phase-in shall occur.

(3) DEADLINE.—The plan to be developed under paragraph (1) shall provide for the safe integration of commercial unmanned aircraft systems into the national airspace system as soon as possible, but not later than September 30, 2012.

(4) REPORT TO CONGRESS.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to Congress a copy of the plan developed under paragraph (1).

(b) RULEMAKING.—Not later than 18 months after the date on which the integration plan is submitted to Congress under subsection (a)(4), the Administrator of the Federal Aviation Administration shall publish in the Federal Register a notice of proposed rulemaking to implement the recommendations of the integration plan.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 322. SPECIAL RULES FOR CERTAIN UNMANNED AIRCRAFT SYSTEMS.

(a) IN GENERAL.—Notwithstanding the requirements of sections 321 and 323, and not later than 6 months after the date of enactment of this Act, the Secretary shall determine if certain unmanned aircraft systems may operate safely in the national airspace system before completion of the plan and rulemaking required by section 321 or the guidance required by section 323.

(b) ASSESSMENT OF UNMANNED AIRCRAFT SYSTEMS.—In making the determination under subsection (a), the Secretary shall determine, at a minimum—

(1) which types of unmanned aircraft systems, if any, as a result of their size, weight, speed, operational capability, proximity to airports and population areas, and operation within visual line-of-sight do not create a hazard to users of the national airspace system or the public or pose a threat to national security; and

(2) whether a certificate of authorization or an airworthiness certification under section 44704 of title 49, United States Code, is required for the operation of unmanned aircraft systems identified under paragraph (1).

(c) REQUIREMENTS FOR SAFE OPERATION.—If the Secretary determines under this section that certain unmanned aircraft systems may operate safely in the national airspace system, the Secretary shall establish requirements for the safe operation of such aircraft systems in the national airspace system.

SEC. 323. PUBLIC UNMANNED AIRCRAFT SYSTEMS.

Not later than 9 months after the date of enactment of this Act, the Secretary shall issue guidance regarding the operation of public unmanned aircraft systems to—

(1) expedite the issuance of a certificate of authorization process;

(2) provide for a collaborative process with public agencies to allow for an incremental expansion of access to the national airspace system as technology matures and the necessary safety analysis and data become available and until standards are completed and technology issues are resolved; and

(3) facilitate the capability of public agencies to develop and use test ranges, subject to operating restrictions required by the Federal Aviation Administration, to test and operate unmanned aircraft systems.

SEC. 324. DEFINITIONS.

In this subtitle, the following definitions apply:

(1) CERTIFICATE OF AUTHORIZATION.—The term ''certificate of authorization'' means a Federal Aviation Administration grant of approval for a specific flight operation.

(2) DETECT, SENSE, AND AVOID CAPABILITY.—The term ''detect, sense, and avoid capability'' means the technical capability to perform separation assurance and collision avoidance, as defined by the Federal Aviation Administration.

(3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—The term ''public unmanned aircraft system'' means an unmanned aircraft system that meets the qualifications and conditions required for operation of a public aircraft, as defined by section 40102 of title 49, United States Code.

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

(5) TEST RANGE.—The term ''test range'' means a defined geographic area where research and development are conducted.

(6) UNMANNED AIRCRAFT.—The term ''unmanned aircraft'' means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

(7) UNMANNED AIRCRAFT SYSTEM.—The term ''unmanned aircraft system'' means an unmanned aircraft and associated elements (such as communication links and a ground control station) that are required to operate safely and efficiently in the national airspace system.

TITLE IV—AIR SERVICE IMPROVEMENTS

SEC. 401. MONTHLY AIR CARRIER REPORTS.

(a) IN GENERAL.—Section 41708 is amended by adding at the end the following:

''(c) DIVERTED AND CANCELLED FLIGHTS.—

''(1) MONTHLY REPORTS.—The Secretary shall require an air carrier referred to in paragraph (2) to file with the Secretary a monthly report on each flight of the air carrier that is diverted from its scheduled destination to another airport and each flight of the air carrier that departs the gate at the airport at which the flight originates but is cancelled before wheels-off time.

''(2) APPLICABILITY.—An air carrier that is required to file a monthly airline service quality performance report under subsection (b) shall be subject to the requirement of paragraph (1).

''(3) CONTENTS.—A monthly report filed by an air carrier under paragraph (1) shall include, at a minimum, the following information:

''(A) For a diverted flight—

''(i) the flight number of the diverted flight;

''(ii) the scheduled destination of the flight;

''(iii) the date and time of the flight;

''(iv) the airport to which the flight was diverted;

''(v) wheels-on time at the diverted airport;

''(vi) the time, if any, passengers deplaned the aircraft at the diverted airport; and

''(vii) if the flight arrives at the scheduled destination airport—

''(I) the gate-departure time at the diverted airport;

''(II) the wheels-off time at the diverted airport;

''(III) the wheels-on time at the scheduled arrival airport; and

''(IV) the gate arrival time at the scheduled arrival airport.

''(B) For flights cancelled after gate departure—

''(i) the flight number of the cancelled flight;

''(ii) the scheduled origin and destination airports of the cancelled flight;

''(iii) the date and time of the cancelled flight;

''(iv) the gate-departure time of the cancelled flight; and

''(v) the time the aircraft returned to the gate.

''(4) PUBLICATION.—The Secretary shall compile the information provided in the monthly reports filed pursuant to paragraph (1) in a single monthly report and publish such report on the Web site of the Department of Transportation.''.

(b) EFFECTIVE DATE.—The Secretary of Transportation shall require monthly reports pursuant to the amendment made by subsection (a) beginning not later than 90 days after the date of enactment of this Act.

SEC. 402. FLIGHT OPERATIONS AT REAGAN NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''24'' and inserting ''34''.

(b) LIMITATIONS.—Section 41718(c)(2) is amended by striking ''3 operations'' and inserting ''5 operations''.

(c) ALLOCATION OF BEYOND-PERIMETER EXEMPTIONS.—Section 41718(c) is amended —

(1) by redesignating paragraphs (3) and (4) as (4) and (5), respectively; and

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

''(3) SLOTS.—The Administrator of the Federal Aviation Administration shall reduce the hourly air carrier slot quota for Ronald Reagan Washington National Airport in section 93.123(a) of title 14, Code of Federal Regulations, by a total of 10 slots that are available for allocation. Such reductions shall be taken in the 6:00 a.m., 10:00 p.m., or 11:00 p.m. hours, as determined by the Administrator, in order to grant exemptions under subsection (a).''.

(d) SCHEDULING PRIORITY.—Section 41718 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) SCHEDULING PRIORITY.—Operations conducted by new entrant air carriers and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to this section, with the highest scheduling priority to be afforded to beyond-perimeter operations conducted by new entrant air carriers and limited incumbent air carriers.''.

SEC. 403. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' at the end of subparagraph (B);

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

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage an air carrier to improve air service for which compensation is being paid under this subchapter by incorporating financial incentives in an essential air service contract based on specified performance goals; and

''(E) include provisions under which the Secretary may execute a long-term essential air service contract to encourage an air carrier to provide air service to an eligible place if it would be in the public interest to do so.''.

SEC. 404. ESSENTIAL AIR SERVICE REFORM.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 41742(a)(2) is amended by striking ''$77,000,000'' and inserting ''$83,000,000''.

(b) DISTRIBUTION OF EXCESS FUNDS.—

(1) IN GENERAL.—Section 41742(a) is amended by adding at the end the following:

''(4) DISTRIBUTION OF EXCESS FUNDS.—Of the funds, if any, credited to the account established under section 45303 in a fiscal year that exceed the $50,000,000 made available for such fiscal year under paragraph (1)—

''(A) one-half shall be made available immediately for obligation and expenditure to carry out section 41743; and

''(B) one-half shall be made available immediately for obligation and expenditure to carry out subsection (b).''.

(2) CONFORMING AMENDMENT.—Section 41742(b) is amended—

(A) in the first sentence by striking ''moneys credited'' and all that follows before ''shall be used'' and inserting ''amounts made available under subsection (a)(4)(B)''; and

(B) in the second sentence by striking ''any amounts from those fees'' and inserting ''any of such amounts''.

SEC. 405. SMALL COMMUNITY AIR SERVICE.

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

(1) by striking ''and'' at the end of subparagraph (D);

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

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a regional or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2008'' and inserting ''2011''.

SEC. 406. AIR PASSENGER SERVICE IMPROVEMENTS.

(a) IN GENERAL.—Subtitle VII is amended by inserting after chapter 421 the following:

''CHAPTER 423—AIR PASSENGER SERVICE IMPROVEMENTS

''Sec.
''42301. Emergency contingency plans.
''42302. Consumer complaints.
''42303. Use of insecticides in passenger aircraft.

''§ 42301. Emergency contingency plans

''(a) SUBMISSION OF AIR CARRIER AND AIRPORT PLANS.—Not later than 90 days after the date of enactment of this section, each air carrier providing covered air transportation at a large hub airport or medium hub airport and each operator of a large hub airport or medium hub airport shall submit to the Secretary of Transportation for review and approval an emergency contingency plan in accordance with the requirements of this section.

''(b) COVERED AIR TRANSPORTATION DEFINED.—In this section, the term 'covered air transportation' means scheduled passenger air transportation provided by an air carrier using aircraft with more than 60 seats.

''(c) AIR CARRIER PLANS.—

''(1) PLANS FOR INDIVIDUAL AIRPORTS.—An air carrier shall submit an emergency contingency plan under subsection (a) for—

''(A) each large hub airport and medium hub airport at which the carrier provides covered air transportation; and

''(B) each large hub airport and medium hub airport at which the carrier has flights for which it has primary responsibility for inventory control.

''(2) CONTENTS.—An emergency contingency plan submitted by an air carrier for an airport under subsection (a) shall contain a description of how the air carrier will—

''(A) provide food, water, restroom facilities, cabin ventilation, and access to medical treatment for passengers onboard an aircraft at the airport that is on the ground for an extended period of time without access to the terminal; and

''(B) share facilities and make gates available at the airport in an emergency.

''(d) AIRPORT PLANS.—An emergency contingency plan submitted by an airport operator under subsection (a) shall contain a description of how the airport operator, to the maximum extent practicable, will provide for the sharing of facilities and make gates available at the airport in an emergency.

''(e) UPDATES.—

''(1) AIR CARRIERS.—An air carrier shall update the emergency contingency plan submitted by the air carrier under subsection (a) every 3 years and submit the update to the Secretary for review and approval.

''(2) AIRPORTS.—An airport operator shall update the emergency contingency plan submitted by the airport operator under subsection (a) every 5 years and submit the update to the Secretary for review and approval.

''(f) APPROVAL.—The Secretary shall review and approve emergency contingency plans submitted under subsection (a) and updates submitted under subsection (e) to ensure that the plans and updates will effectively address emergencies and provide for the health and safety of passengers.

''§ 42302. Consumer complaints

''(a) CONSUMER COMPLAINTS HOTLINE TELEPHONE NUMBER.—The Secretary of Transportation shall establish a consumer complaints hotline telephone number for the use of passengers in air transportation.

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

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

''§ 42303. Use of insecticides in passenger aircraft

''No air carrier, foreign air carrier, or ticket agent may sell in the United States a ticket for air transportation for a flight on which an insecticide is planned to be used in the aircraft while passengers are on board the aircraft unless the air carrier, foreign air carrier, or ticket agent selling the ticket first informs the person purchasing the ticket of the planned use of the insecticide, including the name of the insecticide.''.

(b) CLERICAL AMENDMENT.—The analysis for subtitle VII is amended by inserting after the item relating to chapter 421 the following:

''423. Air Passenger Service Improvements ..... 42301''.

(c) PENALTIES.—Section 46301 is amended in subsections (a)(1)(A) and (c)(1)(A) by inserting ''chapter 423,'' after ''chapter 421,''.

(d) APPLICABILITY OF REQUIREMENTS.—Except as otherwise specifically provided, the requirements of chapter 423 of title 49, United States Code, as added by this section, shall begin to apply 60 days after the date of enactment of this Act.

SEC. 407. CONTENTS OF COMPETITION PLANS.

Section 47106(f)(2) is amended—

(1) by striking ''patterns of air service,'';

(2) by inserting ''and'' before ''whether''; and

(3) by striking '' , and airfare levels'' and all that follows before the period.

SEC. 408. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s)(3) is amended by striking ''2008'' and inserting ''2012''.

SEC. 409. CONTRACT TOWER PROGRAM.

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

(1) by striking ''(1) The Secretary'' and inserting the following:

''(1) CONTRACT TOWER PROGRAM.—

''(A) CONTINUATION AND EXTENSION.—The Secretary'';

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

''(B) SPECIAL RULE.—If the Secretary determines that a tower already operating under the program continued under this paragraph has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use, during such fiscal year, the amount not so required to carry out the program established under paragraph (3).''; and

(3) by striking ''(2) The Secretary'' and inserting the following:

''(2) GENERAL AUTHORITY.—The Secretary''.

(b) CONTRACT AIR TRAFFIC CONTROL TOWER COST-SHARING PROGRAM.—

(1) FUNDING.—Section 47124(b)(3)(E) is amended—

(A) by striking ''and''; and

(B) by inserting '', $8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007''.

(2) USE OF EXCESS FUNDS.—Section 47124(b)(3) is amended—

(A) by redesignating subparagraph (E) (as amended by paragraph (1) of this subsection) as subparagraph (F); and

(B) by inserting after subparagraph (D) the following:

''(E) USE OF EXCESS FUNDS.—If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use, during such fiscal year, the amount not so required to carry out the program continued under paragraph (1).''.

(c) FEDERAL SHARE.—Section 47124(b)(4)(C) is amended by striking ''$1,500,000'' and inserting ''$2,000,000''.

(d) SAFETY AUDITS.—Section 47124 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section.''.

SEC. 410. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

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

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

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

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

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

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

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

SEC. 411. MEDICAL OXYGEN AND PORTABLE RESPIRATORY ASSISTIVE DEVICES.

Not later than December 31, 2007, the Secretary of Transportation shall issue a final rule regarding the carriage and use of passenger-owned portable electronic respiratory assistive devices and carrier-supplied medical oxygen devices aboard commercial flights to improve accommodations in air travel for passengers with respiratory disabilities.

TITLE V—ENVIRONMENTAL STEWARDSHIP AND STREAMLINING

SEC. 501. AMENDMENTS TO AIR TOUR MANAGEMENT PROGRAM.

Section 40128 is amended—

(1) in subsection (a)(1)(C) by inserting ''or voluntary agreement under subsection (b)(7)'' before ''for the park'';

(2) in subsection (a) by adding at the end the following:

''(5) EXEMPTION.—

''(A) IN GENERAL.—Notwithstanding paragraph (1), a national park that has 50 or fewer commercial air tour flights a year shall be exempt from the requirements of this section, except as provided in subparagraph (B).

''(B) WITHDRAWAL OF EXEMPTION.—If the Director determines that an air tour management plan or voluntary agreement is necessary to protect park resources and values or park visitor use and enjoyment, the Director shall withdraw the exemption of a park under subparagraph (A).

''(C) LIST OF PARKS.—The Director shall inform the Administrator, in writing, of each determination under subparagraph (B). The Director and Administrator shall publish an annual list of national parks that are covered by the exemption provided by this paragraph.

''(D) ANNUAL REPORT.—A commercial air tour operator conducting commercial air tours in a national park that is exempt from the requirements of this section shall submit to the Administrator and the Director an annual report regarding the number of commercial air tour flights it conducts each year in such park.'';

(3) in subsection (b) by adding at the end the following:

''(7) VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—As an alternative to an air tour management plan, the Director and the Administrator may enter into a voluntary agreement with a commercial air tour operator (including a new entrant applicant and an operator that has interim operating authority) that has applied to conduct air tour operations over a national park to manage commercial air tour operations over such national park.

''(B) PARK PROTECTION.—A voluntary agreement under this paragraph with respect to commercial air tour operations over a national park shall address the management issues necessary to protect the resources of such park and visitor use of such park without compromising aviation safety or the air traffic control system and may—

''(i) include provisions such as those described in subparagraphs (B) through (E) of paragraph (3);

''(ii) include provisions to ensure the stability of, and compliance with, the voluntary agreement; and

''(iii) provide for fees for such operations.

''(C) PUBLIC.—The Director and the Administrator shall provide an opportunity for public review of a proposed voluntary agreement under this paragraph and shall consult with any Indian tribe whose tribal lands are, or may be, flown over by a commercial air tour operator under a voluntary agreement under this paragraph. After such opportunity for public review and consultation, the voluntary agreement may be implemented without further administrative or environmental process beyond that described in this subsection.

''(D) TERMINATION.—A voluntary agreement under this paragraph may be terminated at any time at the discretion of the Director or the Administrator if the Director determines that the agreement is not adequately protecting park resources or visitor experiences or the Administrator determines that the agreement is adversely affecting aviation safety or the national aviation system. If a voluntary agreement for a national park is terminated, the operators shall conform to the requirements for interim operating authority under subsection (c) until an air tour management plan for the park is in effect.'';

(4) in subsection (c) by striking paragraph (2)(I) and inserting the following:

''(I) may allow for modifications of the interim operating authority without further environmental review beyond that described in this section if—

''(i) adequate information regarding the operator's existing and proposed operations under the interim operating authority is provided to the Administrator and the Director;

''(ii) the Administrator determines that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees with the modification, based on the Director's professional expertise regarding the protection of the park resources and values and visitor use and enjoyment.'';

(5) in subsection (c)(3)(A) by striking ''if the Administrator determines'' and all that follows through the period at the end and inserting ''without further environmental process beyond that described in this paragraph if—

''(i) adequate information on the operator's proposed operations is provided to the Administrator and the Director by the operator making the request;

''(ii) the Administrator agrees that there would be no adverse impact on aviation safety or the air traffic control system; and

''(iii) the Director agrees, based on the Director's professional expertise regarding the protection of park resources and values and visitor use and enjoyment.''; and

(6) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(7) by inserting after subsection (c) the following:

''(d) COMMERCIAL AIR TOUR OPERATOR REPORTS.—

''(1) REPORT.—Each commercial air tour operator providing a commercial air tour over a national park under interim operating authority granted under subsection (c) or in accordance with an air tour management plan under subsection (b) shall submit a report to the Administrator and Director regarding the number of its commercial air tour operations over each national park and such other information as the Administrator and Director may request in order to facilitate administering the provisions of this section.

