

# Calendar No. 329

110TH CONGRESS  
1ST SESSION

# S. 1300

[Report No. 110-144]

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 modernize the air traffic control system, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 3, 2007

Mr. ROCKEFELLER (for himself, Mr. LOTT, Mr. INOUE, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 3, 2007

Reported by Mr. INOUE, with amendments

[Omit the part struck through and insert the part printed in *italic*]

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## A BILL

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 modernize the air traffic control system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Aviation Investment and Modernization Act of 2007”.

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

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

TITLE I—AUTHORIZATIONS AND FINANCING

- Sec. 101. Operations.
- Sec. 102. Air navigation facilities and equipment.
- Sec. 103. Research and development.
- Sec. 104. Airport planning and development and noise compatibility planning and programs.
- Sec. 105. Other aviation programs.
- Sec. 106. Air Traffic Modernization Fund.
- Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

- Sec. 201. Reform of passenger facility charge authority.
- Sec. 202. Passenger facility charge pilot program.
- Sec. 203. Amendments to grant assurances.
- Sec. 204. Government share of project costs.
- Sec. 205. Amendments to allowable costs.
- Sec. 206. Sale of private airport to public sponsor.
- Sec. 207. Pilot program for airport takeover of air navigation facilities.
- Sec. 208. Government share of certain air project costs.
- Sec. 209. Miscellaneous amendments.
- Sec. 210. State block grant program.
- Sec. 211. Airport funding of special studies or reviews.
- Sec. 212. Grant eligibility for assessment of flight procedures.
- Sec. 213. Safety-critical airports.
- Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.
- Sec. 215. *Environmental mitigation demonstration pilot program.*
- Sec. 216. *Allowable project costs for airport development program.*

TITLE III—FAA ORGANIZATION AND REFORM

- Sec. 301. Air Traffic Control Modernization Oversight Board.
- Sec. 302. ADS-B support pilot program.
- Sec. 303. Facilitation of next generation air traffic services.
- Sec. 304. Clarification of authority to enter into reimbursable agreements.
- Sec. 305. Clarification to acquisition reform authority.
- Sec. 306. Assistance to other aviation authorities.
- Sec. 307. Presidential rank award program.
- Sec. 308. Next generation facilities needs assessment.
- Sec. 309. Next Generation Air Transportation System Planning Office.

- Sec. 310. Definition of air navigation facility.
- Sec. 311. Improved management of property inventory.
- Sec. 312. Educational requirements.
- Sec. 313. Federal Aviation Administration personnel management system.
- Sec. 314. *Rulemaking and report on ADS-B implementation.*

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

- Sec. 401. Airline contingency service requirements.
- Sec. 402. Publication of customer service data and flight delay history.
- Sec. 403. EAS connectivity program.
- Sec. 404. Extension of final order establishing mileage adjustment eligibility.
- Sec. 405. EAS contract guidelines.
- Sec. 406. Conversion of former EAS airports.
- Sec. 407. Essential air service reform.
- Sec. 408. Clarification of air carrier fee disputes.
- Sec. 409. Small community air service.
- Sec. 410. Contract tower program.
- Sec. 411. Airfares for members of the Armed Forces.
- Sec. 412. *Expansion of DOT airline consumer complaint investigations.*
- Sec. 413. *EAS marketing.*
- Sec. 414. *Extraperimetral and intraperimetral slots at Ronald Reagan Washington National Airport.*

#### TITLE V—AVIATION SAFETY

- Sec. 501. Runway incursion reduction.
- Sec. 502. Aircraft fuel tank safety improvement.
- Sec. 503. Judicial review of denial of airman certificates.
- Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 505. Design organization certificates.
- Sec. 506. FAA access to criminal history records or database systems.
- Sec. 507. Flight crew fatigue.
- Sec. 508. Increasing safety for helicopter emergency medical service operators.
- Sec. 509. Cabin crew communication requirements.
- Sec. 510. *Clarification of Memorandum of Understanding with OSHA.*
- Sec. 511. *Acceleration of development and implementation of required navigation performance approach procedures.*

#### TITLE VI—AVIATION RESEARCH

- Sec. 601. Airport cooperative research program.
- Sec. 602. Reduction of noise, emissions, and energy *consumption* from civilian aircraft.
- Sec. 603. Production of clean coal fuel technology for civilian aircraft.
- Sec. 604. Advisory committee on future of aeronautics.
- Sec. 605. *Research program to improve airfield pavements.*
- Sec. 606. *Wake turbulence, volcanic ash, and weather research.*
- Sec. 607. *Incorporation of unmanned aerial systems into FAA plans and policies.*
- Sec. 608. *Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.*

#### TITLE VII—MISCELLANEOUS

- Sec. 701. General authority.

- Sec. 702. Human intervention management study.  
 Sec. 703. Airport program modifications.  
 Sec. 704. Miscellaneous program extensions.  
 Sec. 705. Extension of competitive access reports.  
 Sec. 706. Modification of FAA's age-60 standard.  
 Sec. 707. Update on overflights.  
 Sec. 708. Technical corrections.  
 Sec. 709. FAA technical training and staffing.  
 Sec. 710. *Commercial air tour operators in national parks.*  
 Sec. 711. *Phaseout of stage 1 and 2 aircraft.*  
 Sec. 712. *Weight restrictions at Teterboro Airport.*  
 Sec. 713. *Fair and equitable resolution of labor integration issues.*  
 Sec. 714. *Pilot program for redevelopment of airport properties.*

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

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

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

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

12 **TITLE I—AUTHORIZATIONS AND**  
 13 **FINANCING**

14 **SEC. 101. OPERATIONS.**

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

17                   “(A) \$8,726,000,000 for fiscal year 2008;

18                   “(B) \$8,978,000,000 for fiscal year 2009;

1                   “(C) \$9,305,000,000 for fiscal year 2010;  
2                   and  
3                   “(D) \$9,590,000,000 for fiscal year  
4                   2011.”.