''(2) REPORT SUBMISSION.—Not later than 3 months after the date of enactment of the FAA Reauthorization Act of 2007, the Administrator and Director shall jointly issue an initial request for reports under this subsection. The reports shall be submitted to the Administrator and Director on a frequency and in a format prescribed by the Administrator and Director.''.

SEC. 502. STATE BLOCK GRANT PROGRAM.

(a) GENERAL REQUIREMENTS.—Section 47128(a) is amended—

(1) in the first sentence by striking ''prescribe regulations'' and inserting ''issue guidance''; and

(2) in the second sentence by striking ''regulations'' and inserting ''guidance''.

(b) APPLICATIONS AND SELECTION.—Section 47128(b)(4) is amended by inserting before the semicolon the following: '', including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and local environmental policy acts, Executive Orders, agency regulations and guidance, and other Federal environmental requirements''.

(c) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—Section 47128 is amended by adding at the end the following:

''(d) ENVIRONMENTAL ANALYSIS AND COORDINATION REQUIREMENTS.—A Federal agency, other than the Federal Aviation Administration, that is responsible for issuing an approval, license, or permit to ensure compliance with a Federal environmental requirement applicable to a project or activity to be carried out by a State using amounts from a block grant made under this section shall—

''(1) coordinate and consult with the State;

''(2) use the environmental analysis prepared by the State for the project or activity if such analysis is adequate; and

''(3) supplement such analysis, as necessary, to meet applicable Federal requirements.''.

SEC. 503. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''services of consultants in order to'' and all that follows through the period at the end and inserting ''services of consultants—

''(1) to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project;

''(2) to conduct special environmental studies related to an airport project funded with Federal funds;

''(3) to conduct special studies or reviews to support approved noise compatibility measures described in part 150 of title 14, Code of Federal Regulations; or

''(4) to conduct special studies or reviews to support environmental mitigation in a record of decision or finding of no significant impact by the Federal Aviation Administration.''.

SEC. 504. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

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

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) IN GENERAL.—In accordance with subsection (c)(1), the Secretary may make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(2) ADDITIONAL STAFF.—The Administrator may accept funds from an airport operator, including funds provided to the operator under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with proposals to implement flight procedures at such airport that have been approved as part of an airport noise compatibility program under subsection (b).

''(3) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section—

''(A) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(B) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(C) shall remain available until expended.''.

SEC. 505. CLEEN RESEARCH, DEVELOPMENT, AND IMPLEMENTATION PARTNERSHIP.

(a) COOPERATIVE AGREEMENT.—Subchapter I of chapter 475 is amended by adding at the end the following:

''§ 47511. CLEEN research, development, and implementation partnership

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall enter into a cooperative agreement, using a competitive process, with an

institution, entity, or consortium to carry out a program for the development, maturing, and certification of CLEEN engine and airframe technology for aircraft over the next 10 years.

''(b) CLEEN ENGINE AND AIRFRAME TECHNOLOGY DEFINED.—In this section, the term 'CLEEN engine and airframe technology' means continuous lower energy, emissions, and noise engine and airframe technology.

''(c) PERFORMANCE OBJECTIVE.—The Administrator of the Federal Aviation Administration, in coordination with the Administrator of the National Aeronautics and Space Administration, shall establish the following performance objectives for the program, to be achieved by September 30, 2015:

''(1) Development of certifiable aircraft technology that reduces greenhouse gas emissions by increasing aircraft fuel efficiency by 25 percent relative to 1997 subsonic jet aircraft technology.

''(2) Development of certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

''(3) Development of certifiable aircraft technology that reduces noise levels by 10 decibels at each of the 3 certification points relative to 1997 subsonic jet aircraft technology.

''(4) Determination of the feasibility of the use of alternative fuels in aircraft systems, including successful demonstration and quantification of the benefits of such fuels.

''(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft to increase the integration of retrofitted and re-engined aircraft into the commercial fleet.

''(d) FUNDING.—Of amounts appropriated under section 48102(a), not more than the following amounts may be used to carry out this section:

''(1) $6,000,000 for fiscal year 2008.

''(2) $22,000,000 for fiscal year 2009.

''(3) $33,000,000 for fiscal year 2010.

''(4) $50,000,000 for fiscal year 2011.

''(e) REPORT.—Beginning in fiscal year 2009, the Administrator of the Federal Aviation Administration shall publish an annual report on the program established under this section until completion of the program.''.

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

''47511. CLEEN research, development, and implementation partnership.''.

SEC. 506. PROHIBITION ON OPERATING CERTAIN AIRCRAFT WEIGHING 75,000 POUNDS OR LESS NOT COMPLYING WITH STAGE 3 NOISE LEVELS.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

''§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), after December 31, 2012, a person may not operate a civil subsonic jet airplane with a maximum weight of 75,000 pounds or less, and for which an airworthiness certificate other than an experimental certificate has been issued, to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) EXCEPTIONS.—The Secretary may allow temporary operation of an airplane otherwise prohibited from operation under subsection (a) to or from an airport in the contiguous United States by granting a special flight authorization for one or more of the following circumstances:

''(1) To sell, lease, or use the aircraft outside the 48 contiguous States.

''(2) To scrap the aircraft.

''(3) To obtain modifications to the aircraft to meet stage 3 noise levels.

''(4) To perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 States.

''(5) To deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor.

''(6) To prepare, park, or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5).

''(7) To provide transport of persons and goods in the relief of emergency situations.

''(8) To divert the aircraft to an alternative air port in the 48 contiguous States on account of weather, mechanical, fuel, air traffic control, or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (7).

''(d) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended—

(A) in the section heading by striking ''**for violating sections 47528–47530**''; and

(B) by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by inserting ''or 47534'' after ''47528–47531''.

(3) The analysis for chapter 475 is amended—

(A) by striking the item relating to section 47531 and inserting the following:

''47531. Penalties.''; and

(B) by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.''.

SEC. 507. ENVIRONMENTAL MITIGATION PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a pilot program to carry out not more than 6 environmental mitigation demonstration projects at public-use airports.

(b) GRANTS.—In implementing the program, the Secretary may make a grant to the sponsor of a public-use airport from funds apportioned under section 47117(e)(1)(A) of title 49, United States Code, to carry out an environmental mitigation demonstration project to measurably reduce or mitigate aviation impacts on noise, air quality, or water quality in the vicinity of the airport.

(c) ELIGIBILITY FOR PASSENGER FACILITY FEES.—An environmental mitigation demonstration project that receives funds made available under this section may be considered an eligible airport-related project for purposes of section 40117 of such title.

(d) SELECTION CRITERIA.—In selecting among applicants for participation in the program, the Secretary shall give priority consideration to applicants proposing to carry out environmental mitigation demonstration projects that will—

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

(2) be implemented by an eligible consortium.

(e) FEDERAL SHARE.—Notwithstanding any provision of subchapter I of chapter 471 of such title, the United States Government share of allowable project costs of an environmental mitigation demonstration project carried out under this section shall be 50 percent.

(f) MAXIMUM AMOUNT.—The Secretary may not make grants for a single environmental mitigation demonstration project under this section in a total amount that exceeds $2,500,000.

(g) PUBLICATION OF INFORMATION.—The Secretary may develop and publish information on the results of environmental mitigation demonstration projects carried out under this section, including information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) ELIGIBLE CONSORTIUM.—The term ''eligible consortium'' means a consortium of 2 or more of the following entities:

(A) A business incorporated in the United States.

(B) A public or private educational or research organization located in the United States.

(C) An entity of a State or local government.

(D) A Federal laboratory.

(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term ''environmental mitigation demonstration project'' means a project that—

(A) demonstrates at a public-use airport environmental mitigation techniques or technologies with associated benefits, which have already been proven in laboratory demonstrations;

(B) utilizes methods for efficient adaptation or integration of innovative concepts to airport operations; and

(C) demonstrates whether a technique or technology for environmental mitigation identified in research is—

(i) practical to implement at or near multiple public-use airports; and

(ii) capable of reducing noise, airport emissions, greenhouse gas emissions, or water quality impacts in measurably significant amounts.

SEC. 508. AIRCRAFT DEPARTURE QUEUE MANAGEMENT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 5 public-use airports under which the Federal Aviation Administration shall use funds made available under section 48101(a) to test air traffic flow management tools, methodologies, and procedures that will allow air traffic controllers of the Administration to better manage the flow of aircraft on the ground and reduce the length of ground holds and idling time for aircraft.

(b) SELECTION CRITERIA.—In selecting from among airports at which to conduct the pilot program, the Secretary shall give priority consideration to airports at which improvements in ground control efficiencies are likely to achieve the greatest fuel savings or air quality or other environmental benefits, as measured by the amount of reduced fuel, reduced emissions, or other environmental benefits per dollar of funds expended under the pilot program.

(c) MAXIMUM AMOUNT.—Not more than a total of $5,000,000 may be expended under the pilot program at any single public-use airport.

(d) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing—

(1) an evaluation of the effectiveness of the pilot program, including an assessment of the tools, methodologies, and procedures that provided the greatest fuel savings and air quality and other environmental benefits, and any impacts on safety, capacity, or efficiency of the air traffic control system or the airports at which affected aircraft were operating;

(2) an identification of anticipated benefits from implementation of the tools, methodologies, and procedures developed under the pilot program at other airports;

(3) a plan for implementing the tools, methodologies, and procedures developed under the pilot program at other airports or the Secretary's reasons for not implementing such measures at other airports; and

(4) such other information as the Secretary considers appropriate.

SEC. 509. HIGH PERFORMANCE AND SUSTAINABLE AIR TRAFFIC CONTROL FACILITIES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall implement, to the maximum extent practicable, sustainable practices for the incorporation of energy-efficient design, equipment, systems, and other measures in the construction and major renovation of air traffic control facilities of the Administration in order to reduce energy consumption and improve the environmental performance of such facilities.

(b) AUTHORIZATION.—Of amounts appropriated under section 48101(a) of title 49, United States Code, such sums as may be necessary may be used to carry out this section.

SEC. 510. REGULATORY RESPONSIBILITY FOR AIRCRAFT ENGINE NOISE AND EMISSIONS STANDARDS.

(a) INDEPENDENT REVIEW.—The Administrator of the FAA shall make appropriate arrangements for the National Academy of Public Administration or another qualified independent entity to review, in consultation with the FAA and the EPA, whether it is desirable to locate the regulatory responsibility for the establishment of engine noise and emissions standards for civil aircraft within one of the agencies.

(b) CONSIDERATIONS.—The review shall be conducted so as to take into account—

(1) the interrelationships between aircraft engine noise and emissions;

(2) the need for aircraft engine noise and emissions to be evaluated and addressed in an integrated and comprehensive manner;

(3) the scientific expertise of the FAA and the EPA to evaluate aircraft engine emissions and noise impacts on the environment;

(4) expertise to interface environmental performance with ensuring the highest safe and reliable engine performance of aircraft in flight;

(5) consistency of the regulatory responsibility with other missions of the FAA and the EPA;

(6) past effectiveness of the FAA and the EPA in carrying out the aviation environmental responsibilities assigned to the agency; and

(7) the international responsibility to represent the United States with respect to both engine noise and emissions standards for civil aircraft

(c) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator of the FAA shall submit to Congress a report on the results of the review. The report shall include any recommendations developed as a result of the review and, if a transfer of responsibilities is recommended, a description of the steps and timeline for implementation of the transfer.

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) EPA.—The term ''EPA'' means the Environmental Protection Agency.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

SEC. 601. FEDERAL AVIATION ADMINISTRATION PERSONNEL MANAGEMENT SYSTEM.

(a) DISPUTE RESOLUTION.—Section 40122(a) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

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

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or the provisions referred to in subsection (g)(2)(C) with the exclusive bargaining representative of the employees, the Administrator and the bargaining representative—

''(i) shall use the services of the Federal Mediation and Conciliation Service to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations (as in effect on the date of enactment of the FAA Reauthorization Act of 2007); or

''(ii) may by mutual agreement adopt alternative procedures for the resolution of disputes or impasses arising in the negotiation of the collective-bargaining agreement.

''(B) BINDING ARBITRATION.—

''(i) ASSISTANCE FROM FEDERAL SERVICE IMPASSES PANEL.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A)(i) do not lead to an agreement, the Administrator and the exclusive bargaining representative of the employees (in this subparagraph referred to as the 'parties') shall submit their issues in controversy to the Federal Service Impasses Panel. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members.

''(ii) APPOINTMENT OF ARBITRATION BOARD.—The Executive Director of the Panel shall provide for the appointment of the 3 members of a private arbitration board under clause (i) by requesting the Director of the Federal Mediation and Conciliation Service to prepare a list of not less than 15 names of arbitrators with Federal sector experience and by providing the list to the parties. Within 10 days of receiving the list, the parties shall each select one person from the list. The 2 arbitrators selected by the parties shall then select a third person from the list within 7 days. If either of the parties fails to select a person or if the 2 arbitrators are unable to agree on the third person within 7 days, the parties shall make the selection by alternately striking names on the list until one arbitrator remains.

''(iii) FRAMING ISSUES IN CONTROVERSY.—If the parties do not agree on the framing of the issues to be submitted for arbitration, the arbitration board shall frame the issues.

''(iv) HEARINGS.—The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims and an opportunity to present their case in person, by counsel, or by other representative as they may elect.

''(v) DECISIONS.—The arbitration board shall render its decision within 90 days after the date of its appointment. Decisions of the arbitration board shall be conclusive and binding upon the parties.

''(vi) COSTS.—The parties shall share costs of the arbitration equally.

''(3) RATIFICATION OF AGREEMENTS.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under paragraph (2)(B), the final agreement, except for those matters decided by an arbitration board, shall be subject to ratification by the exclusive bargaining representative of the employees, if so requested by the bargaining representative, and approval by the head of the agency in accordance with the provisions referred to in subsection (g)(2)(C).

''(4) ENFORCEMENT.—

''(A) ENFORCEMENT ACTIONS IN UNITED STATES COURTS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of enforcement actions brought under this section. Such an action may be brought in any judicial district in the State in which the violation of this section is alleged to have been committed, the judicial district in which the Federal Aviation Administration has its principal office, or the District of Columbia.

''(B) ATTORNEY FEES.—The court may assess against the Federal Aviation Administration reasonable attorney fees and other litigation costs reasonably incurred in any case under this section in which the complainant has substantially prevailed.''.

(b) APPLICATION.—On and after the date of enactment of this Act, any changes implemented by the Administrator of the Federal Aviation Administration on and after July 10, 2005, under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the exclusive bargaining representative of the employees of the Administration certified under section 7111 of title 5, United States Code, shall be null and void and the parties shall be governed by their last mutual agreement before the implementation of such changes. The Administrator and the bargaining representative shall resume negotiations promptly, and, subject to subsection (c), their last mutual agreement shall be in effect until a new contract is adopted by the Administrator and the bargaining representative. If an agreement is not reached within 45 days after the date on which negotiations resume, the Administrator and the bargaining representative shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5, United States Code, for binding arbitration in accordance with paragraphs (2)(B), (3), and (4) of section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section).

(c) SAVINGS CLAUSE.—All cost of living adjustments and other pay increases, lump sum payments to employees, and leave and other benefit accruals implemented as part of the changes referred to in subsection (b) may not be reversed unless such reversal is part of the calculation of back pay under subsection (d). The Administrator shall waive any overpayment paid to, and not collect any funds for such overpayment, from former employees of the Administration who received lump sum payments prior to their separation from the Administration.

(d) BACK PAY.—

(1) IN GENERAL.—Employees subject to changes referred to in subsection (b) that are determined to be null and void under subsection (b) shall be eligible for pay that the employees would have received under the

last mutual agreement between the Administrator and the exclusive bargaining representative of such employees before the date of enactment of this Act and any changes were implemented without agreement of the bargaining representative. The Administrator shall pay the employees such pay subject to the availability of amounts appropriated to carry out this subsection. If the appropriated funds do not cover all claims of the employees for such pay, the Administrator and the bargaining representative, pursuant to negotiations conducted in accordance with section 40122(a) of title 49, United States Code (as amended by subsection (a) of this section), shall determine the allocation of the appropriated funds among the employees on a pro rata basis.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $20,000,000 to carry out this subsection.

(e) INTERIM AGREEMENT.—If the Administrator and the exclusive bargaining representative of the employees subject to the changes referred to in subsection (b) reach a final and binding agreement with respect to such changes before the date of enactment of this Act, such agreement shall supersede any changes implemented by the Administrator under section 40122(a) of title 49, United States Code (as in effect on the day before such date of enactment), without the agreement of the bargaining representative, and subsections (b) and (c) shall not take effect.

SEC. 602. MSPB REMEDIAL AUTHORITY FOR FAA EMPLOYEES.

Section 40122(g)(3) of title 49, United States Code, is amended by adding at the end the following: ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study on the training of the airway transportation systems specialists of the Federal Aviation Administration (in this section referred to as ''FAA systems specialists'').

(2) CONTENTS.—The study shall—

(A) include an analysis of the type of training provided to FAA systems specialists;

(B) include an analysis of the type of training that FAA systems specialists need to be proficient on the maintenance of latest technologies;

(C) include a description of actions that the Administration has undertaken to ensure that FAA systems specialists receive up-to-date training on the latest technologies;

(D) identify the amount and cost of FAA systems specialists training provided by vendors;

(E) identify the amount and cost of FAA systems specialists training provided by the Administration after developing courses for the training of such specialists;

(F) identify the amount and cost of travel that is required of FAA systems specialists in receiving training; and

(G) include a recommendation regarding the most cost-effective approach to providing FAA systems specialists training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) WORKLOAD OF SYSTEMS SPECIALISTS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for FAA systems specialists to ensure proper maintenance and certification of the national airspace system.

(2) CONTENTS.—The study shall be conducted so as to provide the following:

(A) A suggested method of modifying FAA systems specialists staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than one year after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall submit to Congress a report on the results of the study.

SEC. 604. DESIGNEE PROGRAM.

(a) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the status of recommendations made by the Government Accountability Office in its October 2004 report, ''Aviation Safety: FAA Needs to Strengthen Management of Its Designee Programs'' (GAO–05–40).

(b) CONTENTS.—The report shall include—

(1) an assessment of the extent to which the Federal Aviation Administration has responded to recommendations of the Government Accountability Office referred to in subsection (a);

(2) an identification of improvements, if any, that have been made to the designee programs referred to in the report of the Office as a result of such recommendations; and

(3) an identification of further action that is needed to implement such recommendations, improve the Administration's management control of the designee programs, and increase assurance that designees meet the Administration's performance standards.

SEC. 605. STAFFING MODEL FOR AVIATION SAFETY INSPECTORS.

(a) IN GENERAL.—Not later than October 31, 2009, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall follow the recommendations outlined in the 2007 study released by the National Academy of Sciences entitled ''Staffing Standards for Aviation Safety Inspectors'' and consult with interested persons, including the exclusive collective bargaining representative of the aviation safety inspectors.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 606. SAFETY CRITICAL STAFFING.

(a) AVIATION SAFETY INSPECTORS.—The Administrator of the Federal Aviation Administration shall increase the number of aviation safety inspectors in the Flight Standards Service to not less than—

(1) ____ full-time equivalent positions in fiscal year 2008;

(2) ____ full-time equivalent positions in fiscal year 2009;

(3) ____ full-time equivalent positions in fiscal year 2010; and

(4) ____ full-time equivalent positions in fiscal year 2011.

(b) OPERATIONAL SUPPORT.—The Administrator shall increase the number of safety technical specialists and operational support positions in the Flight Standards Service to the levels necessary, as determined by the Administrator, to ensure the most efficient and cost-effective use of the aviation safety inspectors authorized by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there is authorized to be appropriated to carry out subsections (a) and (b)—

(1) $58,000,000 for fiscal year 2008;

(2) $134,000,000 for fiscal year 2009;

(3) $170,000,000 for fiscal year 2010; and

(4) $208,000,000 for fiscal year 2011.

Such sums shall remain available until expended.

(d) IMPLEMENTATION OF STAFFING STANDARDS.—Notwithstanding any other provision of this section, upon completion of the flight standards service staffing model pursuant to section 604 of this Act, and validation of the model by the Administrator, there are authorized to be appropriated such sums as may be necessary to support the number of aviation safety inspectors, safety technical specialists, and operation support positions that such model determines are required to meet the responsibilities of the Flight Standards Service.

SEC. 607. FAA AIR TRAFFIC CONTROLLER STAFFING.

(a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into appropriate arrangements with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration (in this section referred to as the ''FAA'') to estimate staffing needs for FAA air traffic controllers to ensure the safe operation of the national airspace system.

(b) CONSULTATION.—In conducting the study, the National Academy of Sciences shall consult with the exclusive bargaining representative of employees of the FAA certified under section 7111 of title 5, United States Code, the Administrator of the Federal Aviation Administration, and representatives of the Civil Aeronautical Medical Institute.

(c) CONTENTS.—The study shall include an examination of representative information on human factors, traffic activity, and the technology and equipment used in air traffic control.

(d) RECOMMENDATIONS AND ESTIMATES.—In conducting the study, the National Academy of Sciences shall develop—

(1) recommendations for the development by the FAA of objective staffing standards to maintain the safety and efficiency of the national airspace system with current and future projected air traffic levels; and

(2) estimates of cost and schedule for the development of such standards by the FAA or its contractors.

(e) REPORT.—Not later than 18 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 608. ASSESSMENT OF TRAINING PROGRAMS FOR AIR TRAFFIC CONTROLLERS.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study to assess the adequacy of training programs for air traffic controllers.

(b) CONTENTS.—The study shall include—

(1) a review of the current training system for air traffic controllers;

(2) an analysis of the competencies required of air traffic controllers for successful performance in the current air traffic control environment;

(3) an analysis of competencies required of air traffic controllers as the Federal Aviation Administration transitions to the Next Generation Air Transportation System; and

(4) an analysis of various training approaches available to satisfy the controller competencies identified under paragraphs (2) and (3).

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 609. COLLEGIATE TRAINING INITIATIVE STUDY.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on training options for graduates of the Collegiate Training Initiative program conducted under section 44506(c) of title 49 United States Code. The study shall analyze the impact of providing as an alternative to the current training provided at the Mike Monroney Aeronautical Center of the Administration a new controller orientation session for graduates of such programs at the Mike Monroney Aeronautical Center followed by on-the-job training for newly hired air traffic controllers who are graduates of such program and shall include—

(1) the cost effectiveness of such an alternative training approach; and

(2) the effect that such an alternative training approach would have on the overall quality of training received by graduates of such programs.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and to the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

TITLE VII—AVIATION INSURANCE

SEC. 701. GENERAL AUTHORITY.

(a) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended—

(1) by striking ''August 31, 2006'' and inserting ''September 30, 2011''; and

(2) by striking ''December 31, 2006'' and inserting ''September 30, 2017''.

(b) SUCCESSOR PROGRAM.—Section 44302(f) is amended by adding at the end the following:

''(3) SUCCESSOR PROGRAM.—

''(A) IN GENERAL.—After December 31, 2017, coverage for the risks specified in a policy that has been extended under paragraph (1) shall be provided in an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(B) TRANSFER OF PREMIUMS.—

''(i) IN GENERAL.—On December 31, 2017, and except as provided in clause (ii), premiums that are collected by the Secretary from the airline industry after September 22, 2001, for any policy under this subsection, and interest earned thereon, as determined by the Secretary, shall be transferred to an airline industry sponsored risk retention or other risk-sharing arrangement approved by the Secretary.

''(ii) DETERMINATION OF AMOUNT TRANSFERRED.—The amount transferred pursuant to clause (i) shall be less—

''(I) the amount of any claims paid out on such policies from September 22, 2001, through December 31, 2017;

''(II) the amount of any claims pending under such policies as of December 31, 2017; and

''(III) the cost, as determined by the Secretary, of administering the provision of insurance policies under this chapter from September 22, 2001, through December 31, 2017.''.

SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD PARTY LIABILITY OF AIR CARRIERS ARISING OUT OF ACTS OF TERRORISM.

Section 44303(b) is amended by striking ''December 31, 2006'' and inserting ''December 31, 2012''.

SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.

Section 44304 is amended in the second sentence by striking ''the carrier'' and inserting ''any insurance carrier''.

SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.

Section 44308(c)(1) is amended in the second sentence by striking ''agent'' and inserting ''agent, or a claims adjuster who is independent of the underwriting agent,''.

SEC. 705. EXTENSION OF PROGRAM AUTHORITY.

Section 44310 is amended by striking ''March 30, 2008'' and inserting ''September 30, 2017''.

TITLE VIII—MISCELLANEOUS

SEC. 801. AIR CARRIER CITIZENSHIP.

Section 40102(a)(15) is amended by adding at the end the following:

''For purposes of subparagraph (C), an air carrier shall not be deemed to be under the actual control of citizens of the United States unless citizens of the United States control all matters pertaining to the business and structure of the air carrier, including operational matters such as marketing, branding, fleet composition, route selection, pricing, and labor relations.''.

SEC. 802. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN INTEREST OF NATIONAL SECURITY.

Section 40119(b) is amended by adding at the end the following:

''(3) LIMITATION ON APPLICABILITY OF FREEDOM OF INFORMATION ACT.—Section 552a of title 5, United States Code, shall not apply to disclosures that the Administrator of the Federal Aviation Administration may make from the systems of records of the Administration to any Federal law enforcement, intelligence, protective service, immigration, or national security official in order to assist the official receiving the information in the performance of official duties.''.

SEC. 803. FAA ACCESS TO CRIMINAL HISTORY RECORDS AND DATABASE SYSTEMS.

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

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

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

''(1) ACCESS TO INFORMATION.—Notwithstanding section 534 of title 28, and regulations issued to implement such section, the Administrator of the Federal Aviation Administration may access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out civil and administrative responsibilities of the Administration to protect the safety and security of the national airspace system or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies.

''(2) RELEASE OF INFORMATION.— In accessing a system referred to in paragraph (1), the Administrator shall be subject to the same conditions and procedures established by the Department of Justice or the State for other governmental agencies with access to the system.

''(3) LIMITATION.—The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall designate, by order, employees of the Administration who shall carry out the authority described in subsection (a). The designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or any jurisdiction of a State, in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government, and of any jurisdiction in a State, that provides information about wanted persons, be-on-the-lookout notices, warrant status, or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section, the term 'system of documented criminal justice information' means any law enforcement database, system, or communication containing information concerning identification, criminal history, arrests, convictions, arrest warrants, wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 804. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

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

(1) in the section heading by striking ''**air carrier**'' and inserting ''**carrier**'';

(2) in subsection (a) by striking ''(as defined in section 40102 of this title)'' and inserting ''(as such terms are defined in section 40102)'';

(3) in the heading for subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(4) in the heading for paragraph (2) of subsection (d) by striking ''AIR CARRIER'' and inserting ''AIR CARRIER AND FOREIGN AIR CARRIER'';

(5) by striking ''air carriers'' each place it appears and inserting ''air carriers or foreign air carriers'';

(6) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier''; and

(7) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-carrier disputes concerning airport fees.''.

SEC. 805. STUDY ON NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a study to evaluate the formulation of the National Plan of Integrated Airport Systems (in this section referred to as the ''plan'') under section 47103 of title 49, United States Code.

(b) CONTENTS OF STUDY.—The study shall include a review of the following:

(1) The criteria used for including airports in the plan and the application of such criteria in the most recently published version of the plan.

(2) The changes in airport capital needs between fiscal years 2001 and 2007, as reported in the plan, as compared with the amounts apportioned or otherwise made available to individual airports over the same period of time.

(3) A comparison of the amounts received by airports under the airport improvement program in airport apportionments, State apportionments, and discretionary grants during such fiscal years with capital needs as reported in the plan.

(4) The effect of transfers of airport apportionments under title 49, United States Code.

(5) Any other matters pertaining to the plan that the Secretary determines appropriate.

(c) REPORT TO CONGRESS.—

(1) SUBMISSION.—Not later than 36 months after the date of initiation of the study, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(2) CONTENTS.—The report shall include—

(A) the findings of the Secretary on each of the subjects listed in subsection (b);

(B) recommendations for any changes to policies and procedures for formulating the plan; and

(C) recommendations for any changes to the methods of determining the amounts to be apportioned or otherwise made available to individual airports.

SEC. 806. EXPRESS CARRIER EMPLOYEE PROTECTION.

(a) IN GENERAL.—Section 201 of the Railway Labor Act (45 U.S.C. 181) is amended—

(1) by striking ''All'' and inserting ''(a) IN GENERAL.—All'';

(2) by inserting ''and every express carrier'' after ''common carrier by air''; and

(3) by adding at the end the following:

''(b) SPECIAL RULES FOR EXPRESS CARRIERS.—

''(1) IN GENERAL.—An employee of an express carrier shall be covered by this Act only if that employee is in a position that is eligible for certification under part 61, 63, or 65 of title 14, Code of Federal Regulations, and only if that employee performs duties for the express carrier that are eligible for such certification. All other employees of an express carrier shall be covered by the provisions of the National Labor Relations Act (29 U.S.C. 151 et seq.).

''(2) AIR CARRIER STATUS.—Any person that is an express carrier shall be governed by paragraph (1) notwithstanding any finding that the person is also a common carrier by air.

''(3) EXPRESS CARRIER DEFINED.—In this section, the term 'express carrier' means any person (or persons affiliated through common control or ownership) whose primary business is the express shipment of freight or packages through an integrated network of air and surface transportation.''.

(b) CONFORMING AMENDMENT.—Section 1 of such Act (45 U.S.C. 151) is amended in the first paragraph by striking '', any express company that would have been subject to subtitle IV of title 49, United States Code, as of December 31, 1995,,''.

SEC. 807. CONSOLIDATION AND REALIGNMENT OF FAA FACILITIES.

(a) ESTABLISHMENT OF WORKING GROUP.—Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall establish within the FAA a working group to develop criteria and make recommendations for the realignment of services and facilities of the FAA to assist in the transition to next generation facilities and to help reduce capital, operating, maintenance, and administrative costs in instances in which cost reductions can be implemented without adversely affecting safety.

(b) MEMBERSHIP.—The working group shall be composed of, at a minimum—

(1) the Administrator of the FAA;

(2) 2 representatives of air carriers;

(3) 2 representatives of the general aviation community;

(4) 2 representatives of labor unions representing employees who work at field facilities of the FAA; and

(5) 2 representatives of the airport community.

(c) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE WORKING GROUP.—

(1) SUBMISSION.—Not later than 6 months after convening the working group, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing the criteria and recommendations developed by the working group under this section.

(2) CONTENTS.—The report shall include a justification for each recommendation to consolidate or realign a facility or service and a description of the costs and savings associated with the consolidation or realignment.

(d) PUBLIC NOTICE AND COMMENT.—The Administrator shall publish the report submitted under subsection (c) in the Federal Register and allow 45 days for the submission of public comments. In addition, the Administrator upon request shall hold a public hearing in a community that would be affected by a recommendation in the report.

(e) OBJECTIONS.—Any interested person may file with the Administrator a written objection to a recommendation of the working group.

(f) REPORT TO CONGRESS CONTAINING RECOMMENDATIONS OF THE ADMINISTRATOR.—Not later than 60 days after the last day of the period for public comment under subsection (d), the Administrator shall submit to the committees referred to in subsection (c)(1) a report containing the recommendations of the Administrator on realignment of services and facilities of the FAA and copies of any public comments and objections received by the Administrator under this section.

(g) LIMITATION ON IMPLEMENTATION OF REALIGNMENTS AND CONSOLIDATIONS.—The Administrator may not realign or consolidate any services or facilities of the FAA before the Administrator has submitted the report under subsection (f).

(h) FAA DEFINED.—In this section, the term ''FAA'' means the Federal Aviation Administration.

SEC. 808. TRANSPORTATION SECURITY ADMINISTRATION CENTRALIZED TRAINING FACILITY FEASIBILITY STUDY.

(a) STUDY.—The Secretary of Homeland Security shall carry out a study on the feasibility of establishing a centralized training center for advanced security training by the Transportation Security Administration.

(b) CONSIDERATIONS.—In conducting the study, the Secretary shall take into consideration the benefits, cost, equipment, and building requirements for a training center and whether the benefits of establishing a center would be an efficient process for training transportation security officers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

SEC. 809. GAO STUDY ON COOPERATION OF AIRLINE INDUSTRY IN INTERNATIONAL CHILD ABDUCTION CASES.

(a) STUDY.—The Comptroller General shall conduct a study to help determine how the Federal Aviation Administration (in this section referred to as the ''FAA'') could better ensure the collaboration and cooperation of air carriers and foreign air carriers providing air transportation and relevant Federal agencies to develop and enforce child safety control for adults traveling internationally with children.

(b) CONTENTS.—In conducting the study, the Comptroller General shall examine—

(1) the nature and scope of exit policies and procedures of the FAA, air carriers, and foreign air carriers and how the enforcement of such policies and procedures is monitored, including ticketing and boarding procedures;

(2) the extent to which air carriers and foreign air carriers cooperate in the investigations of international child abduction cases, including cooperation with the National Center for Missing and Exploited Children and relevant Federal, State, and local agencies;

(3) any effective practices, procedures, or lessons learned from the assessment of current practices and procedures of air carriers, foreign air carriers, and operators of other transportation modes that could improve the ability of the aviation community to ensure the safety of children traveling internationally with adults and, as appropriate, enhance the capability of air carriers and foreign air carriers to cooperate in the investigations of international child abduction cases; and

(4) any liability issues associated with providing assistance in such investigations.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study.

SEC. 810. LOST NATION AIRPORT, OHIO.

(a) APPROVAL OF SALE.—The Secretary of Transportation may approve the sale of Lost Nation Airport from the city of Willoughby, Ohio, to Lake County, Ohio, if—

(1) Lake County meets all applicable requirements for sponsorship of the airport; and

(2) Lake County agrees to assume the obligations and assurances of the grant agreements relating to the airport executed by the city of Willoughby under chapter 471 of title 49, United States Code, and to operate and maintain the airport in accordance with such obligations and assurances.

(b) TREATMENT OF PROCEEDS FROM SALE.—The Secretary may grant to the city of Willoughby an exemption from the provisions of sections 47107 and 47133 of such title, any grant obligations of the city of Willoughby, and regulations and policies of the Federal Aviation Administration to the extent necessary to allow the city of Willoughby to use the proceeds from the sale approved under subsection (a) for any purpose authorized by the city of Willoughby.

SEC. 811. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress finds that—

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred

to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system; and

(2) closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SEC. 812. HUMAN INTERVENTION AND MOTIVATION STUDY PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a human intervention and motivation study program for flight crewmembers involved in air carrier operations in the United States under part 121 of title 14, Code of Federal Regulations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2011. Such sums shall remain available until expended.

SEC. 813. WASHINGTON, D.C., AIR DEFENSE IDENTIFICATION ZONE.

(a) SUBMISSION OF PLAN TO CONGRESS.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, in coordination with Secretary of Homeland Security and Secretary of Defense, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the Washington, D.C., Air Defense Identification Zone.

(b) CONTENTS OF PLAN.—The plan shall outline specific changes to the Washington, D.C., Air Defense Identification Zone that will decrease operational impacts and improve general aviation access to airports in the National Capital Region that are currently impacted by the zone.

SEC. 814. MERRILL FIELD AIRPORT, ANCHORAGE, ALASKA.

(a) IN GENERAL.—Notwithstanding any other provision of law, including the Federal Airport Act (as in effect on August 8, 1958), the United States releases, without monetary consideration, all restrictions, conditions, and limitations on the use, encumbrance, or conveyance of certain land located in the municipality of Anchorage, Alaska, more particularly described as Tracts 22 and 24 of the Fourth Addition to the Town Site of Anchorage, Alaska, as shown on the plat of U.S. Survey No. 1456, accepted June 13, 1923, on file in the Bureau of Land Management, Department of Interior.

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

SEC. 815. WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

It is the sense of Congress that the Nation—

(1) supports the goals and ideals of the 1940 Air Terminal Museum located at William P. Hobby Airport in the city of Houston, Texas;

(2) congratulates the city of Houston and the 1940 Air Terminal Museum on the 80-year history of William P. Hobby Airport and the vital role of the airport in Houston's and the Nation's transportation infrastructure; and

(3) recognizes the 1940 Air Terminal Museum for its importance to the Nation in the preservation and presentation of civil aviation heritage and recognizes the importance of civil aviation to the Nation's history and economy.

TITLE IX—FEDERAL AVIATION RESEARCH AND DEVELOPMENT

SEC. 901. SHORT TITLE.

This title may be cited as the ''Federal Aviation Research and Development Reauthorization Act of 2007''.

SEC. 902. DEFINITIONS.

As used in this title, the following definition apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Federal Aviation Administration.