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

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

8                   “(1) \$2,572,000,000 for fiscal year 2008;

9                   “(2) \$2,923,000,000 for fiscal year 2009, of  
10                  which \$412,000,000 is derived from the surcharge  
11                  imposed under section 48115;

12                  “(3) \$3,079,000,000 for fiscal year 2010, of  
13                  which \$423,000,000 is derived from the surcharge  
14                  imposed under section 48115; and

15                  “(4) \$3,317,000,000 for fiscal year 2011, of  
16                  which \$436,000,000 is derived from the surcharge  
17                  imposed under section 48115.”.

18 **SEC. 103. RESEARCH AND DEVELOPMENT.**

19           Section 48102 is amended—

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

22                  “(a) IN GENERAL.—Not more than the following  
23                  amounts may be appropriated to the Secretary of Trans-  
24                  portation out of the Airport and Airway Trust Fund es-  
25                  tablished under section 9502 of the Internal Revenue Code

1 of 1986 (26 U.S.C. 9502) for conducting civil aviation re-  
 2 search and development under sections 44504, 44505,  
 3 44507, 44509, and 44511 through 44513 of this title:

4           “(1) \$140,000,000 for fiscal year 2008.

5           “(2) \$191,000,000 for fiscal year 2009.

6           “(3) \$191,000,000 for fiscal year 2010.

7           “(4) \$194,000,000 for fiscal year 2011.”;

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

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

10          “(c) RESEARCH GRANTS PROGRAM INVOLVING UN-

11 DERGRADUATE STUDENTS.—The Administrator of the

12 Federal Aviation Administration shall establish a program

13 to utilize undergraduate and technical colleges, including

14 Historically Black Colleges and Universities, Hispanic

15 Serving Institutions, tribally controlled colleges and uni-

16 versities, and Alaska Native and Native Hawaiian serving

17 institutions in research on subjects of relevance to the

18 Federal Aviation Administration. Grants may be awarded

19 under this subsection for—

20           “(1) research projects to be carried out at pri-

21 marily undergraduate institutions and technical col-

22 leges;

23           “(2) research projects that combine research at

24 primarily undergraduate institutions and technical

1 colleges with other research supported by the Fed-  
 2 eral Aviation Administration;

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

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

11 **SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND**  
 12 **NOISE COMPATIBILITY PLANNING AND PRO-**  
 13 **GRAMS.**

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

16 “(1) \$3,800,000,000 for fiscal year 2008;

17 “(2) \$3,900,000,000 for fiscal year 2009;

18 “(3) \$4,000,000,000 for fiscal year 2010; and

19 “(4) \$4,100,000,000 for fiscal year ~~2011~~”;  
 20 *2011*.”.

21 **SEC. 105. OTHER AVIATION PROGRAMS.**

22 Section 48114 is amended—

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

1           (2) by striking “2007,” in subsection (a)(2) and  
2           inserting “2011,”; and  
3           (3) by striking “2007” in subsection (c)(2) and  
4           inserting “2011”.

5 **SEC. 106. AIR TRAFFIC MODERNIZATION FUND.**

6           (a) IN GENERAL.—Chapter 481 is amended by add-  
7           ing at the end the following:

8 **“§ 48115. Modernization surcharge**

9           “(a) IN GENERAL.—

10           “(1) Not later than October 1, 2008, the Ad-  
11           ministrator of the Federal Aviation Administration  
12           shall impose a surcharge of \$25 per flight for air  
13           traffic control costs. Except as provided in sub-  
14           section (b), owners or operators of aircraft in the  
15           national airspace system shall pay the surcharges as-  
16           sessed under this section.

17           “(2) SURCHARGE CREDITED AS OFFSETTING  
18           COLLECTIONS.—Any surcharge collected under this  
19           section shall, subject to appropriation made in ad-  
20           vance—

21           “(A) be deposited in an Air Traffic Mod-  
22           ernization Fund which shall be established in  
23           the Treasury;



1           “(B) be credited as offsetting collections to  
2           the account established under section 48101 of  
3           this title; and

4           “(C) be available to the Administrator for  
5           expenditure only to pay the costs of Next Gen-  
6           eration Air Transportation System projects list-  
7           ed in the Capital Investment Plan required by  
8           section 44501 and approved by the Air Traffic  
9           Control Modernization Oversight Board.

10          “(3) EFFECT OF LAW ON SURCHARGE COLLEC-  
11          TION.—The Administrator may continue to assess  
12          and collect and spend surcharges established under  
13          this section during any period in which the agency’s  
14          funding is provided under an Act providing con-  
15          tinuing appropriations in lieu of the agency’s regular  
16          appropriations. The Administrator may not assess or  
17          collect a surcharge established under this section for  
18          any fiscal year for which no annual appropriations  
19          Act is enacted that appropriates at least the amount  
20          authorized by section 48101 for that fiscal year less  
21          the amount required by section 48116(c).

22          “(b) EXCEPTIONS.—

23                 “(1) MILITARY AND *OTHER PUBLIC CERTAIN*  
24                 *OTHER* AIRCRAFT.—A surcharge may not be as-  
25                 sessed under this section for military aircraft, public

1 aircraft (as defined in section 40102 of this sub-  
 2 title), air ambulance aircraft, *agricultural aircraft*,  
 3 or ~~to~~ *for* military or non-commercial civil aircraft of  
 4 a foreign government.

5 “(2) *GENERAL AVIATION EXEMPTIONS EXEMP-*  
 6 *TION APPLICABILITY.*—A surcharge may not be as-  
 7 sessed under this section for—

8 “(A) piston engined aircraft; or

9 “(B) turboprop *or turboshaft* aircraft oper-  
 10 ating outside of controlled airspace.

11 “(3) FLIGHT PLAN INFORMATION.—Any person  
 12 required to file a flight plan with the Administra-  
 13 tion, including operators of flights described in para-  
 14 graphs (1) and (2), shall specify in the plan whether  
 15 the person is engaged in an operation for compensa-  
 16 tion or hire, ~~or~~ a general aviation operation, or a  
 17 military or public aircraft ~~operation~~, ~~for~~ *operation*  
 18 *for* purposes of this section.