(2) FAA.—The term ''FAA'' means the Federal Aviation Administration.

(3) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.

(4) NATIONAL RESEARCH COUNCIL.—The term ''National Research Council'' means the National Research Council of the National Academies of Science and Engineering.

(5) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.

(6) NSF.—The term ''NSF'' means the National Science Foundation.

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

SEC. 903. INTERAGENCY RESEARCH INITIATIVE ON THE IMPACT OF AVIATION ON THE CLIMATE.

(a) IN GENERAL.—The Administrator, in coordination with NASA and the United States Climate Change Science Program, shall establish a research initiative to assess the impact of aviation on the climate and, if warranted, to evaluate approaches to mitigate that impact.

(b) RESEARCH PLAN.—Not later than one year after the date of enactment of this Act, the participating Federal entities shall jointly develop a plan for the research program that contains the objectives, proposed tasks, milestones, and 5-year budgetary profile.

SEC. 904. RESEARCH PROGRAM ON RUNWAYS.

(a) RESEARCH PROGRAM.—The Administrator shall maintain a program of research grants to universities and nonprofit research foundations for research and technology demonstrations related to—

(1) improved runway surfaces; and

(2) engineered material restraining systems for runways at both general aviation airports and airports with commercial air carrier operations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 905. RESEARCH ON DESIGN FOR CERTIFICATION.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 6 months after the date of enactment of this Act, the FAA, in consultation with other agencies as appropriate, shall establish a research program on methods to improve both confidence in and the timeliness of certification of new technologies for their introduction into the national airspace system.

(b) RESEARCH PLAN.—Not later than 1 year after the date of enactment of this Act, as part of the activity described in subsection (a), the FAA shall develop a plan for the research program that contains the objectives, proposed tasks, milestones, and five-year budgetary profile.

(c) REVIEW.—The Administrator shall have the National Research Council conduct an independent review of the research program plan and provide the results of that review to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.

SEC. 906. CENTERS OF EXCELLENCE.

(a) GOVERNMENT'S SHARE OF COSTS.—Section 44513(f) is amended to read as follows:

''(f) GOVERNMENT'S SHARE OF COSTS.—The United States Government's share of establishing and operating the center and all related research activities that grant recipients carry out shall not exceed 75 percent of the costs. The United States Government's share of an individual grant under this section shall not exceed 90 percent of the costs.''.

(b) ANNUAL REPORT.—The Administrator shall transmit annually to the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate at the time of the President's budget request a report that lists—

(1) the research projects that have been initiated by each Center of Excellence in the preceding year;

(2) the amount of funding for each research project and the funding source;

(3) the institutions participating in each project and their shares of the overall funding for each research project; and

(4) the level of cost-sharing for each research project.

SEC. 907. AIRPORT COOPERATIVE RESEARCH PROGRAM.

Section 44511(f) is amended—

(1) in paragraph (1) by striking ''establish a 4-year pilot'' and inserting ''maintain an''; and

(2) in paragraph (4)—

(A) by striking ''expiration of the program'' and inserting ''expiration of the pilot program''; and

(B) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program'' and inserting ''program''.

SEC. 908. UNMANNED AIRCRAFT SYSTEMS.

(a) RESEARCH INITIATIVE.—Section 44504(b) is amended—

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

(2) in paragraph (7) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(8) in conjunction with other Federal agencies, as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aircraft systems that could result in a catastrophic failure of the unmanned aircraft that would endanger other aircraft in the national airspace system.''.

(b) SYSTEMS, PROCEDURES, FACILITIES, AND DEVICES.—Section 44505(b) is amended—

(1) in paragraph (4) by striking ''and'' after the semicolon;

(2) in paragraph (5)(C) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aircraft systems safety; and

''(7) to develop dynamic simulation models for integrating all classes of unmanned aircraft systems into the national airspace system without any degradation of existing levels of safety for all national airspace system users.''.

SEC. 909. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) IN GENERAL.—The Administrator shall establish a program to utilize colleges and universities, including Historically Black Colleges and Universities, Hispanic serving institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in conducting research by undergraduate students on subjects of relevance to the FAA. Grants may be awarded under this section for—

(1) research projects to be carried out primarily by undergraduate students;

(2) research projects that combine undergraduate research with other research supported by the FAA;

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

(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 for each of the fiscal years 2008 through 2011, for research grants under this section.

SEC. 910. RESEARCH PROGRAM ON SPACE WEATHER AND AVIATION.

(a) ESTABLISHMENT.—The Administrator shall, in coordination with the National Science Foundation, National Aeronautics and Space Administration, National Oceanic and Atmospheric Administration, and other relevant agencies, initiate a research program to—

(1) conduct or supervise research projects on impacts of space weather to aviation, including communication, navigation, avionic systems, and on airline passengers and personnel; and

(2) facilitate the transfer of technology from space weather research programs to Federal agencies with operational responsibilities and to the private sector.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $1,000,000 for each of the fiscal years 2008 through 2011 to carry out this section.

SEC. 911. AVIATION GAS RESEARCH AND DEVELOPMENT PROGRAM.

(a) CONTINUATION OF PROGRAM.—The Administrator, in coordination with the NASA Administrator, shall continue research and development activities into technologies for modification of existing general aviation piston engines to enable their safe operation using unleaded aviation fuel.

(b) ROADMAP.—Not later than 120 days after the date of enactment of this Act, the Administrator shall develop a research and development roadmap for the program continued in subsection (a), containing the specific research and development objectives and the anticipated timetable for achieving the objectives.

(c) REPORT.—Not later than 130 days after the date of enactment of this Act, the Administrator shall provide the roadmap specified in subsection (b) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $750,000 for each of the fiscal years 2008 through 2010 to carry out this section.

SEC. 912. RESEARCH REVIEWS AND ASSESSMENTS.

(a) REVIEW OF FAA'S ENERGY- AND ENVIRONMENT-RELATED RESEARCH PROGRAMS.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a review of the FAA's energy- and environment-related research programs. The review shall assess whether—

(A) the programs have well-defined, prioritized, and appropriate research objectives;

(B) the programs are properly coordinated with the energy- and environment-related research programs of NASA, NOAA, and other relevant agencies;

(C) the programs have allocated appropriate resources to each of the research objectives; and

(D) there exist suitable mechanisms for transitioning the research results into the FAA's operational technologies and procedures and certification activities.

(2) REPORT.—A report containing the results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate within 18 months of the enactment of this Act.

(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—

(1) STUDY.—The Administrator shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular, to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—

(A) examine space weather impacts on at least the following areas: communications, navigation, avionics, and human health in flight;

(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety;

(C) provide recommendations on how NASA, NOAA, and the NSF can most effectively carry out research and monitoring activities related to space weather and aviation; and

(D) provide recommendations on how to integrate space weather information into the Next Generation Air Transportation System.

(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.

SEC. 913. REVIEW OF FAA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.

(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of the FAA's aviation safety-related research programs. The review shall assess whether—

(1) the programs have well-defined, prioritized, and appropriate research objectives;

(2) the programs are properly coordinated with the safety research programs of NASA and other relevant Federal agencies;

(3) the programs have allocated appropriate resources to each of the research objectives; and

(4) there exist suitable mechanisms for transitioning the research results from the programs into the FAA's operational technologies and procedures and certification activities in a timely manner.

(b) AVIATION SAFETY-RELATED RESEARCH PROGRAMS TO BE ASSESSED.—The FAA aviation safety-related research programs to be assessed under the review shall include, at a minimum, the following:

(1) Air traffic control/technical operations human factors.

(2) Runway incursion reduction.

(3) Flightdeck/maintenance system integration human factors.

(4) Airports technology research—safety.

(5) Airport cooperative research program—safety.

(6) Weather program.

(7) Atmospheric hazards/digital system safety.

(8) Fire research and safety.

(9) Propulsion and fuel systems.

(10) Advanced materials/structural safety.

(11) Aging aircraft.

(12) Aircraft catastrophic failure prevention research.

(13) Aeromedical research.

(14) Aviation safety risk analysis.

(15) Unmanned aircraft systems research.

(16) Safe Flight 21—Alaska Capstone.

(c) REPORT.—Not later than 14 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the review.

(d) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated by the amendments made by this Act, there is authorized to be appropriated $700,000 for fiscal year 2008 to carry out this section.

SEC. 914. RESEARCH PROGRAM ON ALTERNATIVE JET FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—Using amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from alternative sources (such as coal, natural gas, biomass, ethanol, butanol, and hydrogen) through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies.

(b) PARTICIPATION BY EDUCATIONAL AND RESEARCH INSTITUTIONS.—In conducting the

program, the Secretary shall provide for participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology for alternative jet fuels.

(c) DESIGNATION OF INSTITUTE AS A CENTER OF EXCELLENCE.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Alternative Jet Fuel Research.

SEC. 915. CENTER FOR EXCELLENCE IN AVIATION EMPLOYMENT.

(a) ESTABLISHMENT.—The Administrator shall establish a Center for Excellence in Aviation Employment (in this section referred to as the ''Center'').

(b) APPLIED RESEARCH AND TRAINING.—The Center shall conduct applied research and training on—

(1) human performance in the air transportation environment;

(2) air transportation personnel, including air traffic controllers, pilots, and technicians; and

(3) any other aviation human resource issues pertinent to developing and maintaining a safe and efficient air transportation system.

(c) DUTIES.—The Center shall—

(1) in conjunction with the Collegiate Training Initiative and other air traffic controller training programs, develop, implement, and evaluate a comprehensive, best-practices based training program for air traffic controllers;

(2) work with the Office of Human Resource Management of the FAA as that office develops and implements a strategic recruitment and marketing program to help the FAA compete for the best qualified employees and incorporate an employee value proposition process that results in attracting a broad-based and diverse aviation workforce in mission critical positions, including air traffic controller, aviation safety inspector, airway transportation safety specialist, and engineer;

(3) through industry surveys and other research methodologies and in partnership with the ''Taskforce on the Future of the Aerospace Workforce'' and the Secretary of Labor, establish a baseline of general aviation employment statistics for purposes of projecting and anticipating future workforce needs and demonstrating the economic impact of general aviation employment;

(4) conduct a comprehensive analysis of the airframe and powerplant technician certification process and employment trends for maintenance repair organization facilities, certificated repair stations, and general aviation maintenance organizations;

(5) establish a best practices model in aviation maintenance technician school environments; and

(6) establish a workforce retraining program to allow for transition of recently unemployed and highly skilled mechanics into aviation employment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this section. Such sums shall remain available until expended.

TITLE X—AIRPORT AND AIRWAY TRUST FUND FINANCING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Airport and Airway Trust Fund Financing Act of 2007''.

SEC. 1002. EXTENSION AND MODIFICATION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE AND AVIATION GASOLINE.—

(1) AVIATION-GRADE KEROSENE.—Subparagraph (A) of section 4081(a)(2) of the Internal Revenue Code of 1986 (relating to rates of tax) is amended by striking ''and'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting '', and'', and by adding at the end the following new clause:

''(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.''.

(2) AVIATION GASOLINE.—Clause (ii) of section 4081(a)(2)(A) of such Code is amended by striking ''19.3 cents'' and inserting ''24.1 cents''.

(3) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) of such Code is amended to read as follows:

''(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.— In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.''.

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) of such Code is amended by inserting ''other than aviation-grade kerosene'' after ''kerosene''.

(B) The following provisions of such Code are each amended by striking ''kerosene'' and inserting ''aviation-grade kerosene'':

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) of such Code is amended—

(i) by striking ''paragraph (2)(C)(i)'' in clause (i) and inserting ''paragraph (2)(C)'', and

(ii) by striking ''paragraph (2)(C)(ii)'' in clause (ii) and inserting ''paragraph (2)(A)(iv)''.

(D) Section 4081(a)(4) of such Code is amended in the heading by striking ''KEROSENE'' and inserting ''AVIATION-GRADE KEROSENE''.

(E) Section 4081(d)(2) of such Code is amended by inserting '', (a)(2)(A)(iv),'' after ''subsections (a)(2)(A)(ii)''.

(b) EXTENSION.—

(1) FUELS TAXES.—Paragraph (2) of section 4081(d) of such Code is amended by striking ''gallon—'' and all that follows and inserting ''gallon after September 30, 2011''.

(2) TAXES ON TRANSPORTATION OF PERSONS AND PROPERTY.—

(A) PERSONS.—Clause (ii) of section 4261(j)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(B) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) of such Code is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

(c) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 of such Code is amended—

(1) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(2) by striking ''section 4081(a)(2)(A)(iii)'' and inserting ''section 4081(a)(2)(A)(iv)'', and

(3) by striking ''KEROSENE'' in the heading and inserting ''AVIATION-GRADE KEROSENE''.

(d) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) of such Code is amended by inserting ''at the rate specified in subsection (a)(2)(A)(iv) thereof'' after ''section 4081''.

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) of such Code is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(e) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) of such Code is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) of such Code is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 of such Code is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 6427(i)(4) of such Code is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(B) Section 4082(d)(2)(B) of such Code is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(f) AIRPORT AND AIRWAY TRUST FUND.—

(1) EXTENSION OF TRUST FUND AUTHORITIES.—

(A) EXPENDITURES FROM TRUST FUND.—Paragraph (1) of section 9502(d) of such Code is amended—

(i) in the matter preceding subparagraph (A) by striking ''October 1, 2007'' and inserting ''October 1, 2011'', and

(ii) in subparagraph (A) by inserting ''or the FAA Reauthorization Act of 2007'' before the semicolon at the end.

(B) LIMITATION ON TRANSFERS TO TRUST FUND.—Paragraph (2) of section 9502(f) of such Code is amended by striking ''October 1, 2007'' and inserting ''October 1, 2011''.

(2) TRANSFERS TO TRUST FUND.—Subparagraph (C) of section 9502(b)(1) of such Code is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(3) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 of such Code is amended—

(i) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) of such Code is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) of such Code is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) of such Code is amended by striking '', section 9503(c)(7),''.

(4) TRANSFERS ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Section 9502(d) of such Code is amended by adding at the end the following new paragraph:

''(7) TRANSFERS FROM AIRPORT AND AIRWAY TRUST FUND ON ACCOUNT OF AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—The Secretary of the Treasury shall pay from time to time from the Airport and Airway Trust Fund into the Highway Trust Fund amounts as determined by the Secretary of the Treasury equivalent to amounts transferred to the Airport and Airway Trust Fund with respect to aviation-grade kerosene not used in aviation.''.

(5) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—Section 9502(d) of such Code, as amended by this title, is amended by adding at the end the following new paragraph:

''(8) EXPENDITURES FOR AIR TRAFFIC CONTROL MODERNIZATION.—The following amounts may be used only for making expenditures to carry out air traffic control modernization:

''(A) So much of the amounts appropriated under subsection (b)(1)(C) as the Secretary estimates are attributable to—

''(i) 14.1 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(iv) in the case of aviation-grade kerosene used other than in commercial aviation (as defined in section 4083(b)), and

''(ii) 4.8 cents per gallon of the tax imposed at the rate specified in section 4081(a)(2)(A)(ii) in the case of aviation gasoline used other than in commercial aviation (as so defined).

''(B) Any amounts credited to the Airport and Airway Trust Fund under section 9602(b) with respect to amounts described in this paragraph.''.

(g) EFFECTIVE DATE.—

(1) MODIFICATIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2007.

(2) EXTENSIONS.—The amendments made by subsections (b) and (f)(1) shall take effect on the date of the enactment of this Act.

(h) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2008, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2008, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid on April 30, 2008, and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by the provision of section 4081 of the Internal Revenue Code of 1986 which applies with respect to the aviation fuel involved.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2008, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

The Acting CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part C of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in part C of House Report 110–335.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

In the item relating to section 104 of the table of contents on the first page of the amendment, insert '', engineering,'' after ''Research''.

Page 10, line 7, insert ''**, ENGINEERING,**'' after ''**RESEARCH**''.

Page 12, line 1, strike ''$3,000,000'' and insert ''$5,000,000''.

Page 37, line 24, strike ''sections'' and insert ''section''.

Page 47, line 21, insert ''on or after October 1, 1996,'' after ''that airport''.

In subtitle D of title I of the amendment, redesignate, on page 50, section 149 as section 151 and insert after section 148 on page 50 the following:

SEC. 149. PUERTO RICO MINIMUM GUARANTEE.

Section 47114(e) is amended—

(1) in the subsection heading by inserting ''AND PUERTO RICO'' after ''ALASKA''; and

(2) by adding at the end the following:

''(5) PUERTO RICO MINIMUM GUARANTEE.—In any fiscal year in which the total amount apportioned to airports in Puerto Rico under subsections (c) and (d) is less than 1.5 percent of the total amount apportioned to all airports under subsections (c) and (d), the Secretary shall apportion to the Puerto Rico Ports Authority for airport development projects in such fiscal year an amount equal to the difference between 1.5 percent of the total amounts apportioned under subsections (c) and (d) in such fiscal year and the amount otherwise apportioned under subsections (c) and (d) to airports in Puerto Rico in such fiscal year.''.

At the end of title II on page 89, insert the following:

SEC. 218. NEXTGEN RESEARCH AND DEVELOPMENT CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—Of the amount appropriated under section 48101(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall use such sums as may be necessary for each of fiscal years 2008 through 2011 to contribute to the establishment of a center of excellence for the research and development of Next Generation Air Transportation System technologies.

(b) FUNCTIONS.—The center established under subsection (a) shall—

(1) leverage the centers of excellence program of the Federal Aviation Administration, as well as other resources and partnerships, to enhance the development of Next Generation Air Transportation System technologies within academia and industry; and

(2) provide educational, technical, and analytical assistance to the Federal Aviation Administration and other Federal agencies with responsibilities to research and develop Next Generation Air Transportation System technologies.

SEC. 219. AIRSPACE REDESIGN.

(a) FINDINGS.—Congress finds the following:

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

(2) The critical importance of airspace redesign efforts is underscored by the fact that they are highlighted in strategic plans of the Administration, including Flight Plan 2008–2012 and the document known as the ''Operational Evolution Partnership''.

(3) Funding cuts have led to delays and deferrals of critical capacity enhancing airspace redesign efforts.