19 “(4) CANADA TO CANADA FLIGHTS.—The Ad-  
 20 ministrator may waive a surcharge that would other-  
 21 wise be assessed under this chapter for flights that  
 22 operate in United States-controlled airspace but  
 23 takeoff and land at an airport in Canada without an  
 24 intermediate stop outside Canada, if the Adminis-  
 25 trator determines that not assessing and collecting

1 the surcharge for such flights would be in the public  
2 interest.

3 ~~“(5) INTRASTATE FLIGHTS.—For the purpose~~  
4 ~~of applying this section to intrastate flights in a~~  
5 ~~State that is not contiguous with another State, a~~  
6 ~~surcharge—~~

7 ~~“(A) may not be assessed for more than 2~~  
8 ~~intrastate departures for a continuing intrastate~~  
9 ~~flight; and~~

10 ~~“(B) may not be applied to a departure~~  
11 ~~from an airport for which basic essential air~~  
12 ~~service is provided under subchapter H of chap-~~  
13 ~~ter 417 of this title.~~

14 ~~“(5) INTRASTATE FLIGHTS.—For the purpose of~~  
15 ~~applying this section to intrastate flights in a State~~  
16 ~~that is not contiguous with another State, a surcharge~~  
17 ~~may not be applied to any flight that originates or~~  
18 ~~terminates at an airport, or in airspace, that is not~~  
19 ~~controlled by a terminal radar approach control facil-~~  
20 ~~ity or a Combined Center/Radar Approach Control~~  
21 ~~facility or to any flight that originates and termi-~~  
22 ~~nates at an airport, or in airspace, that is not con-~~  
23 ~~trolled by a terminal radar approach control facility~~  
24 ~~or a Combined Center/Radar Approach Control facil-~~  
25 ~~ity.~~

1           “(6) *TRAINING FLIGHTS.*—*The Administrator*  
2           *may grant an exemption from a surcharge imposed*  
3           *under this subsection to an individual intending to*  
4           *conduct training flights. An individual seeking such*  
5           *an exemption shall submit a request to the Adminis-*  
6           *trator in such form and manner as the Administrator*  
7           *may require.*

8           “(c) ADMINISTRATIVE PROVISIONS.—

9           “(1) SURCHARGES PAYABLE TO THE ADMINIS-  
10           TRATOR.—Surcharges assessed and amounts col-  
11           lected under this section are payable to the Adminis-  
12           trator. The Administrator may refund any sur-  
13           charge, or portion thereof, paid by mistake in excess  
14           of the amount required. The Administrator may  
15           enter into agreements with other Federal agencies to  
16           collect surcharges assessed under this section on be-  
17           half of the Administration.

18           “(2) COLLECTION PROCEDURES.—The Admin-  
19           istrator shall establish procedures for the collection  
20           of surcharges. These procedures shall establish the  
21           frequency of payment, deadlines for payment, a  
22           maximum amount of surcharges that may be out-  
23           standing on the account of any person, and such  
24           other limitations and conditions as the Adminis-

1 trator determines are necessary to obtain prompt  
2 payment of surcharges.

3 “(3) FAILURE TO PAY REQUIRED SUR-  
4 CHARGES.—If the Administrator determines that  
5 any person has failed to pay surcharges when due  
6 under this section, or to comply with any limitation  
7 or condition on payment under this section, or has  
8 failed to provide the Administration with the correct  
9 information in the person’s flight plan or by other  
10 means regarding the nature of the flight, including  
11 whether the person engaged in an operation for com-  
12 pensation or hire or general aviation operation, the  
13 Administrator may—

14 “(A) assess interest charges, using a rate  
15 equal to 150 percent of a rate determined by  
16 the Secretary based on the average of bond  
17 equivalent yields on 13-week Treasury bills auc-  
18 tioned during the previous calendar quarter, to  
19 be predetermined quarterly, on amounts that  
20 have not been paid by the deadline;

21 “(B) change the required payment sched-  
22 ule for such person;

23 “(C) offset any amount of surcharges owed  
24 by withholding any payment otherwise owed or

1 due to the person by the Secretary or the Ad-  
 2 ministrator; *or*

3 “(D) impose a civil penalty for each day  
 4 amounts remain unpaid, or take other appro-  
 5 priate enforcement action under this subtitle.

6 “(4) ACTION WHEN FUTURE PAYMENT IN JEOP-  
 7 ARDY.—If the Administrator reasonably determines  
 8 that an aircraft owner or operator will not pay its  
 9 required surcharges when due, the Administrator  
 10 may change the required payment schedule for such  
 11 person.

12 “(d) EFFECT ON PREVIOUS PROVISIONS.—Unless  
 13 otherwise specified, nothing in this section shall be con-  
 14 strued as affecting fees previously authorized and estab-  
 15 lished under chapter 453.

16 “(e) ADMINISTRATION OF SURCHARGE.—The re-  
 17 quirements applicable to developing and issuing rules  
 18 under ~~title 5, United States Code~~, *subchapter II of chapter*  
 19 *5 of title 5* shall not apply to the actions of the Secretary  
 20 or the Administrator under this section.

21 “(f) DEFINITIONS.—In this section:

22 “(1) AGRICULTURAL AIRCRAFT.—*The term ‘agri-*  
 23 *cultural aircraft’ means an aircraft used to make aer-*  
 24 *ial applications for agricultural, forestry, or public*  
 25 *health purposes.*

1           “~~(1)~~ (2) AIR AMBULANCE AIRCRAFT.—The term  
2           ‘air ambulance aircraft’ means—

3                   “(A) rotorcraft which are engaged in an  
4                   operation to provide emergency medical serv-  
5                   ices; or

6                   “(B) fixed-wing aircraft which are  
7                   equipped for and exclusively dedicated to pro-  
8                   viding acute care medical services.

9           “~~(2)~~ (3) FLIGHT.—The term ‘flight’ means a  
10           takeoff and landing by an aircraft.

11   **“§ 48116. Leveraged financing for next generation air**  
12                   **traffic control system**

13           “(a) IN GENERAL.—

14                   “(1) In order to support the transition to the  
15                   Next Generation Air Transportation System, in fis-  
16                   cal years 2009 through 2025 the Secretary of  
17                   Transportation is authorized to issue obligations to  
18                   finance capital investments in the facilities and  
19                   equipment account of the air traffic control system  
20                   to be owned and operated by the Federal Aviation  
21                   Administration.

22                   “(2) The Secretary shall not issue any obliga-  
23                   tions under paragraph (1) without first obtaining  
24                   approval by the Director of the Office of Manage-

1       ment and Budget of the issuance of such obligations  
2       and proposed investments to be financed.

3       “(b) CONDITIONS AND LIMIT ON INDEBTEDNESS.—

4       Obligations issued under this section shall be in such  
5       forms and denominations, bear such maturities, and shall  
6       be subject to such terms and conditions as may be pre-  
7       scribed by the Secretary. The aggregate amount of all  
8       such obligations shall not exceed \$5,000,000,000.

9       “(c) REPAYMENT.—The Secretary of Transportation

10       shall use revenues derived from the surcharges authorized  
11       by section 48115 in the amounts required to repay such  
12       obligations with interest, and such payments shall have  
13       first priority in the use of surcharges collected during this  
14       period. Beginning in 2009, any surcharges required to  
15       repay obligations shall be collected notwithstanding sec-  
16       tion 48115(a)(3). These amounts shall not be treated as  
17       discretionary offsetting collections, but shall be treated as  
18       offsetting receipts and shall only be used to repay the obli-  
19       gations incurred under paragraph (1).

20       “(d) INTEREST RATE.—The interest rate on obliga-

21       tions issued under this section shall be a rate determined  
22       by the Secretary, taking into consideration the current  
23       market yields on outstanding marketable obligations of the  
24       United States of comparable maturity, plus a surcharge,  
25       determined by the Secretary, to be sufficient to cover any



1 potential losses and the administrative costs associated  
2 with the obligations. Any surcharges for administrative  
3 costs collected by the Secretary shall be credited to the  
4 appropriation account which incurred the cost.

5       “(e) PURCHASE OF OBLIGATIONS.—For the purposes  
6 of purchasing obligations under subsection (a), the Sec-  
7 retary may use as a public debt transaction the proceeds  
8 from the sale of any securities issued under chapter 31  
9 of title 31, United States Code, and the purposes for which  
10 securities may be issued under such chapter are extended  
11 to include any purchase of such obligations under this sub-  
12 section.”.

13       (b) DELINEATION OF NEXT GENERATION AIR  
14 TRANSPORTATION SYSTEM PROJECTS.—Section 44501(b)  
15 is amended—

16           (1) by striking “and” after the semicolon in  
17 paragraph (3);

18           (2) by striking “defense.” in paragraph (4) and  
19 inserting “defense; and”; and

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

21           “(5) a list of projects that are part of the Next  
22 Generation Air Transportation ~~System.~~ *System*  
23 *and do not have as a primary purpose to operate or*  
24 *maintain the current air traffic control system.*”.

1 (c) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for chapter 481 is amended by inserting after the item  
 3 relating to section 48114 the following:

“48115. Modernization surcharge.

“48116. Leveraged financing for next generation air traffic control system.”.

4 **SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**  
 5 **AIRPORT PROGRAMS.**

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

8 **“§ 48105. Airport programs administrative expenses**

9 ~~Of the amount newly made available,~~ *“Of the amount*  
 10 *made available under section 48103 of this title, the fol-*  
 11 *lowing shall may* be available for administrative expenses  
 12 relating to the Airport Improvement Program, passenger  
 13 facility charge approval and oversight, national airport  
 14 system planning, airport standards development and en-  
 15 forcement, airport certification, airport-related environ-  
 16 mental activities (including legal services), and other air-  
 17 port-related activities (including airport technology re-  
 18 search), to remain available until expended—

19 “(1) for fiscal year 2008, \$80,676,000;

20 “(2) for fiscal year 2009, \$85,000,000;

21 “(3) for fiscal year 2010, \$89,000,000; and

22 “(4) for fiscal year 2011, \$93,000,000.”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for chapter 481 is amended by striking the item relat-  
 3 ing to section 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

4 **TITLE II—AIRPORT**  
 5 **IMPROVEMENTS**

6 **SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AU-**  
 7 **THORITY.**

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

10 “(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION  
 11 OF PASSENGER FACILITY CHARGE.—

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

20 “(A) the total amount of program revenue  
 21 held by the agency at the beginning of the 12  
 22 months covered by the report;

23 “(B) the total amount of program revenue  
 24 collected by the agency during the period cov-  
 25 ered by the report;

1           “(C) the amount of expenditures with pro-  
2           gram revenue made by the agency on each eligi-  
3           ble airport-related project during the period  
4           covered by the report;

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

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

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

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

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

1 with its report upon filing the report as required in  
2 paragraph (1).

3 “(3) CONSULTATION WITH CARRIERS FOR NEW  
4 PROJECTS.—

5 “(A) An eligible agency proposing to col-  
6 lect or use passenger facility charge revenue for  
7 a project not previously approved by the Sec-  
8 retary or not included in a report required by  
9 paragraph (1) that was submitted in a prior  
10 year shall provide to air carriers and foreign air  
11 carriers operating at the airport reasonable no-  
12 tice, and an opportunity to comment on the  
13 planned collection and use of program revenue  
14 before providing the report required under  
15 paragraph (1). The Secretary shall prescribe by  
16 regulation what constitutes reasonable notice  
17 under this paragraph, which shall at a min-  
18 imum include—

19 “(i) that the eligible agency provide to  
20 air carriers and foreign air carriers oper-  
21 ating at the airport written notice of the  
22 planned collection and use of passenger fa-  
23 cility charge revenue;

1           “(ii) that the notice include a full de-  
2           scription and justification for a proposed  
3           project;

4           “(iii) *that the notice include* a detailed  
5           financial plan for the proposed project; and

6           “(iv) *that the notice include* the pro-  
7           posed level for the passenger facility  
8           charge.