(4) Several new runways planned for the period of fiscal years 2008 to 2011 will not provide estimated capacity benefits without additional funds.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized by section 106(k) of title 49, United States Code, there are authorized to be appropriated to the Administrator of the Federal Aviation Administration $2,300,000 for fiscal year 2008, $14,500,000 for fiscal year 2009, $20,000,000 for fiscal year 2010, and $20,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

(c) ADDITIONAL AMOUNTS.—Of the amounts appropriated under section 48101(a) of such title, the Administrator may use $5,000,000 for fiscal year 2008, $5,000,000 for fiscal year 2009, $5,000,000 for fiscal year 2010, and $5,000,000 for fiscal year 2011 to carry out such airspace redesign initiatives as the Administrator determines appropriate.

Page 97, strike line 3 and insert the following:

SEC. 305. RUNWAY SAFETY.

(a) STRATEGIC RUNWAY SAFETY PLAN.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and submit to Congress a report containing a strategic runway safety plan.

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

(A) shall include, at a minimum—

(i) goals to improve runway safety;

(ii) near- and longer-term actions designed to reduce the severity, number, and rate of runway incursions;

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

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

(B) shall address the increased runway safety risk associated with the expected increased volume of air traffic.

Page 97, line 4, before ''Not later than'' insert the following:

(b) PLAN FOR INSTALLATION AND DEPLOYMENT OF SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY INCURSIONS.—

Pages 101 through 103, strike section 309 of the amendment and insert the following:

SEC. 309. OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR FLIGHT ATTENDANTS ON BOARD AIRCRAFT.

(a) IN GENERAL.—Chapter 447 (as amended by section 304 of this Act) is further amended by adding at the end the following:

''§ 44731. Occupational safety and health standards for flight attendants on board aircraft

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall prescribe and enforce standards and regulations to ensure the occupational safety and health of individuals serving as flight attendants in the cabin of an aircraft of an air carrier.

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

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

''(2) to meet minimum standards for the occupational safety and health of flight attendants who work in the cabin of the aircraft.

''(c) RULEMAKING.—In carrying out this section, the Administrator shall conduct a rulemaking proceeding to address, at a minimum, the following areas:

''(1) Record keeping.

''(2) Blood borne pathogens.

''(3) Noise.

''(4) Sanitation.

''(5) Hazard communication.

''(6) Anti-discrimination.

''(7) Access to employee exposure and medical records.

''(8) Temperature standards for the aircraft cabin.

''(d) REGULATIONS.—

''(1) DEADLINE.—Not later than 3 years after the date of enactment of this section, the Administrator shall issue final regulations to carry out this section.

''(2) CONTENTS.—Regulations issued under this subsection shall address each of the issues identified in subsection (c) and others aspects of the environment of an aircraft cabin that may cause illness or injury to a flight attendant working in the cabin.

''(3) EMPLOYER ACTIONS TO ADDRESS OCCUPATIONAL SAFETY AND HEALTH HAZARDS.—Regulations issued under this subsection shall set forth clearly the circumstances under which an air carrier is required to take action to address occupational safety and health hazards.

''(e) ADDITIONAL RULEMAKING PROCEEDINGS.—After issuing regulations under subsection (c), the Administrator may conduct additional rulemaking proceedings as the Administrator determines appropriate to carry out this section.

''(f) OVERSIGHT.—

''(1) CABIN OCCUPATIONAL SAFETY AND HEALTH INSPECTORS.—The Administrator shall establish the position of Cabin Occupational Safety and Health Inspector within the Federal Aviation Administration and shall employ individuals with appropriate qualifications and expertise to serve in the position.

''(2) RESPONSIBILITIES.—Inspectors employed under this subsection shall be solely responsible for conducting proper oversight of air carrier programs implemented under this section.

''(g) CONSULTATION.—In developing regulations under this section, the Administrator shall consult with the Administrator of the Occupational Safety and Health Administration, labor organizations representing flight attendants, air carriers, and other interested persons.

''(h) SAFETY PRIORITY.—In developing and implementing regulations under this section, the Administrator shall give priority to the safe operation and maintenance of an aircraft.

''(i) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' has the meaning given that term by section 44728.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section. Such sums shall remain available until expended.''.

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

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

Page 104, after line 14, insert the following:

SEC. 312. NONCERTIFICATED MAINTENANCE PROVIDERS.

(a) ISSUANCE OF REGULATIONS.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall issue regulations requiring that all covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations, be performed by individuals in accordance with subsection (b).

(b) PERSONS AUTHORIZED TO PERFORM CERTAIN WORK.—Covered maintenance work for a part 121 air carrier shall only be performed by—

(1) an individual employed by the air carrier;

(2) an individual employed by another part 121 air carrier;

(3) an individual employed by a part 145 repair station; or

(4) an individual employed by a company that provides contract maintenance workers to a part 145 repair station or part 121 air carrier, if the individual—

(A) meets the requirements of the part 145 repair station or the part 121 air carrier;

(B) works under the direct supervision and control of the part 145 repair station or part 121 air carrier; and

(C) carries out the work in accordance with the part 121 air carrier's maintenance manual and, if applicable, the part 145 certificate holder's repair station and quality control manuals.

(c) PLAN.—

(1) DEVELOPMENT.—The Administrator shall develop a plan to—

(A) require air carriers to identify and provide to the Administrator a complete listing of all noncertificated maintenance providers that perform, before the effective date of the regulations to be issued under subsection (a), covered maintenance work on aircraft used to provide air transportation under part 121 of title 14, Code of Federal Regulations;

(B) validate the lists that air carriers provide under subparagraph (A) by sampling air carrier records, such as maintenance activity reports and general vendor listings; and

(C) include surveillance and oversight by field inspectors of the Federal Aviation Administration for all noncertificated maintenance providers that perform covered maintenance work on aircraft used to provide air transportation in accordance with such part 121.

(2) REPORT TO CONGRESS.—Not later than 6 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing the plan developed under paragraph (1).

(d) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED MAINTENANCE WORK.—The term ''covered maintenance work'' means maintenance work that is substantial, regularly-scheduled, or a required inspection item, as determined by the Administrator.

(2) PART 121 AIR CARRIER.—The term ''part 121 air carrier'' means an air carrier that holds a certificate issued under part 121 of title 14, Code of Federal Regulations.

(3) PART 145 REPAIR STATION.—The term ''part 145 repair station'' means a repair station that holds a certificate issued under

part 145 of title 14, Code of Federal Regulations.

(4) NONCERTIFICATED MAINTENANCE PROVIDER.—The term ''noncertificated maintenance provider'' means a maintenance provider that does not hold a certificate issued under part 121 or part 145 of title 14 Code of Federal Regulations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for the Administrator to hire additional field safety inspectors to ensure adequate and timely inspection of maintenance providers that perform covered maintenance work.

SEC. 313. AIRCRAFT RESCUE AND FIREFIGHTING STANDARDS.

(a) RULEMAKING PROCEEDING.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the purpose of issuing a proposed and final rule that revises the aircraft rescue and firefighting standards (''ARFF'') under part 139 of title 14, Code of Federal Regulations, to improve the protection of the traveling public, other persons, aircraft, buildings, and the environment from fires and hazardous materials incidents.

(b) CONTENTS OF PROPOSED AND FINAL RULE.—The proposed and final rule to be issued under subsection (a) shall address the following:

(1) The mission of aircraft rescue and firefighting personnel, including responsibilities for passenger egress in the context of other Administration requirements.

(2) The proper level of staffing.

(3) The timeliness of a response.

(4) The handling of hazardous materials incidents at airports.

(5) Proper vehicle deployment.

(6) The need for equipment modernization.

(c) CONSISTENCY WITH VOLUNTARY CONSENSUS STANDARDS.—The proposed and final rule issued under subsection (a) shall be, to the extent practical, consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports.

(d) ASSESSMENTS OF POTENTIAL IMPACTS.—In the rulemaking proceeding initiated under subsection (a), the Administrator shall assess the potential impact of any revisions to the firefighting standards on airports and air transportation service.

(e) INCONSISTENCY WITH STANDARDS.—If the proposed or final rule issued under subsection (a) is not consistent with national voluntary consensus standards for aircraft rescue and firefighting services at airports, the Administrator shall submit to the Office of Management and Budget an explanation of the reasons for such inconsistency in accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783).

(f) FINAL RULE.—Not later than 24 months after the date of enactment of this Act, the Administrator shall issue the final rule required by subsection (a).

Page 118, line 3, after ''water'' insert ''that meets the standards of the Safe Drinking Water Act (42 U.S.C. 300f et. seq)''.

Page 118, line 8, strike ''and''.

Page 118, after line 8, insert the following:

''(B) allow passengers to deplane following excessive delays; and''.

Page 118, line 9, strike ''(B)'' and insert ''(C)''.

Page 118, line 14, after ''for the'' insert ''deplanement of passengers following excessive delays and will provide for the''.

Page 119, line 3, strike ''The'' and insert the following:

''(1) IN GENERAL.—Not later than 9 months after the date of enactment of this section, the

Page 119, line 4, before ''emergency'' insert ''or require modifications to''.

Page 119, after line 8, insert the following:

''(2) CIVIL PENALTIES.—The Secretary may assess a civil penalty under section 46301 against an air carrier or airport that does not adhere to an emergency contingency plan approved under this subsection.

''(g) MINIMUM STANDARDS.—The Secretary may establish, as necessary or desirable, minimum standards for elements in an emergency contingency plan required to be submitted under this section.

''(h) PUBLIC ACCESS.—An air carrier or airport required to submit emergency contingency plans under this section shall ensure public access to such plan after its approval under this section on the Internet Web site of the carrier or airport or by such other means as determined by the Secretary.''.

Page 119, line 24, after ''flight'' insert ''on which a insecticide has been applied in the aircraft within the last 60 days or''.

Page 120, line 3, after ''ticket of the'' insert ''application, application, or''

At the end of title IV on page 125, insert the following:

SEC. 412. REPEAL OF ESSENTIAL AIR SERVICE LOCAL PARTICIPATION PROGRAM.

(a) REPEAL.—Section 41747, and the item relating to such section in the analysis for chapter 417, are repealed.

(b) APPLICABILITY.—Title 49, United States Code, shall be applied as if section 41747 of such title had not been enacted.

SEC. 413. GAO STUDY OF ESSENTIAL AIR SERVICE SUBSIDY CAP.

(a) IN GENERAL.—The Comptroller General shall examine how the $200 per passenger subsidy cap, initially established by Public Law 103–122 (107 Stat. 1198; 1201) and made permanent by section 332 of Public Law 106–69 (113 Stat. 1022) to restrict eligibility for funding under the essential air service program, has impacted that program and the access of small communities to air transportation.

(b) STUDY.—The study shall include an analysis of the following:

(1) The communities that have lost eligibility for subsidized air service under the essential air service program due to the $200 per passenger subsidy cap and the impact, if any, such loss of subsidy has had on the access of such communities to air transportation.

(2) The likely effect on the essential air service program if the $200 per passenger subsidy cap is indexed for inflation beginning in 2009.

(3) Whether the $200 per passenger subsidy cap has disproportionately impacted communities in certain geographic areas.

(4) Alternative methods of measuring the subsidy rate, including the subsidy per passenger per mile.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under this section.

SEC. 414. NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 is amended by adding at the end the following:

''(f) NOTICE TO COMMUNITIES PRIOR TO TERMINATION OF ELIGIBILITY.—

''(1) IN GENERAL.—The Secretary shall notify each community receiving basic essential air service for which compensation is being paid under this subchapter not later than 45 days before issuing any final decision to end the payment of such compensation due to a determination by the Secretary that providing such service requires a rate of subsidy per passenger in excess of the maximum amount specified in section 332 of Public Law 106–69 (113 Stat. 1022).

''(2) PROCEDURES TO AVOID TERMINATION.—The Secretary shall establish, by order, procedures by which each community notified of an impending loss of subsidy under paragraph (1) may work directly with an air carrier to ensure that the air carrier is able to submit a proposal to the Secretary to provide essential air service to such community for an amount of compensation that would not exceed the subsidy cap established by section 332 of Public Law 106–69.

''(3) ASSISTANCE PROVIDED.—The Secretary shall provide, by order, to each community notified under paragraph (1) information regarding—

''(A) the procedures established pursuant to paragraph (2); and

''(B) the maximum amount of compensation that could be provided under this subchapter to an air carrier serving such community that would comply with the subsidy cap established by section 332 of Public Law 106–69.''.

SEC. 415. RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.

Section 41733 (as amended by section 414 of this Act) is further amended by adding at the end the following:

''(g) PROPOSALS OF STATE AND LOCAL GOVERNMENTS TO RESTORE ELIGIBILITY.—

''(1) IN GENERAL.—If the Secretary ends payment of compensation to an air carrier for providing basic essential air service to an eligible place because the Secretary has determined that providing such service requires a rate of subsidy per passenger in excess of the maximum amount specified in section 332 of Public Law 106–69 (113 Stat. 1022), a State or local government may submit to the Secretary a proposal for restoring compensation for such service. Such proposal shall be a joint proposal of the State or local government and an air carrier.

''(2) DETERMINATION BY SECRETARY.—If a State or local government submits to the Secretary a proposal under paragraph (1) with respect to an eligible place, and the Secretary determines that—

''(A) the rate of subsidy per passenger under the proposal does not exceed the maximum amount specified in section 332 of Public Law 106–69; and

''(B) the proposal is consistent with the legal and regulatory requirements of the essential air service program,

the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).''.

SEC. 416. OFFICE OF RURAL AVIATION.

(a) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

''§ 41749. Office of Rural Aviation

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish within the Department of Transportation an office to be known as the 'Office of Rural Aviation' (in this section referred to as the 'Office').

''(b) FUNCTIONS.—The Office shall—

''(1) monitor the status of air service to small communities;

''(2) develop proposals to improve air service to small communities; and

''(3) carry out such other functions as the Secretary considers appropriate.''.

(b) CLERICAL AMENDMENT.—The analysis for subchapter II of chapter 417 is amended by adding at the end the following:

''41749. Office of Rural Aviation.''.

SEC. 417. ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS.

(a) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED NONFUEL COSTS.—Section 41737(e) is amended—

(1) in the subsection heading by inserting ''NONFUEL'' before ''COSTS''; and

(2) in paragraph (1) by inserting ''other than fuel costs'' before ''in providing''.

(b) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—Section 41737 is amended by adding at the end the following:

''(f) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased aviation fuel costs in providing air service or air transportation for which compensation is being paid under this subchapter, the Secretary, subject to the availability of funds, shall increase the rates of compensation payable to air carriers under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) READJUSTMENT IF COSTS SUBSEQUENTLY DECLINE.—If an adjustment is made under paragraph (1) with respect to the rates of compensation payable to air carriers, and the Secretary subsequently determines that there is a significant decrease in aviation fuel costs, the Secretary shall reduce the adjustment previously made under paragraph (1) without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) AVIATION FUEL.—The term 'aviation fuel' means fuel used by an air carrier in aircraft providing air service or air transportation for which compensation is being paid under this subchapter.

''(B) SIGNIFICANT DECREASE IN AVIATION FUEL COSTS.—The term 'significant decrease in aviation fuel costs' means a decrease of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information derived from a commodities exchange or exchanges.

''(C) SIGNIFICANTLY INCREASED AVIATION FUEL COSTS.—The term 'significantly increased aviation fuel costs' means an increase of 30 percent or more in the price per gallon of aviation fuel over a 6-month period, as determined by the Secretary, based on fuel price information derived from a commodities exchange or exchanges.''.

SEC. 418. REVIEW OF AIR CARRIER FLIGHT DELAYS, CANCELLATIONS, AND ASSOCIATED CAUSES.

(a) REVIEW.—The Inspector General of the Department of Transportation shall conduct a review regarding air carrier flight delays, cancellations, and associated causes to update its 2000 report numbered CR–2000–112 and entitled ''Audit of Air Carrier Flight Delays and Cancellations''.

(b) ASSESSMENTS.—In conducting the review under subsection (a), the Inspector General shall assess—

(1) the need for an update on delay and cancellation statistics, such as number of chronically delayed flights and taxi-in and taxi-out times;

(2) air carriers' scheduling practices;

(3) the need for a re-examination of capacity benchmarks at the Nation's busiest airports; and

(4) the impact of flight delays and cancellations on air travelers, including recommendations for programs that could be implemented to address the impact of flight delays on air travelers.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Inspector General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review conducted under this section, including the assessments described in subsection (b).

SEC. 419. EUROPEAN UNION RULES FOR PASSENGER RIGHTS.

(a) IN GENERAL.—The Comptroller General shall conduct a study to evaluate and compare the regulations of the European Union and the United States on compensation and other consideration offered to passengers who are denied boarding or whose flights are cancelled or delayed.

(b) SPECIFIC STUDY REQUIREMENTS.—The study shall include an evaluation and comparison of the regulations based on costs to the air carriers, preferences of passengers for compensation or other consideration, and forms of compensation. In conducting the study, the Comptroller General shall also take into account the differences in structure and size of the aviation systems of the European Union and the United States.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Comptroller General shall submit a report to Congress on the results of the study.

SEC. 420. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection (in this section referred to as the ''advisory committee'') to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint 8 members to the advisory committee as follows:

(1) Two representatives of air carriers required to submit emergency contingency plans pursuant to section 42301 of title 49, United States Code.

(2) Two representatives of the airport operators required to submit emergency contingency plans pursuant to section 42301 of such title.

(3) Two representatives of State and local governments who have expertise in aviation consumer protection matters.

(4) Two representatives of nonprofit public interest groups who have expertise in aviation consumer protection matters.

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

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

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

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

(1) Evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed.

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

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

(1) each recommendation made by the advisory committee during the preceding calendar year; and

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

SEC. 421. DENIED BOARDING COMPENSATION.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation shall issue a final regulation to modify section 250 of title 14, Code of Federal Regulations, regarding denied boarding compensation, to appropriately adjust the amount of such compensation for an aircraft with 30 or more seats.

(b) EVALUATION.—Not later than 2 years after the date of issuance of the final regulation under this section and every 2 years thereafter, the Secretary shall evaluate the amount provided for denied boarding compensation and issue a regulation to adjust such compensation as necessary.

SEC. 422. SCHEDULE REDUCTION.

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration determines that (1) the aircraft operations of air carriers during any hour at an airport exceeds the hourly maximum departure and arrival rate established by the Administrator for such operations, and (2) the operations in excess of the maximum departure and arrival rate for such hour at such airport are likely to have a significant adverse effect on the national or regional airspace system, the Administrator shall convene a conference of such carriers to reduce pursuant to section 41722, on a voluntary basis, the number of such operations to less than such maximum departure and arrival rate.