9           “(B) An eligible agency providing notice  
10          and an opportunity for comment shall be  
11          deemed to have satisfied the requirements of  
12          this paragraph if the eligible agency provides  
13          such notice to air carriers and foreign air car-  
14          riers that have a significant business interest at  
15          the airport. For purposes of this subparagraph,  
16          the term ‘significant business interest’ means  
17          an air carrier or foreign air carrier that—

18               “(i) had not less than 1.0 percent of  
19               passenger boardings at the airport in the  
20               prior calendar year;

21               “(ii) had at least 25,000 passenger  
22               boardings at the airport in the prior cal-  
23               endar year; or

24               “(iii) provides scheduled service at the  
25               airport.

1           “(C) Not later than 45 days after written  
2 notice is provided under subparagraph (A),  
3 each air carrier and foreign air carrier may pro-  
4 vide written comments to the eligible agency in-  
5 dicating its agreement or disagreement with the  
6 project or, if applicable, the proposed level for  
7 a passenger facility charge.

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

16           “(4) PUBLIC NOTICE AND COMMENT.—

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

1           “(B) The Secretary shall prescribe by reg-  
2           ulation what constitutes reasonable notice under  
3           this paragraph, which shall at a minimum re-  
4           quire—

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

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

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

18           “(5) OBJECTIONS.—

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



1           “(B) The Secretary shall provide not less  
2 than 30 days for the eligible agency to respond  
3 to any filed objection.

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

12                   “(i) the project is not an eligible air-  
13 port related project;

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

18                   “(iii) the eligible agency has been  
19 found to be in violation of section  
20 47107(b) of this title and has failed to  
21 take corrective action, prior to the filing of  
22 the objection; or

23                   “(iv) in the case of a proposed in-  
24 crease in the passenger facility charge

1 level, the level is not authorized by this  
2 section.

3 “(D) Upon issuance of a decision termi-  
4 nating authority, the public agency shall pre-  
5 pare an accounting of passenger facility revenue  
6 collected under the terminated authority and re-  
7 store the funds for use on other authorized  
8 projects.

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

15 “(6) APPROVAL REQUIREMENT FOR INCREASED  
16 PASSENGER FACILITY CHARGE OR INTERMODAL  
17 GROUND ACCESS PROJECT.—

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

24 “(B) The eligible agency may submit to  
25 the Secretary an application for authority to

1 impose a passenger facility charge for an inter-  
2 modal ground access project or to increase a  
3 passenger facility charge. The application shall  
4 contain information and be in the form that the  
5 Secretary may require by regulation but, at a  
6 minimum, must include copies of any comments  
7 received by the agency during the comment pe-  
8 riod described by subparagraph (C).

9 “(C) Before submitting an application  
10 under this paragraph, an eligible agency must  
11 provide air carriers and foreign air carriers op-  
12 erating at the airport, and the public, reason-  
13 able notice of and an opportunity to comment  
14 on a proposed intermodal ground access project  
15 or the increased passenger facility charge. Such  
16 notice and opportunity to comment shall con-  
17 form to the requirements of paragraphs (3) and  
18 (4).

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

1 (b) CONFORMING AMENDMENTS.—

2 (1) REFERENCES.—

3 (A) Section 40117(a) is amended—

4 (i) by striking “FEE” in the heading  
5 for paragraph (5) and inserting  
6 “CHARGE”; and

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

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

12 (i) by striking “fee” or “fees” each  
13 place either appears and inserting  
14 “charge” or “charges”, respectively; and

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

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

22 **“§ 40117. Passenger facility charges”.**

23 (D) The chapter analysis for chapter 401  
24 is amended by striking the item relating to sec-  
25 tion 40117 and inserting the following:

“40117. Passenger facility charges.”.

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

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

7           (B) by striking “specific” in paragraph  
8           (1);

9           (C) by striking paragraph (2) and insert-  
10          ing the following:

11          “(2) the project is an eligible airport-related  
12          project; and”;

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

16          (E) by striking paragraph (4).

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

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

1           (5) COMPLIANCE.—Section 40117(h) is amend-  
2 ed—

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

5           (B) by inserting after paragraph (2) the  
6 following:

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

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

23           (A) by striking “(c)(2)” in paragraph (2)  
24 and inserting “(c)(3)”; and

1 (B) by striking “date that is 3 years after  
2 the date of issuance of regulations to carry out  
3 this subsection.” in paragraph (7) and inserting  
4 “date of issuance of regulations to carry out  
5 subsection (c) of this section, as amended by  
6 the Aviation Investment and Modernization Act  
7 of 2007.”.

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

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

20 Section 40117 is amended by adding at the end  
21 thereof the following:

22 “(n) ALTERNATIVE PASSENGER FACILITY CHARGE  
23 COLLECTION PILOT PROGRAM.—

24 “(1) IN GENERAL.—The Secretary shall estab-  
25 lish and conduct a pilot program at not more than

1 6 airports under which an eligible agency may im-  
 2 pose a passenger facility charge under this section  
 3 without regard to the dollar amount limitations set  
 4 forth in paragraph (1) or (4) of subsection (b) if the  
 5 participating eligible agency meets the requirements  
 6 of paragraph (2).

7 “(2) COLLECTION REQUIREMENTS.—

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

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

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

16 “(B) PFC COLLECTION REQUIREMENT  
 17 NOT TO APPLY.—Subpart C of part 158 of title  
 18 14, Code of Federal Regulations, does not apply  
 19 to the collection of the passenger facility charge  
 20 imposed by an eligible agency participating in  
 21 the pilot program.”.

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

23 Section 47107 is amended—

24 (1) by striking “made;” in subsection  
 25 (a)(16)(D)(ii) and inserting “made, except that, if



1 there is a change in airport design standards that  
2 the Secretary determines is beyond the owner or op-  
3 erator’s control that requires the relocation or re-  
4 placement of an existing airport facility, the Sec-  
5 retary, upon the request of the owner or operator,  
6 may grant funds available under section 47114 to  
7 pay the cost of relocating or replacing such facil-  
8 ity;”;

9 (2) by striking “purpose;” in subsection  
10 (c)(2)(A)(i) and inserting “purpose, which includes  
11 serving as noise buffer land;”;

12 (3) by striking “paid to the Secretary for de-  
13 posit in the Fund if another eligible project does not  
14 exist.” in subsection (c)(2)(B)(iii) and inserting “re-  
15 invested in another project at the airport or trans-  
16 ferred to another airport as the Secretary pre-  
17 scribes.”; and

18 (4) by redesignating paragraph (3) of sub-  
19 section (c) as paragraph (4) and inserting after  
20 paragraph (2) the following:

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

24 “(i) reinvestment in an approved noise compat-  
25 ibility project;

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

3           “(iii) reinvestment in an airport development  
4 project that is eligible for funding under section  
5 ~~47114, 47115 or 47117~~ 47114, 47115, or 47117 and  
6 meets the requirements of this chapter;

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

10           “(v) payment to the Secretary for deposit in the  
11 Airport and Airway Trust Fund established under  
12 section 9502 of the Internal Revenue Code of 1986  
13 (26 U.S.C. 9502).”.

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

15 Section 47109 is amended—

16           (1) by striking “subsection (b) or subsection  
17 (c)” in subsection (a) and inserting “subsection (b),  
18 (c), or (e)”; and

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

20           “(e) SPECIAL RULE FOR TRANSITION FROM SMALL  
21 HUB TO MEDIUM HUB STATUS.—If the status of a small  
22 hub primary airport changes to a medium hub primary  
23 airport, the United States Government’s share of allow-  
24 able project costs for the airport may not exceed ~~90~~ 95

1 percent for 2 fiscal years following such change in hub  
2 status.”.

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

4 Section 47110 is amended—

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

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

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

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

18 “(3) the Secretary determines that the change  
19 is beyond the control of the airport sponsor.”; and

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

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

24 Section 47133(b) is amended—

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

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

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

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

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

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

11 “(C) an amount equal to the remaining  
12 unamortized portion of the original grant, am-  
13 ortized over a 20-year period, is repaid to the  
14 Secretary by the private owner for deposit in  
15 the Trust Fund for airport acquisitions.

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

18 **SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF**

19 **AIR NAVIGATION FACILITIES.**

20 (a) **IN GENERAL.**—Chapter 445 is amended by add-  
21 ing at the end the following new section:

22 **“§44518. Pilot program for airport takeover of ter-  
23 minal area air navigation equipment**

24 “(a) **IN GENERAL.**—Subject to the requirements of  
25 this section, the Administrator of the Federal Aviation Ad-

1 administrator may carry out a pilot program under which  
 2 the Administrator may transfer ~~ownership, operating and~~  
 3 ~~maintenance~~ *ownership, operating, and maintenance* re-  
 4 sponsibilities for airport terminal area air navigation  
 5 equipment to sponsors of not more than 10 airports.

6 “(b) TERMS AND CONDITIONS OF TRANSFER FOR  
 7 AIRPORT SPONSORS.—As a condition of participating in  
 8 this pilot program the sponsor shall agree that the sponsor  
 9 will—

10 “(1) operate and maintain all of the air naviga-  
 11 tion equipment that is subject to this section at the  
 12 airport in accordance with standards established by  
 13 the Administrator;

14 “(2) permit the Administrator or a person des-  
 15 ignated by the Administrator to conduct inspections  
 16 of the air navigation equipment under a schedule es-  
 17 tablished by the Administrator; and

18 “(3) acquire and maintain new air navigation  
 19 equipment as needed to replace facilities that have  
 20 to be replaced at the end of their useful life or to  
 21 meet new standards established by the Adminis-  
 22 trator.

23 “(c) TERMS AND CONDITIONS OF TRANSFER FOR  
 24 THE ADMINISTRATOR.—When the Administrator approves

1 a sponsor's participation in this pilot program, the Admin-  
2 istrator shall—

3           “(1) transfer, at no cost to the sponsor, the  
4 title and ownership of the air navigation equipment  
5 facilities approved for transfer under this program;  
6 and

7           “(2) transfer, at no cost to the sponsor, the  
8 government's property interest in the land on which  
9 the air navigation facilities transferred under para-  
10 graph (1) are located.

11       “(d) TREATMENT OF AIRPORT COSTS UNDER PILOT  
12 PROGRAM.—Upon transfer by the Administrator, any  
13 costs incurred by the airport for ownership and mainte-  
14 nance of the equipment transferred under this section  
15 shall be considered a cost of providing airfield facilities  
16 and services under standards and guidelines issued by the  
17 Secretary under section 47129(b)(2) and may be recov-  
18 ered in rates and charges assessed for use of the airfield.

19       “(e) DEFINITIONS.—In this section:

20           “(1) SPONSOR.—The term ‘sponsor’ has the  
21 meaning given that term in section 40102.

22           “(2) TERMINAL AREA AIR NAVIGATION EQUIP-  
23 MENT.—The term ‘terminal area air navigation  
24 equipment’ means an air navigation facility under  
25 section 40102, other than buildings used for air

1 traffic control functions, that exists to provide ap-  
 2 proach and landing guidance to aircraft.

3 “(f) GUIDELINES.—The Administrator shall issue ad-  
 4 visory guidelines on the implementation of the program.  
 5 The guidelines shall not be subject to administrative rule-  
 6 making requirements under subchapter II of chapter 5 of  
 7 title 5.”.

8 (b) CONFORMING AMENDMENT.—The chapter anal-  
 9 ysis for chapter 445 is amended by inserting after the item  
 10 relating to section 44517 the following:

“44518. Pilot program for airport takeover of terminal area air navigation  
 equipment.”.