(b) NO AGREEMENT.—If the air carriers participating in a conference with respect to an airport under subsection (a) are not able to agree to a reduction in the number of flights to and from the airport to less than the maximum departure and arrival rate, the Administrator shall take such action as is necessary to ensure such reduction is implemented.

(c) QUARTERLY REPORTS.—Beginning 3 months after the date of enactment of this Act and every 3 months thereafter, the Administrator shall submit to Congress a report regarding scheduling at the 35 airports that have the greatest number of passenger enplanements, including each occurrence in which hourly scheduled aircraft operations of air carriers at such an airport exceed the hourly maximum departure and arrival rate at any such airport.

At the end of title V on page 147, insert the following:

SEC. 511. CONTINUATION OF AIR QUALITY SAMPLING.

The Administrator of the Federal Aviation Administration shall complete the air quality studies and analysis started pursuant to section 815 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note; 117 Stat. 2592), including the collection of samples of the air onboard passenger aircraft by flight attendants and the testing and analyzation of such samples for contaminants.

SEC. 512. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the proposed European Union directive extending the European Union's emissions trading proposal to international civil aviation without working through the International Civil Aviation Organization (in this

section referred to as the ''ICAO'') in a consensus-based fashion is inconsistent with the Convention on International Civil Aviation, done at Chicago on December 7, 1944 (TIAS 1591; commonly known as ''Chicago Convention''), and other relevant air services agreements and antithetical to building international cooperation to address effectively the problem of greenhouse gas emissions by aircraft engaged in international civil aviation; and

(2) the European Union and its member states should instead work with other contracting states of the ICAO to develop a consensual approach to addressing aircraft greenhouse gas emissions through the ICAO.

SEC. 513. AIRPORT NOISE COMPATIBILITY PLANNING STUDY, PORT AUTHORITY OF NEW YORK AND NEW JERSEY.

It is the sense of the House of Representatives that the Port Authority of New York and New Jersey should undertake an airport noise compatibility planning study under part 150 of title 14, Code of Federal Regulations, for the airports that the Port Authority operates as of November 2, 2007. In undertaking the study, the Port Authority should pay particular attention to the impact of noise on affected neighborhoods, including homes, businesses, and places of worship surrounding LaGuardia Airport.

Page 159, line 21, strike ''in the'' and all that follows through line 13 on page 160 and insert '', safety technical specialists, and operations support positions in the Flight Standard Service (as those terms are used in the Administration's fiscal year 2008 congressional budget justification) each fiscal year commensurate with the funding levels provided in subsection (b) for such fiscal year. Such increases shall be measured relative to the number of persons serving in positions of aviation safety inspectors and safety technical specialists and in operational support positions as of September 30, 2007.''.

Page 160, line 17, strike ''subsections (a) and (b)'' and insert ''subsection (a)''.

Page 161, line 1, strike ''pursuant to section 604'' and insert ''under section 605''.

Page 164, after line 24, insert the following:

SEC. 610. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions'' (in this section referred to as the ''Task Force'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 12 members of whom—

(A) 8 members shall be appointed by the Administrator; and

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

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

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

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

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

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

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

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

(d) TASK FORCE PERSONNEL MATTERS.—

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

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

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

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

(f) DUTIES.—

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

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

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

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

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

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

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

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

(2) FACILITY CONDITION INDICIES (FCI).—The Task Force shall review the facility condition indicies of the Administration (in this section referred to as the ''FCI'') for inclusion in the recommendations under subsection (g).

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

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

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

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

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

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

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

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

(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $250,000 to carry out this section.

Page 165, line 9, strike ''September 30, 2017'' and insert ''December 31, 2017''.

Page 167, line 12, strike ''September 30, 2017'' and insert ''December 31, 2017''.

Page 175, line 19, strike ''FAA'' and insert ''Federal Aviation Administration (in this section referred to as the 'FAA').''.

Page 176, line 23, strike ''facility or service'' and insert ''service or facility''.

Page 178, strike lines 3 through 22 and insert the following:

SEC. 808. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE FOR NATIONAL TRANSPORTATION SAFETY BOARD EMPLOYEES.

Section 1113 is amended by adding at the end the following:

''(i) ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE.—

''(1) AUTHORITY TO PROVIDE INSURANCE.—The Board may procure accidental death and dismemberment insurance for an employee of the Board who travels for an accident investigation or other activity of the Board outside the United States or inside the United States under hazardous circumstances, as defined by the Board.

''(2) CREDITING OF INSURANCE BENEFITS TO OFFSET UNITED STATES TORT LIABILITY.—Any amounts paid to a person under insurance coverage procured under this subsection shall be credited as offsetting any liability of the United States to pay damages to that person under section 1346(b) of title 28, chapter 171 of title 28, chapter 163 of title 10, or any other provision of law authorizing recovery based upon tort liability of the United States in connection with the injury or death resulting in the insurance payment.

''(3) TREATMENT OF INSURANCE BENEFITS.—Any amounts paid under insurance coverage procured under this subsection shall not—

''(A) be considered additional pay or allowances for purposes of section 5536 of title 5; or

''(B) offset any benefits an employee may have as a result of government service, including compensation under chapter 81 of title 5.

''(4) ENTITLEMENT TO OTHER INSURANCE.—Nothing in this subsection shall be construed as affecting the entitlement of an employee to insurance under section 8704(b) of title 5.''.

Page 184, line 8, after ''Infrastructure'' insert ''and Committee on Homeland Security''.

Page 185, strike line 12 and insert the following:

SEC. 815. 1940 AIR TERMINAL MUSEUM AT WILLIAM P. HOBBY AIRPORT, HOUSTON, TEXAS.

At the end of title VIII on page 186, insert the following:

SEC. 816. DUTY PERIODS AND FLIGHT TIME LIMITATIONS APPLICABLE TO FLIGHT CREWMEMBERS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding for the following purposes:

(1) To require a flight crewmember who is employed by an air carrier conducting operations under part 121 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or from any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 121 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 121 of such title.

(2) To require a flight crewmember who is employed by an air carrier conducting operations under part 135 of title 14, Code of Federal Regulations, and who accepts an additional assignment for flying under part 91 of such title from the air carrier or any other air carrier conducting operations under part 121 or 135 of such title, to apply the period of the additional assignment (regardless of whether the assignment is performed by the flight crewmember before or after an assignment to fly under part 135 of such title) toward any limitation applicable to the flight crewmember relating to duty periods or flight times under part 135 of such title.

SEC. 817. LABOR INTEGRATION.

(a) LABOR INTEGRATION.—With respect to any covered transaction involving a covered air carrier that results in the combination of crafts or classes that are subject to the Railway Labor Act (45 U.S.C. 151 et seq.), sections 3 and 13 of the labor protective provisions imposed by the Civil Aeronautics Board in the Allegheny-Mohawk merger (as published at 59 C.A.B. 45) shall apply to the integration of covered employees of the covered air carrier; except that—

(1) if the same collective bargaining agent represents the combining crafts or classes at the covered air carrier, that collective bargaining agent's internal policies regarding integration, if any, will not be affected by and will supercede the requirements of this section; and

(2) the requirements of any collective bargaining agreement that may be applicable to the terms of integration involving covered employees of the covered air carrier shall also not be affected by and will supersede the requirements of this section, so long as those provisions supply at least the protections afforded by sections 3 and 13 of the Allegheny-Mohawk provisions.

(b) ENFORCEMENT.—Any labor organization that represents individuals that are aggrieved as a result of a violation of the labor protective provisions applied under subsection (a) may bring an action to enforce this section, or to enforce the terms of any award or agreement resulting from arbitration or a settlement relating to the requirements of this section. An action under this subsection shall be brought in an appropriate United States district court determined in accordance with section 1391 of title 28, United States Code, without regard to the amount in controversy.

(c) DEFINITIONS.—In this section, the following definitions apply:

(1) AIR CARRIER.—The term ''air carrier'' means an air carrier that holds a certificate issued under chapter 411 of title 49, United States Code.

(2) COVERED AIR CARRIER.—The term ''covered air carrier'' means an air carrier that is involved in a covered transaction.

(3) COVERED EMPLOYEE.—The term ''covered employee'' means an employee who—

(A) is not a temporary employee; and

(B) is a member of a craft or class that is subject to the Railway Labor Act (45 U.S.C. 151 et seq.).

(4) COVERED TRANSACTION.—The term ''covered transaction'' means—

(A) a transaction for the combination of multiple air carriers into a single air carrier; and which

(B) involves the transfer of ownership or control of—

(i) 50 percent or more of the equity securities (as defined in section 101 of title 11, United States Code) of an air carrier; or

(ii) 50 percent or more (by value) of the assets of the air carrier.

(d) APPLICATION.—This section shall not apply to any covered transaction involving a covered air carrier that took place before the date of enactment of this Act.

SEC. 818. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports (as defined in section 47102 of title 49, United States Code) that have a noise compatibility program approved by the Administrator under section 47504 of such title.

(b) GRANTS.—Under the pilot program, the Administrator may make a grant in a fiscal year, from funds made available under section 47117(e)(1)(A) of such title, to the operator of an airport participating in the pilot program—

(1) to support joint planning (including planning described in section 47504(a)(2)(F) of such title), engineering design, and environmental permitting for the assembly and redevelopment of real property purchased with noise mitigation funds made available under section 48103 or passenger facility revenues collected for the airport under section 40117 of such title; and

(2) to encourage compatible land uses with the airport and generate economic benefits to the airport operator and an affected local jurisdiction.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under this section unless the grant is made—

(1) to enable the airport operator and an affected local jurisdiction to expedite their noise mitigation redevelopment efforts with respect to real property described in subsection (b)(1); and

(2) subject to a requirement that the affected local jurisdiction has adopted zoning regulations that permit compatible redevelopment of real property described in subsection (b)(1);

(3) subject to a requirement that funds made available under section 47117(e)(1)(A) with respect to real property assembled and redeveloped under subsection (b)(1) plus the amount of any grants made for acquisition of such property under section 47504 of such title are repaid to the Administrator upon the sale of such property.

(d) COOPERATION WITH LOCAL AFFECTED JURISDICTION.—An airport operator may use funds granted under this section for a purpose described in subsection (b) only in cooperation with an affected local jurisdiction.

(e) UNITED STATES GOVERNMENT SHARE.—

(1) IN GENERAL.—The United States Government share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(2) DETERMINATION.—In determining the allowable project costs of a project carried out under the pilot program for purposes of this subsection, the Administrator shall deduct from the total costs of the project that portion of the total costs of the project that are incurred with respect to real property that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program for the airport or that is not owned by an affected local jurisdiction or other public entity.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under this pilot program at any single public-use airport.

(f) SPECIAL RULES FOR REPAID FUNDS.—The amounts repaid to the Administrator with respect to an airport under subsection (c)(3)—

(1) shall be available to the Administrator for the following actions giving preference to such actions in descending order:

(A) reinvestment in an approved noise compatibility project at the airport;

(B) reinvestment in another project at the airport that is available for funding under section 47117(e) of title 49, United States Code;

(C) reinvestment in an approved airport development project at the airport that is eligible for funding under section 47114, 47115, or 47117 of such title;

(D) reinvestment in approved noise compatibility project at any other public airport; and

(E) deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502);

(2) shall be in addition to amounts authorized under section 48103 of title 49, United States Code; and

(3) shall remain available until expended.

(g) USE OF PASSENGER FACILITY REVENUE.—An operator of an airport participating in the pilot program may use passenger facility revenue collected for the airport under section 40117 of title 49, United States Code, to pay the portion of the total cost of a project carried out by the operator under the pilot program that are not allowable under subsection (e)(2).

(h) SUNSET.—The Administrator may not make a grant under the pilot program after September 30, 2011.

(i) REPORT TO CONGRESS.—Not later than the last day of the 30th month following the date on which the first grant is made under this section, the Administrator shall report to Congress on the effectiveness of the pilot program on returning real property purchased with noise mitigation funds made available under section 47117(e)(1)(A) or 47505 or passenger facility revenues to productive use.

(j) NOISE COMPATIBILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning, including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where any land or other property interest acquired by the airport operator under this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential.''.

SEC. 819. HELICOPTER OPERATIONS OVER LONG ISLAND, NEW YORK.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall conduct a study on helicopter operations over Long Island, New York.

(b) CONTENTS.—In conducting the study, the Administrator shall examine, at a minimum, the following:

(1) The effect of helicopter operations on residential areas, including—

(A) safety issues relating to helicopter operations;

(B) noise levels relating to helicopter operations and ways to abate the noise levels; and

(C) any other issue relating to helicopter operations on residential areas.

(2) The feasibility of diverting helicopters from residential areas.

(3) The feasibility of creating specific air lanes for helicopter operations.

(4) The feasibility of establishing altitude limits for helicopter operations.

(c) EXCEPTIONS.—Any determination under this section on the feasibility of establishing limitations or restrictions for helicopter operations over Long Island, New York, shall not apply to helicopters performing operations for news organizations, the military, law enforcement, or providers of emergency services.

(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to interfere with the Federal Aviation Administration's authority to ensure the safe and efficient use of the national airspace system.

(e) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the results of the study, including information and recommendations concerning the issues examined under subsection (b).

SEC. 820. CABIN TEMPERATURE STANDARDS STUDY.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a study to determine whether onboard temperature standards are necessary to protect cabin and cockpit crew members and passengers on an aircraft of an air carrier used to provide air transportation from excessive heat onboard such aircraft during standard operations or during an excessive flight delay.

(b) TEMPERATURE REVIEW.—In conducting the study under subsection (a), the Administrator shall—

(1) survey onboard cabin and cockpit temperatures of a representative sampling of different aircraft types and operations;

(2) address the appropriate placement of temperature monitoring devices onboard the aircraft to determine the most accurate measurement of onboard temperature and develop a system for the reporting of excessive temperature onboard passenger aircraft by cockpit and cabin crew members; and

(3) review the impact of implementing such onboard temperature standards on the environment, fuel economy, and avionics and determine the costs associated with such implementation and the feasibility of using ground equipment or other mitigation measures to offset any such costs.

(c) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the findings of the study.

SEC. 821. CIVIL PENALTIES TECHNICAL AMENDMENTS.

Section 46301 is amended—

(1) in subsection (a)(1)(A) by inserting ''chapter 451,'' before ''section 47107(b)'';

(2) in subsection (a)(5)(A)(i)—

(A) by striking ''or chapter 449'' and inserting ''chapter 449''; and

(B) by inserting after ''44909)'' the following: '', or chapter 451''; and

(3) in subsection (d)(2)—

(A) by inserting after ''44723)'' the following: '', chapter 451 (except section 45107)''; and

(B) by inserting after ''44909),'' the following: ''section 45107 or''.

SEC. 822. REALIGNMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.

(a) PROHIBITION.—The Administrator of the Federal Aviation Administration may not carry out, or plan for, the consolidation, deconsolidation, colocation, execution of interfacility reorganization, or facility elimination of the terminal radar approach control (TRACON) at Palm Beach International Airport.

(b) REPLACEMENT OF TERMINAL RADAR APPROACH CONTROL AT PALM BEACH INTERNATIONAL AIRPORT.—The Administrator shall take such action as may be necessary to ensure that any air traffic control tower or facility placed into operation at Palm Beach International Airport after September 30, 2007, to replace an air traffic control tower or facility placed into operation before September 30, 2007, includes an operating terminal radar approach control.

Conform the table of contents of the amendment accordingly.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Airline delays, as I said at the outset of general debate, have reached historic levels, 72 percent of flights arriving on time so far this year. Long term, we need continued modernization of the aircraft traffic control system. That is not to say that this is a system that has been frozen in time and nothing has been done.

The FAA has, over the past 20-plus years, 25 years, installed over 80,000 pieces of technology to upgrade, modernize, expand, and increase capacity in the air traffic control system.

They installed a voice switching and control system over one weekend, with a million lines of computer code, installing this entirely new communication system over one weekend without a second of delay in the air traffic control operations. That's like changing a tire on a car moving at 60 miles an hour. They did it.

They installed the automatic replacement system for the en route centers, and did that after 5 years of development of this greatly enhanced new technology, increasing to 1,300,000 lines of computer code. And the installment is now working well.

The Standard Terminal Automation Replacement System, the STARS, that, too, took years to develop; 1,300,000 lines of computer code also installed and operating effectively. But those were platforms on which we build the air traffic control technology of the future. And in this legislation, we provide for the funding of the air traffic control technology of the future.

Mr. Chairman, I yield now to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. I thank Mr. OBERSTAR for yielding.

I rise in support of the manager's amendment. The amendment includes a variety of provisions important to the future of aviation. And I will quickly just highlight a few provisions in the amendment.

One is, we make a variety of improvements to the Essential Air Service program which supports over 100 communities in 35 States. The amendment includes language to provide that all future integrations of labor seniority lists will be completed in a fair and equitable manner.

As a Member of Congress that represents the St. Louis area, what I went through with the TWA and American Airlines merger was very difficult for many employees, and we want to prevent that hardship from occurring in the future.

We also include an update of our aircraft rescue and firefighting standards. The current FAA standards have not been updated since 1988.

And, finally, I need to highlight the fact that the manager's amendment does strengthen the consumer protection part of the bill and creates a Passenger Bill of Rights. It requires large air carriers, large hubs and medium hubs to follow emergency contingency plans, detailing food, water, restroom facilities, cabin ventilation, and medical treatment for passengers onboard aircraft with the Secretary of Transportation. The plan must also be updated periodically. And fines are imposed by the Department of Transportation for violations.

The manager's amendment strengthens these provisions in many ways. First, it specifies that the water provided must meet the Safe Drinking Water Act standard. Secondly, carriers in airports must detail how they will allow passengers to deplane following excessive delays.

Third, the manager's amendment explicitly states that DOT can assess civil penalties against air carriers or airports that fail to adhere to these approved contingency plans.

Finally, aircraft and airports are required to submit these plans and ensure public access to these documents. And, also, the FAA would be required to install an 800 number for consumers to use as a hotline to report problems that they are encountering.

Also, the provision updates overbooking compensation and requires the formation of an advisory committee for aviation consumer protection to provide recommendations to the Secretary.

And, Mr. Chairman, as you can see, these improvements are all important to our policy that improve the safety of our aviation system and expand the availability of service.

I urge my colleagues to support the Oberstar manager's amendment, and I thank the gentleman for yielding.

Mr. OBERSTAR. We'll call it the Oberstar-Costello manager's amendment, which will serve to reduce

delays, increase passenger rights, enhance small community air service, and improve oversight of safety maintenance of aircraft.