11 **SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT**  
 12 **COSTS.**

13 Notwithstanding section 47109(a) of title 49, United  
 14 States Code, the Federal government’s share of allowable  
 15 project costs for a grant made in fiscal year 2008, 2009,  
 16 2010, or 2011 under chapter 471 of that title for a project  
 17 described in paragraph (2) or (3) of that section shall be  
 18 95 percent.

19 **SEC. 209. MISCELLANEOUS AMENDMENTS.**

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

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

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

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

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

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

10          (6) by striking “operations, Short Takeoff and  
11          Landing/Very Short Takeoff and Landing aircraft  
12          operations,” in subsection (b)(2), as redesignated,  
13          and inserting “operations”; and

14          (7) by striking “status of the” in subsection  
15          (d).

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

18               (1) by striking “separated from” in paragraph  
19               (1)(B) and inserting “discharged or released from  
20               active duty in”;

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

23                       “(C) ‘Afghanistan-Iraq war veteran’ means an  
24                       individual who served on active duty, as defined by  
25                       section 101(21) of title 38, at any time in the armed



1 forces for a period of more than 180 consecutive  
2 days, any part of which occurred during the period  
3 beginning on September 11, 2001, and ending on  
4 the date prescribed by Presidential proclamation or  
5 by law as the last date of Operation Iraqi Free-  
6 dom.”; and

7 (3) by striking “veterans and” in paragraph (2)  
8 and inserting “veterans, Afghanistan-Iraq war vet-  
9 erans, and”.

10 (c) ANNUAL REPORT.—Section 47131(a) is amend-  
11 ed—

12 (1) by striking “April 1” and inserting “June  
13 1”; and

14 ~~(2) by revising paragraphs (1), (2), (3), and (4)~~  
15 ~~to read as follows:~~

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

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

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

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

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

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

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

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

5 (2) by striking “47102(3)(F),” in subsection  
6 (b);

7 (3) by striking “47102(3)(L), or 47140” in  
8 subsection (b) and inserting “or 47102(3)(L),”;

9 (4) by striking “47103(3)(F), in subsection (b);

10 (5) by striking “47102(3)(L), or 47140,” in  
11 subsection (b) and inserting “or 47102(3)(L),”.

12 (f) CORRECTION TO SURPLUS PROPERTY AUTHOR-  
13 ITY.—Section 47151(e) is amended by striking “(other  
14 than real property that is subject to section 2687 of title  
15 10, section 201 of the Defense Authorization Amendments  
16 and Base Closure and Realignment Act (10 U.S.C. 2687  
17 note), or section 2905 of the Defense Base Closure and  
18 Realignment Act of 1990 (10 U.S.C. 2687 note),”.

19 (g) AIRPORT CAPACITY BENCHMARK REPORTS; DEF-  
20 INITION OF JOINT USE AIRPORT.—Section 47175 is  
21 amended—

22 (1) by striking “Airport Capacity Benchmark  
23 Report 2001.” in paragraph (2) and inserting “2001  
24 and 2004 Airport Capacity Benchmark Reports or  
25 of the most recent Benchmark report.”; and

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

2 “(7) JOINT USE AIRPORT.—The term ‘joint use  
3 airport’ means an airport owned by the United  
4 States Department of Defense, at which both mili-  
5 tary and civilian aircraft make shared use of the air-  
6 field.”.

7 (h) CARGO AIRPORTS.—Section 47114(c)(2)(A) is  
8 amended by striking “3.5 percent” and inserting “4.0 per-  
9 cent”.

10 (i) USE OF APPORTIONED AMOUNTS.—Section  
11 47117(e)(1)(A) is amended—

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

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

15 (3) by striking “et seq.)” and inserting “et  
16 seq.), and for water quality mitigation projects to  
17 comply with the Act of June 30, 1948 (33 U.S.C.  
18 1251 et seq.) approved in an environmental record  
19 of decision for an airport development project under  
20 this title.”; and

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

24 (j) USE OF APPORTIONED AMOUNTS.—An amount  
25 apportioned under section 47114 of title 49, United States

1 Code, or made available under section 47115 of that title,  
2 to the sponsor of a reliever airport the crosswind runway  
3 of which was closed as a result of a Record of Decision  
4 dated September 3, 2004, shall be available for project  
5 costs associated with the establishment of a new crosswind  
6 runway.

7 (k) USE OF PREVIOUS FISCAL YEAR'S APPORTION-  
8 MENT.—Section 47114(c)(1) is amended—

9 (1) by striking “airport due to an employment  
10 action, natural disaster, or other event unrelated to  
11 the demand for air transportation at the affected  
12 airport.” in ~~paragraph~~ *subparagraph* (E)(iii) and in-  
13 serting “airport—

14 “(I) if it is included in the essential air  
15 service program in the calendar year in which  
16 the passenger boardings fall below 9,700;

17 “(II) if at the airport the total passenger  
18 boardings from large certificated air carriers  
19 (as defined in part 241 of title 14, Code of Fed-  
20 eral Regulations) conducting scheduled plus  
21 nonscheduled service totals 10,000 or more in  
22 the calendar year in which the airport does not  
23 meet the criteria for a primary airport under  
24 section 47102 of this title; or

1           “(III) if the documented interruption to  
2           scheduled service at the airport was equal to 4  
3           percent of the scheduled flights in calendar year  
4           2006, exclusive of cancellations due to severe  
5           weather conditions, and the airport is served by  
6           a single air carrier.”;

7           (2) by redesignating subparagraphs (F) and  
8           (G) as (G) and (H), respectively, and inserting after  
9           subparagraph (E) the following:

10           “(F) For fiscal years 2009 through 2012, with  
11           regard to an airport that meets the criteria de-  
12           scribed in paragraph (E)(iii), if the calendar year  
13           passenger boardings for the calculation of apporportion-  
14           ments under this section fall below 10,000 passenger  
15           boardings, the Secretary may use the passenger  
16           boardings for the last fiscal year in which passenger  
17           boardings exceeded 10,000 for calculating apporportion-  
18           ments.”.