Mr. Chairman, I yield back the balance of my time.

Mr. PETRI. Mr. Chairman, I rise to claim the time in opposition to the Oberstar-Costello manager's amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Unfortunately, I can't support this amendment. While we have reached bipartisan agreements on many of the provisions, there are several that impose new burdens, new regulations and potentially high and crippling costs. For example, notifying a passenger when buying a ticket whether an insecticide has been used on the plane in the last 60 days before the flight is a procedural nightmare for airlines. Is it really a national problem that requires such onerous regulation? How many flights would that plane have taken and in what countries? It's just incredible.

Again, many provisions are worthy, but I cannot support this amendment.

I yield such time as he may consume to our ranking member, Mr. MICA.

Mr. MICA. I thank the ranking member, Mr. PETRI.

Unfortunately, I have to rise, also, in opposition to the manager's amendment. I did cite that the poison pill that was added after introduction of the bill was, of course, the reach-back for Big Labor, which has a $1.9 billion price tag over 5 years. We've had problems with the FedEx provision, which unfairly targets that company.

I agreed to raise some fees, but then in the main bill we would divert some funds to bicycle storage. We open up multi-billion dollar funding for purposes like that that are hard to explain to people who want airports expanded and improvements and get something else.

We have some 40-now studies as a result of the manager's amendment, I think we're up to at least 40, and $25 million costs, not to mention additional earmarks for union.

The OSHA provision for regulation on airplanes added in this, I think it's important that we have safe cabins for passengers, but again, we can have a nightmare in imposing OSHA regulations where they're very difficult to enforce and create, again, a nightmare not only for enforcement, but for those who work on the aircraft and for those who are involved in commercial aviation.

Firefighting standards are important, but to impose them, and we tried to get some more reasonable standards, but to impose them arbitrarily at huge expense for small and medium airports that don't have the traffic that warrant some of these mandates from the Federal level, diversion of additional funds. We want our foreign repair stations to have the best certified mechanics; but when you put a provision in, that is contrary to international treaties and agreements. So the list goes on and on. I guess ranking member, Mr. PETRI, said the bug control notification is sort of the icing on the cake of why we can't support the manager's amendment. Just some well-intended provisions, but misguided.

We certainly will work with the other side. We tried up until the introduction, and we will continue honest efforts to take their good intentions and put it into good legislation rather than a maze of costs, mandates, and burdens that don't get us where we need to be.

Mr. PETRI. Mr. Chairman, I yield back the balance of my time.

MODIFICATION TO AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to amend the manager's amendment with an amendment which is at the desk.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to Amendment No. 1 offered by Mr. OBERSTAR:

In proposed section 513, add before the second period, ''and JFK Airport''.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. MICA. Reserving the right to object, I would like to know what's in the proposed amendment to the manager's amendment.

Mr. OBERSTAR. If the gentleman would yield on his reservation.

Mr. MICA. Yes.

Mr. OBERSTAR. It is to add JFK Airport to the language pending in the manager's amendment.

Mr. MICA. And this is under a sense of Congress provision?

Mr. OBERSTAR. Yes.

Mr. MICA. Mr. Chairman, I withdraw my reservation.

The Acting CHAIRMAN. Without objection, the modification is accepted.

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. LATOURETTE

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in part C of House Report 110–335.

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. LATOURETTE:

Page 181, after line 2, insert the following:

(b) GRANTS.—

(1) IN GENERAL.—The Secretary may make a grant, from funds made available under section 48103 of title 49, United States Code, to Lake County to assist in Lake County's purchase of the Lost Nation Airport under subsection (a).

(2) FEDERAL SHARE.—The Federal share of the grant under this subsection shall be for 90 percent of the cost of Lake County's purchase of the Lost Nation Airport, but in no event may the Federal share of the grant exceed $1,220,000.

(3) APPROVAL.—The Secretary may make a grant under this subsection only if the Secretary receives such written assurances as the Secretary may require under section 47107 of title 49, United States Code, with respect to the grant and Lost Nation Airport.

Page 181, line 3, strike ''(b)'' and insert ''(c)''.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Ohio (Mr. LATOURETTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. LATOURETTE. I want to thank the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. COSTELLO, together with the ranking member of the full committee and subcommittee for working with me on this amendment.

The chairman of the full committee is fond of saying that the civil aviation system in the United States is the safest in the world because under his leadership, and with the work of others, we have built in an amazing amount of redundancy. Redundancy not only deals with the equipment that flies in the air, the air traffic control system; but it also relies upon the fact that you need to have sufficient capacity should there be a disaster, or weather, or other things.

As a result of this amendment, if this amendment is agreed to, we will make sure that northeastern Ohio continues to have sufficient capacity in its civil aviation system.

I urge the passage of the amendment and would be happy to yield to the chairman of the full committee.

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Mr. OBERSTAR. I thank the gentleman for yielding. The gentleman's amendment will make certain that we retain capacity in the Nation's aviation system. All the water that ever was on Earth is here today. We are not making any more of it. And all the airports there are or ever will be, frankly, are here now. It is just so difficult to add aviation capacity in this country and airport capacity.

The gentleman's amendment will make it possible not only to retain but to enhance existing airport capacity. I thank him for offering the amendment.

Mr. LATOURETTE. I yield to the ranking member of the subcommittee.

Mr. PETRI. I congratulate you on working to get this amendment in a way that it can be supported. It is supported by both sides.

Mr. LATOURETTE. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by

the gentleman from Ohio (Mr. LATOURETTE).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. POE

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in part C of House Report 110–335.

Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. POE:

Page 96, line 19, after ''shall'' insert ''(1)''.

Page 96, line 25, before the first period, insert '', and (2) modify the certification requirements under such part to include testing for the use of alcohol or a controlled substance in accordance with section 45102 of any individual performing a safety-sensitive function at a foreign aircraft repair station, including an individual working at a station of a third-party with whom an air carrier contracts to perform work on air carrier aircraft or components''.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Texas (Mr. POE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. POE. Mr. Chairman, aircraft repair stations located in foreign countries are allowed to become certified by the Federal Aviation Administration to work on United States aircraft without meeting the same standards or being subject to the same oversight imposed on domestic stations in regard to drug and alcohol testing of workers.

This amendment would close this loophole because it makes no sense to require U.S. mechanics to undergo various levels of drug and alcohol testing if workers doing the same work on the same type of aircraft for the part of the same airlines are exempt from this requirement simply because the station is located overseas in another country. According to a report by the Inspector General of the Department of Transportation, the number of certified foreign repair stations has increased from 344 in 1994 to almost 700 in 2007, more than double the number of stations over the last 13 years. U.S. air carriers now outsource overseas 35 percent of their maintenance work to foreign repair stations, and that is up 21 percent from 2003. This growing trend necessitates the additional safety standards.

The FAA itself has moved to extend drug and alcohol testing domestically and noted, ''It has the statutory authority and, in the interest of aviation safety, the responsibility to require that individuals who actually perform safety-sensitive duties are subject to drug and alcohol testing.''

Also, the Department of Transportation's recent pilot program to allow Mexican-domiciled motor carriers to enter and travel throughout the United States, DOT stipulated that operating authority will not be granted to these Mexican companies unless this company has in place, and DOT can verify, a controlled substance and alcohol testing program consistent with U.S. domestic requirements. So if DOT can impose the requirements on Mexican drivers as a condition of entering the U.S. in the name of safety, there is no reason why the FAA cannot follow suit with similar requirements for foreign mechanics working on aircraft that will operate in the United States.

This is a safety issue. Mechanics that work on American aircraft overseas should meet the same drug testing requirements as mechanics that work on these aircraft in the borders of the United States.

I urge support of this amendment to close this loophole so that all maintenance workers who work on planes that fly in the United States equally are treated the same and undergo drug and alcohol testing.

Mr. Chairman, I reserve the balance of my time.

Mr. COSTELLO. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Illinois is recognized for 5 minutes.

There was no objection.

Mr. COSTELLO. Mr. Chairman, I thank the gentleman from Texas, a member of the subcommittee, for offering this amendment. He is correct. It is a safety issue. It is a commonsense amendment that clears up a double standard. The Poe amendment simply requires that as a condition of receiving an FAA certificate to work on U.S. aircraft that workers must meet a basic safety requirement that the FAA imposes on repair stations and workers here in the United States.

Again, I commend the gentleman from Texas for his thoughtful amendment. We support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. POE. I thank the gentleman for his comments and his support on this amendment. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. SHAYS

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in part C of House Report 110–335.

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SHAYS:

At the end of title VIII, add the following:

SEC. 816. STUDY AND REPORT ON ALLEVIATING CONGESTION.

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall conduct a study and submit a report to Congress regarding effective strategies to alleviate congestion in the national airspace at airports during peak travel times, by evaluating the effectiveness of reducing flight schedules and staggering flights, developing incentives for airlines to reduce the number of flights offered, and instituting slots and quotas at airports. In addition, the Comptroller General shall compare the efficiency of implementing the strategies in the preceding sentence with redesigning airspace and evaluate any legal obstacles to implementing such strategies.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. SHAYS. Mr. Chairman, I thank the gentleman and I thank the Rules Committee for allowing this to be put in order and the Transportation Committee chairman for agreeing to that.

The FAA is currently implementing a plan known as the Integrated Airspace Alternative to redesign the Northeast airspace to improve congestion at the busiest airports in the Northeast. The FAA only has to consider safety and efficiency when making their decisions. But they do not have to consider the effect of air traffic on the quality of life in the communities near the airports.

Congressman GARRETT and I are offering an amendment today to require the Government Accountability Office to issue a report assessing the possibility of utilizing market-based strategies for air congestion reduction. These strategies could include incentivizing airlines to move flights to offpeak times and implementing slot systems for airports or quotas. The report would also have the GAO compare these strategies' effectiveness against redesigned air space.

With that, I just say this amendment does not hold up the redesign process. It simply requires a study.

Mr. Chairman, I don't know if Mr. GARRETT is here. If not, I yield 1 minute to my colleague, the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to thank the gentleman from Connecticut for yielding and for his work and for my colleague SCOTT GARRETT's work in keeping the issue of increased airline noise before the public. Throughout my tenure in the House, I have been an advocate for reducing aircraft noise over northern New Jersey. I have attended dozens of public hearings, had meetings with officials from the FAA and responded to literally thousands of my constituents who are angry about aircraft noise. This new plan, in fact, increases aircraft noise over northern New Jersey.

I have been a strong proponent of the redesign for airspace over New York and New Jersey. The first such design was conducted by the FAA, and through the appropriations process, I think we got $60 million for it. But in the process, the FAA has not adequately addressed the issue of aircraft noise. While this amendment doesn't deal directly with that, I am hopeful that this committee and other Members of Congress will push the FAA to

concentrate on the issue of aircraft noise, because as we are concentrating on airline safety, we need to remember that people have to live in the area.

Mr. SHAYS. Mr. Chairman, I yield such time as he may consume to the chairman, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the Shays amendment. Almost 28 percent of flights in the last 7 months in 2007 were late. We have a serious problem with congestion and delays in our aviation system. We must look at all options for reducing these incidents.

Mr. SHAYS' amendment allows the GAO to review a variety of options so that we, as policy makers, can be informed and make responsible decisions towards improving the congestion and delay problem.

Mr. Chairman, I support the Shays amendment, and I thank him for his amendment.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for his kind words in support of this amendment offered by Mr. GARRETT, myself, Mr. FRELINGHUYSEN, and I know ELIOT ENGEL, if he were here, would have wanted to speak on it.

Mr. GARRETT of New Jersey. Mr. Chairman, I am proud to offer this amendment with my colleague from Connecticut. The FAA recently released their Record of Decision regarding the New York/New Jersey/Philadelphia Airspace Redesign and it simply fails to achieve a livable balance for tens of thousands of citizens living in north Jersey.

The State goal of the redesign was to reduce delays and airspace congestion: the FAA met this goal by flying planes over communities that up till now have not had to deal with the noise and pollution generated by overhead air routes. The FAA's study failed to look into any strategies other than airspace redesign to reduce delays and congestion.

Our amendment will ask the GAO to evaluate how other strategies could reduce delay. I have asked the FAA to review alternative strategies and politely been rebuffed. Perhaps when we compare the results of this study with the FAA's claims perhaps we can have a clear view of whether rerouting planes over our communities is really called for.

While the Record of Decision has been issued, the plans contained in it will be implemented over a course of years. I am hopeful that this will give the FAA time to reconsider and to reconstruct their plans to accommodate the concerns of citizens below the flight paths.

Mr. ENGEL. Mr. Chairman, I stand today in strong support of this amendment.

This has been the worst year on record for air traffic delays. The New York area, which I represent, has three major airports with some of the worst delays in the Nation. Obviously, this situation must change. This amendment would commission a study to determine how best to fix these delays.

The FAA had a chance to commission such a study, but instead they decided to take a unilateral, misguided approach to redesign the airspace over thousands of residents in my congressional district. The FAA did this without consulting the very people whose lives would be most affected.

A study should have been conducted years ago. I support reducing delays, but we should first know if the FAA's actions will improve air travel. It would be a mistake for the FAA to continue on this course without knowing whether the airspace redesign would even reduce delays.

I urge my colleagues to support this amendment because today we are affected, tomorrow you could be.

Mr. SHAYS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in part C of House Report 110–335.

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. HASTINGS of Florida:

Page 175, line 21, after ''facilities'' insert ''(including regional offices)''.

Page 176, line 8, before ''field'' insert ''regional or''.

Page 176, line 23, after ''facility'' insert ''(including a regional office)''.

Page 177, lines 17 and 22, after ''facilities'' insert ''(including regional offices)''.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I assure the Chair that I shall not use all 5 minutes, but I do wish to take cognizance of the fact that Ms. WATERS is not here today. I am handling this amendment as her designee. She is in Jena, Louisiana today along with thousands of others who are mindful of continuing injustices in this country. They are demonstrating to highlight those injustices.

Mr. Chairman, this amendment is a simple clarification of the language in section 807. This section requires the Secretary of Transportation to establish a working group to review FAA proposals to consolidate FAA facilities and services and make recommendations to Congress.

Mr. Chairman, I urge my colleagues to support this amendment.

This amendment is a simple clarification of the language in Section 807. This section requires the Secretary of Transportation to establish a working group to review FAA proposals to consolidate FAA facilities and services and make recommendations to Congress. This working group will include individuals who represent FAA employees, air carriers, general aviation, and the airport community. The FAA may not realign or consolidate FAA facilities and services until Congress has had an opportunity to consider the working group's recommendations as well as public comments. The purpose of this section is to ensure that FAA consolidation cannot take place without the input of affected stakeholders, the public and Members of Congress.

Mr. Chairman, the gentlewoman from California, Representative WATERS has concerns about the FAA's consolidation of FAA regional offices. The FAA has nine regional offices serving airports in all 50 States. One of these offices, the Western-Pacific Regional Office, is located in Hawthorne, California, in MAXINE WATERS' congressional district. My home State of Florida is served by the Southern Regional Office, which is located in Georgia.

Last year, the FAA consolidated administrative and technical support services in the regional offices. The previous year, the FAA consolidated financial accounting services in these offices. The FAA did not seek or accept input from Congress, regional office employees, or the affected communities prior to consolidating these services.

It has come to our attention that the FAA is currently considering plans to consolidate the engineering services in the regional offices. However, no public comment has been requested by the FAA, despite the fact that engineering services are critical for the safe operation of air traffic control towers.

Mr. Chairman, this amendment would clarify that Section 807 applies not only to the consolidation of FAA field offices and air traffic control facilities, but also to the consolidation of FAA regional offices and the services they perform. This amendment would ensure that proposals to consolidate the FAA's regional offices will be subject to the same open and transparent process as proposals to consolidate other FAA offices and facilities.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Does any Member seek time in opposition?

Mr. HASTINGS of Florida. Mr. Chairman, I am prepared to yield back, and I do yield back.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. COSTELLO

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in part C of House Report 110–335.

Mr. COSTELLO. Mr. Chairman, I ask unanimous consent to go to the next amendment without prejudice.

The Acting CHAIRMAN. Once we pass No. 6, we cannot return to No. 6.

Mr. COSTELLO. I ask unanimous consent to move to the next amendment.

Mr. PETRI. Reserving the right to object, my understanding is that you have to do this in the full House.

The Acting CHAIRMAN. The gentleman is correct. If No. 6 is not offered, we will move on to No. 7.

Mr. COSTELLO. I am prepared at this time to offer Mr. UDALL's amendment as his designee.

The Acting CHAIRMAN. Is the gentleman the designee?

Mr. COSTELLO. As Mr. UDALL's designee.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. COSTELLO:

At the end of title VIII of the bill, add the following (and conform the table of contents of the bill accordingly):

SEC. 816. AIRLINE PERSONNEL TRAINING ENHANCEMENT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue regulations under chapter 447 of title 49, United States Code, that require air carriers to provide initial and annual recurring training for flight attendants and gate attendants regarding serving alcohol, dealing with disruptive passengers, and recognizing intoxicated persons. The training shall include situational training on methods of handling an intoxicated person who is belligerent.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Illinois (Mr. COSTELLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 1315

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I appreciate the gentleman's yielding to me and appreciate his hard work in the committee.

Mr. Chairman, I rise today to offer a commonsense amendment that will better ensure the safety of our Nation's citizens, both in the air and on the ground.

In my district last November, in a situation that is unfortunately still far too common, a drunk driving accident resulted in the deaths of a mother, a father and three children. Left behind in Las Vegas, New Mexico, is one sole-surviving child. The family of six was on their way home from a soccer match when their minivan was struck by a drunk driver speeding down the wrong side of the interstate.

As the investigation unfolded, we learned that only a few hours earlier, the drunk driver was already visibly intoxicated on an airline flight to New Mexico. While other passengers noticed that the man appeared to be intoxicated, he was served more alcohol on board the flight. Just 2 hours after deplaning with a blood alcohol content four times the legal limit, the man took to the highway, killing this family and himself.

In the aftermath of this horrible tragedy, I learned that Federal regulations prohibit an intoxicated person both from boarding a plane, as well as drinking during a flight. However, the airlines are not required to train their flight attendants on how to identify intoxicated passengers. In order to help prevent a problem from occurring, those in charge must first be able to identify the warning signs. Adequate training to identify and deal with intoxicated passengers is critical to ensuring attendants make informed decisions when serving alcohol.

My amendment works to ensure airline personnel receive this training. It requires airline carriers to provide gate and flight attendants with alcohol-server training to help them recognize intoxicated persons. As New Mexico's Attorney General, I helped implement this training in the service industry, because research shows this knowledge is critical to combating the problem. Training would occur annually and would also provide situational training on how to handle inebriated individuals who are belligerent.

The intention of my amendment is to prevent drunk driving, but it does much more. While inebriated passengers pose a danger once they deplane and drive, they also pose a danger during flight. It is no secret that when too much alcohol is involved, tempers are more likely to flare, individuals are more likely to behave inappropriately, and decision-making skills are drastically impaired. For all of these reactions to alcohol, flight attendants must have training on how to handle those people. It is a commonsense approach for the safety of all people in flight.

Unfortunately, my amendment cannot prohibit all tragic drunk driving accidents from occurring, but it will implement a system to make it more difficult for passengers over the legal limit from boarding planes, deplaning and driving home. Training to identify intoxicated passengers is critical to ensuring that the attendants make informed decisions when allowing people to board a flight and when deciding whether to serve them alcohol.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN (Mr. MEEKS of New York). The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose this amendment because it is both unnecessary and redundant. From June 2004 to June 2006, the FAA established an aviation rulemaking advisory committee consisting of government, industry and labor unions in order to update the current training requirements. The proposed rewrite of Federal regulations will address, among other things, the area of alcohol awareness training for flight and gate attendants. The FAA plans to publish a notice of proposed rulemaking in The Federal Register before the end of calendar year 2007.

The FAA's current training requirements address the very issue of handling unruly and intoxicated passengers, both in the air and on the ground. This rulemaking will further strengthen FAA's already adequate training programs to a level that I am sure will meet the gentleman's expectations.

So the Udall amendment is premature. We should let the agency with the most expertise take the lead to do the best job of dealing with the problem which we all agree needs to be even better dealt with.

Mr. Chairman, I would urge a ''no'' vote on the Udall amendment.

Mr. Chairman, having no other requests for time, I yield back the balance of my time.

Mr. COSTELLO. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, we must see that flight attendants are trained in a way that allows us to ensure the safety of those people in their care, our Nation's fliers. But this amendment can do much more. It may also help to ensure the safety of those who were nowhere near the airplane. My amendment cannot prevent every tragedy that comes from alcohol abuse, but it is one more valuable step we can take.

I am pleased to note that my amendment has the support of the Association of Flight Attendants and Mothers Against Drunk Driving, and I would like to include for the RECORD letters from them of support.

MOTHERS AGAINST DRUNK DRIVING,
Irving, TX, September 20, 2007.

Hon. TOM UDALL,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN UDALL: I write in support of your amendment to H.R. 2881, the FAA Reauthorization Act of 2007.

Your amendment seeks to address a potentially serious problem taking place in our skies. On more than one occasion I have read about an airline passenger who has had too much to drink and then driven after the flight. The Udall amendment seeks to provide proper training to flight attendants with regard to serving alcohol as well as how to address passengers who have had too much to drink. For this reason, MADD supports your amendment.

According to the latest NHTSA study, in 2006 more than 13,000 people died in alcohol related crashes with a blood alcohol content of .08 or greater. Drunk driving continues to be the leading cause of traffic fatalities in the country.

You may be interested to know that in 2006, MADD launched the campaign to eliminate drunk driving. The campaign consists of four points:

Intensive high-visibility law enforcement, including twice-yearly crackdowns and frequent enforcement efforts that include sobriety checkpoints and saturation patrols in all 50 states.

Full implementation of current alcohol ignition interlock technologies, including efforts to require alcohol ignition interlock devices for all convicted drunk drivers. A key part of this effort is working with judges, prosecutors and state driver's license officials to stop the revolving door of repeat offenders.

Exploration and development of advanced vehicle-based technology that will detect if a driver has an illegal alcohol level of .08 BAC or above and prevent that driver from operating the vehicle.

Mobilization of grassroots efforts, led by over 400 MADD affiliates.

Again, thank you for your efforts to address excessive drinking on airline flights and best wishes as you pursue your amendment.

Best wishes.

Sincerely,

GLYNN BIRCH,
President.

SEPTEMBER 20, 2007.

GIVE FLIGHT ATTENDANTS THE KNOW HOW TO DETECT INTOXICATED FLYERS AND INCREASE FLIGHT SAFETY—SUPPORT THE UDALL AMENDMENT TO THE FAA REAUTHORIZATION ACT

DEAR COLLEAGUE: Today, I am offering an amendment to the FAA Reauthorization that works to improve the safety of our nation's travelers, both on and off the ground, by requiring airlines to provide alcohol server training for their flight and gate attendants.

Currently, federal regulations prohibit an intoxicated person from being served alcohol on board a flight, or even from boarding a flight. However, airlines are not required to train their flight attendants and gate staff on how to identify those that are intoxicated. My simple, straightforward amendment ensures airline personnel receive this essential training. It requires air carriers to provide alcohol server training to gate and flight attendants. This training, which will have to occur annually, would also include ways to identify intoxicated passengers and deal with disruptive passengers. The Secretary of Transportation will have 180 days to promulgate rules to require this training.

Training to identify intoxicated passengers is critical to ensuring that airline employees make informed decisions when allowing people to board a flight, when deciding whether to serve them alcohol, and when necessary, providing them with the tools they need to handle intoxicated and belligerent passengers. It is my hope you will join me in supporting this important amendment, which will help improve public safety both in the air and on the ground.

For more information on this amendment please contact Noelle Dominguez.

Sincerely,

TOM UDALL,
Member of Congress.

ASSOCIATION OF FLIGHT ATTENDANTS—CWA, AFL–CIO,
Washington, DC, September 20, 2007.

Hon. TOM UDALL,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE UDALL: On behalf of the 50,000 members of the Association of Flight Attendants—CWA, AFL–CIO (AFA–CWA), I am writing to express support for your amendment to H.R. 2881 requiring air carriers to provide training to Flight Attendants and Gate Attendants regarding serving alcohol, dealing with disruptive passengers and recognizing intoxicated persons.

AFA–CWA is especially encouraged by your amendment language calling for training on how to handle intoxicated persons who become belligerent. Congress must finally address the need to provide adequate training for flight attendants who face belligerent and hostile passengers and your amendment is a much needed and appropriate step in the right direction.

AFA–CWA calls on Congress to adopt this vital amendment.

Sincerely,

PATRICIA A. FRIEND,
International President.

Mr. COSTELLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the Udall amendment. The Udall amendment would ensure that our airline crews are properly trained to handle these difficult situations and that the training is updated regularly. This is a commonsense, thoughtful amendment. I support the Udall amendment and urge my colleagues to do the same.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COSTELLO).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KLEIN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in part C of House Report 110–335.

Mr. KLEIN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KLEIN of Florida:

At the end of title IV of the amendment, insert the following (and conform the table of contents of the amendment accordingly):

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

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

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

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

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

(7) deceptive or misleading advertising.

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

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Florida (Mr. KLEIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. KLEIN of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to start by commending Chairman OBERSTAR and Subcommittee Chairman COSTELLO for their leadership in crafting this ambitious bill and taking some of the complex and critical challenges facing our aviation system to a successful conclusion.

Mr. Chairman, air travel in our country, unfortunately, has deteriorated in many ways to an alarming and unacceptable state over the past couple of years. According to a recent Reuters article in July, it confirmed that the 20 largest airlines are on pace for their worst year ever in delays, cancellations and congestion. Now, outgoing FAA Administrator Marion Blakey has warned that airport delays are likely to become worse, a distressing admonition from one of the country's foremost authorities on air travel.

Clearly, there is plenty of blame to go around. An aging infrastructure, outdated technology, unrealistic flight schedules, an overstretched workforce, along with poor weather, computer glitches, and inadequate space in between planes, have all been cited as contributing to the problems with air travel. With so many deficiencies stressing the system, it is no surprise that we have reached this point.

It is also no surprise that the American people are frustrated. We have all heard from our constituents, demanding that we do something with the inexcusable treatment they have received during their air travels. I have heard from one constituent who sat on the tarmac for 3 hours before her flight was cancelled and wasn't able to board another flight until the next day. I think we have all heard those examples.

Another constituent told me that his flight was canceled; and instead of rebooking, the airline made him fly standby. He had to wait 36 more hours before he finally got back. Still another had her bags missing for over 6 months.

Mr. Chairman, this treatment is unacceptable. The American people deserve better, whether they are traveling for business or leisure. They have paid their hard-earned money to fly on a plane, and they deserve to be treated with a certain level of respect. If they are not receiving that from the airlines, they should be able to turn to someone who can put pressure on the airlines to give them the respect they deserve.

That is where my amendment comes in. It would require the Department of Transportation to investigate, subject to appropriations, consumer complaints for a broad range of issues, including flight cancellations, overbooking of flights, baggage problems, ticket refund problems, and incorrect or incomplete fare information to help address the growing unrest among air travelers who receive unacceptable consumer service.

I have no intention of reinventing the wheel here, however. The Department of Transportation already operates a division that handles airline consumer complaints, with authority to issue warnings, cease and desist orders and fines.

However, because of a variety of reasons, including budgetary constraints, the Department has chosen to greatly limit the number of investigations it pursues, focusing mainly on discrimination and disability claims. Other

types of claims are simply logged and reported monthly, giving consumers with legitimate grievances no recourse or explanation for their treatment.

What I am proposing is a simple expansion of the division so that they have the authority and resources to investigate a wider range of legitimate consumer grievances. I think it is a fair and reasonable response to the overwhelming problems the American people have endured.

But if my colleagues are still not convinced, I would ask that they listen to the Department of Transportation's own Inspector General. In a report to Congress on April 20, he recommended that the Department ''take a more active role in airline customer service issues.'' This amendment would turn the Inspector General's recommendation into law.

Mr. Chairman, we stand here today prepared to pass a far-reaching and well-thought-out bill that addresses many of the critical infrastructure and technological shortcomings facing the airlines, airports and the FAA, as well as adding several critical safeguards for airline passengers. My amendment would add another layer of protection for customers that is practical and fair. I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this provision would gut much of the ongoing high-priority work of the Department of Transportation Aviation Enforcement Office by requiring most of its resources to be dedicated to consumers' complaints.

While I certainly agree that consumer complaint oversight is important, the dedication of so many resources to only one issue is just not right. This provision would force the Aviation Enforcement Office to stop other important aviation enforcement, compliance, and consumer information and education activities that have for years been a priority for that office.

This provision would do so by requiring the investigation of each consumer complaint regarding flight cancellations, overbooking, baggage, refunds, fares and related conditions, frequent flier programs and deceptive or misleading advertising.

Currently, the only investigations that have been required by Congress are disability-related complaints. Sadly, to comply with this provision, the Aviation Enforcement Office would have to discontinue enforcement and compliance work involving racial, ethnic and sex-based discrimination, compliance with the Aviation Disaster Family Assistance Act, public charter flight violations, and code sharing disclosure violations.

Compliance with this provision would also necessitate that the office end its enforcement of unrealistic scheduling, contract of carriage violations, other unfair and deceptive practices, air carrier fitness and unlicensed and unauthorized operations, insurance violations, and reporting violations.

In the opinion of the experts at the Department of Transportation, these areas of consumer protection are of great importance because they safeguard the whole pool of consumers by protecting against bad business practice trends, rather than prosecuting case by case.

In the area of consumer information and education, some of the most important matters that would have to be eliminated are preparation of the monthly air travel consumer report, updating of aviation consumer guidance material, conducting industry and public forums on disability issues, and participating and providing information of government, industry and consumer conferences. In addition, the Aviation Enforcement Office would have to cease all its rulemaking activities.

Everyone knows that with tight government budgets, you really cannot investigate every single case at the Federal level. Instead, you provide a forum to file and maintain complaints that are reviewed for patterns of abuse. You then pursue those cases that will do the most good for the largest number of consumers.

Again, this amendment, contrary to the intent of the author, would have disastrous effects on aviation consumer protection and enforcement of the aviation economic regulations that are currently on the books, and, therefore, I urge Members to vote ''no'' on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KLEIN of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COSTELLO), the chairman of the subcommittee.

□ 1330

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding and offering his amendment. The Klein amendment, as was just stated, would require the DOT to investigate all consumer complaints regarding flight cancellations, overbookings, baggage problems, and a variety of other consumer issues as long as funding was provided through the appropriations process.

Let me commend the gentleman for his amendment. There is no question that, as we have heard today, complaints are on the rise. There are a number of problems. This amendment ensures that consumers are getting their concerns addressed through the official process, and we will work to ensure that the proper funding to undertake these responsibilities by the FAA is forthcoming. I support the amendment, and urge my colleagues to do the same.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. KLEIN).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MR. NEUGEBAUER

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in part C of House Report 110–335.

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. NEUGEBAUER:

Page 186, after line 2, insert the following:

SEC. 816. STUDY ON FEASIBILITY OF DEVELOPMENT OF A PUBLIC INTERNET WEB-BASED SEARCH ENGINE ON WIND TURBINE INSTALLATION OBSTRUCTION.

(a) STUDY.—The Administrator of the Federal Aviation Administration shall carry out a study on the feasibility of developing a publicly searchable, Internet Web-based resource that provides information regarding the acceptable height and distance that wind turbines may be installed in relation to aviation sites and the level of obstruction such turbines may present to such sites.

(b) CONSIDERATIONS.—In conducting the study, the Administrator shall consult, if appropriate, with the Secretaries of the Army, Navy and Air Force, Homeland Security, and Energy to coordinate the requirements of each agency for future air space needs, determine what the acceptable risks are to existing infrastructure of each agency, and define the different levels of risk for such infrastructure.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report on the results of the study to the Committee on Transportation and Infrastructure, Committee on Homeland Security, Committee on Armed Services and Committee on Science and Technology in the House of Representatives and the Committee on Commerce, Science and Transportation, Committee on Government Affairs and Homeland Security, and the Committee on Armed Services in the Senate.

The Acting CHAIRMAN. Pursuant to House Resolution 664, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. NEUGEBAUER asked and was given permission to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Chairman, this is a very straightforward amendment. Two important issues are going on in our country right now. One of those we are talking about on the floor of the House today, and that is Americans' safety in the air, making sure when our American citizens travel across the country they are doing it in a safe way.

The other issue that is important to the United States Congress and to the American people is energy. One of the things that we know today is wind energy, a renewable source of energy, is

becoming a predominant piece of the solution for the future.

Several months ago I convened in Abilene, Texas, at Dyess Air Force Base, members of Department of Defense, Department of Energy, FAA and other agencies talking about how in the future, as we develop more renewable sources, particularly wind energy, how we make sure that there is a compatibility between air safety and providing energy for the American people.

What we decided was that there needs to be a repository, a place where data is maintained on the effects of certain kinds of wind turbines on radar, where the proper placement is so they can continue to be a vital part of our energy supply, while at the same time making sure the American people are safe.

This amendment provides for a study to study all of the components that need to go into that database and that repository to make sure that we have all of the bases covered. This is kind of a proactive step. What we are intending to do here, as people are planning these kinds of projects, there is a place where people can go where they can get the information up front rather than in hindsight after that project has moved along.

There is a lot of support for this amendment from the Department of Energy, Department of Defense and other agencies thinking this is the right step.

Mr. Chairman, at this time I yield to the gentleman from Wisconsin (Mr. PETRI), the ranking member of the Aviation Subcommittee, who has worked tirelessly for transportation issues over a number of years.

Mr. PETRI. Mr. Chairman, I want to support the gentleman's amendment and say that as we look to the future of wind energy, we need to make certain that the process for siting turbines is appropriate for all stakeholders.

Specifically, we need policies in place to ensure that wind turbines do not interfere with important aviation sites, while giving the wind industry appropriate planning tools.

I wish to thank Congressman NEUGEBAUER for working with the wind industry and others to refine this amendment.

Mr. NEUGEBAUER. Mr. Chairman, I thank the distinguished gentleman.

As I close, I just want to say, in many cases people bring problems to the United States Congress and we set out to try to solve those problems.

In this situation, these agencies are working together already. They are bringing a commonsense solution to this issue. I think this is a good policy for our country and for the American people as we make sure that they fly safely in the future, and also make sure that they have an appropriate energy supply.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. COSTELLO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 418, noes 0, not voting 19, as follows:

[Roll No. 889]

AYES—418

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Buyer
Carney
Carson
Cubin
Davis, Jo Ann
Everett
Fortuño
Hunter
Inslee
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
King (NY)
Marshall
McHugh
Myrick
Paul
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in the vote.

□ 1357

Mr. KAGEN, Ms. DEGETTE, Messrs. CALVERT, BROUN of Georgia, GILCHREST, LEVIN and CARTER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. CARSON. Mr. Chairman, on Thursday, September 20, 2007, I was unable to vote on roll No. 889. Had I been present, I would have voted "aye."

The Acting CHAIRMAN. There being no further amendments, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

ROSS) having assumed the chair, Mr. MEEKS of New York, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes, pursuant to House Resolution 664, he reported the bill, as amended by that resolution, back to the House with sundry further amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PETRI. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 267, noes 151, not voting 14, as follows:

[Roll No. 890]

AYES—267

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Donnelly
Doyle
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Gerlach
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Israel
Jackson (IL)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOES—151

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, M.
Doolittle
Drake
Dreier
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Knollenberg
LaHood
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—14

Carney
Cubin
Davis, Jo Ann
Everett
Hunter
Inslee
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Marshall
McHugh
Myrick
Waters

□ 1424

Mr. BUCHANAN and Mr. BACHUS changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2881, FAA REAUTHORIZATION ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2881, the Clerk be authorized to correct section numbers, punctuation, cross-references, and make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore (Mr. KLEIN of Florida). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I yield to my friend from Maryland, the majority leader, to update us on the schedule for next week.

Mr. HOYER. I thank the gentleman for yielding.

On Monday, the House will meet at 12:30 p.m. for morning-hour business, 2 p.m. for legislative business, with votes rolled until 6:30 that night. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business tomorrow.

On Tuesday, the House will meet at 9 a.m. for morning-hour business, and 10 a.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business; and on Friday, the House will meet at 9 a.m. for legislative business. We expect to consider a fiscal year 2008 Continuing Resolution, legislation dealing with the State Children's Health Insurance Program, the Popcorn Workers Lung Disease Prevention Act, and the flood insurance bill.

Mr. BLUNT. I thank the gentleman for that information.

On the State Child Health Insurance Program, what bill would we be considering at that point?

Mr. HOYER. As you know, the House and Senate have been meeting. The