19           *(l) Section 47102(3) is amended by adding at the end*  
20 *the following:*

21           “(M) *construction of mobile refueler parking*  
22           *within a fuel farm at a nonprimary airport*  
23           *meeting the requirements of section 112.8 of title*  
24           *40, Code of Federal Regulations.”.*

1       (m) Section 47115(g)(1) is amended by striking “of—  
 2 ” and all that follows and inserting “of \$520,000,000. The  
 3 amount credited is exclusive of amounts that have been ap-  
 4 portioned in a prior fiscal year under section 47114 of this  
 5 title and that remain available for obligation.”.

6       (n) Section 47114(c) is amended by adding at the end  
 7 thereof the following:

8               “(3) AIRPORTS SERVED BY LARGE CERTIFICATED  
 9 CARRIERS.—

10               “(A) APPORTIONMENT.—The Secretary shall  
 11 apportion to the sponsor of an airport that re-  
 12 ceived scheduled air service from a large certifi-  
 13 cated air carrier (as defined in part 241 of title  
 14 14, Code of Federal Regulations) an amount  
 15 equal to the minimum apportionment specified  
 16 in paragraph (1) of this subsection.

17               “(B) LIMITATION.—The apportionment  
 18 under subparagraph (A) shall be made available  
 19 to an airport sponsor only if—

20               “(i) the large certificated air carrier  
 21 began scheduled air service at the airport in  
 22 May 2006 and ceased scheduled air service  
 23 at the airport in October 2006; and

24               “(ii) the Secretary determines that the  
 25 airport had more than 10,000 passenger

1           boardings in the preceding calendar year,  
2           based on data submitted to the Secretary  
3           under part 241 of title 14, Code of Federal  
4           Regulations.”.

5           (o) Subparagraph (H) of section 47114(c)(1), as reded-  
6           ignated by subsection (k)(2) of this section, is amended—

7                   (1) by striking “FISCAL YEAR 2006” in the sub-  
8                   paragraph heading and inserting “FISCAL YEARS 2008  
9                   THROUGH 2011.—”;

10                   (2) by striking “fiscal year 2006” and inserting  
11                   “each of fiscal years 2008 through 2011”; and

12                   (3) by striking clause (i) and inserting the fol-  
13                   lowing:

14                           “(i) the average annual passenger  
15                           boardings at the airport for calendar years  
16                           2004 through 2006 were below 10,000 per  
17                           year;”; and

18                   (4) by striking “2000 or 2001;” in clause (ii)  
19                   and inserting “2003”.

20 **SEC. 210. STATE BLOCK GRANT PROGRAM.**

21           Section 47128 is amended—

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

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

4 (3) by redesignating subsection (c) as sub-  
5 section (d) and inserting after subsection (b) the fol-  
6 lowing:

7 “(c) PROJECT ANALYSIS AND COORDINATION RE-  
8 QUIREMENTS.—Any Federal agency that must ~~approve, li-~~  
9 ~~icense or permit~~ *approve, license, or permit* a proposed ac-  
10 tion by a participating State shall coordinate and consult  
11 with the State. The agency shall utilize the environmental  
12 analysis prepared by the State, provided it is adequate,  
13 or supplement that analysis as necessary to meet applica-  
14 ble Federal requirements.”; and

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

16 “(e) PILOT PROGRAM.—The Secretary shall establish  
17 a pilot program for up to 3 States that do not participate  
18 in the program established under subsection (a) that is  
19 consistent with the program under subsection (a).”.

20 **SEC. 211. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**  
21 **VIEWS.**

22 Section 47173(a) is amended by striking “project.”  
23 and inserting “project, or to conduct special environmental  
24 studies related to a federally funded airport project or for  
25 special studies or reviews to support approved noise com-



1 patibility measures in a Part 150 program or environ-  
2 mental mitigation in a Federal Aviation Administration  
3 Record of Decision or Finding of No Significant Impact.”.

4 **SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**  
5 **PROCEDURES.**

6 Section 47504 is amended by adding at the end the  
7 following:

8 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-  
9 DURES.—

10 “(1) The Secretary is authorized in accordance  
11 with subsection (c)(1) to make a grant to an airport  
12 operator to assist in completing environmental re-  
13 view and assessment activities for proposals to im-  
14 plement flight procedures that have been approved  
15 for airport noise compatibility planning purposes  
16 under subsection (b).

17 “(2) The Administrator of the Federal Aviation  
18 Administration may accept funds from an airport  
19 sponsor, including funds provided to the sponsor  
20 under paragraph (1), to hire additional staff or ob-  
21 tain the services of consultants in order to facilitate  
22 the timely processing, review and completion of envi-  
23 ronmental activities associated with proposals to im-  
24 plement flight procedures submitted and approved  
25 for airport noise compatibility planning purposes in

1 accordance with this section. Funds received under  
 2 this authority shall not be subject to the procedures  
 3 applicable to the receipt of gifts by the Adminis-  
 4 trator.”.

5 **SEC. 213. SAFETY-CRITICAL AIRPORTS.**

6 Section 47118(c) is amended—

7 (1) by striking “or” after the semicolon in  
 8 paragraph (1);

9 (2) by striking “delays.” in paragraph (2) and  
 10 inserting “delays; or”; and

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

12 “(3) be critical to the safety of commercial,  
 13 military, or general aviation in trans-oceanic  
 14 flights.”.

15 **SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGI-**  
 16 **BILITY FOR NOISE COMPATIBILITY**  
 17 **PROJECTS.**

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

20 “(7) NOISE MITIGATION FOR CERTAIN  
 21 SCHOOLS.—

22 “(A) IN GENERAL.—In addition to the  
 23 uses specified in paragraphs (1), (4), and (6),  
 24 the Secretary may authorize a passenger facility  
 25 charge imposed under paragraph (1) or (4) at

1 a large hub airport that is the subject of an  
2 amended judgment and final order in con-  
3 demnation filed on January 7, 1980, by the Su-  
4 perior Court of the State of California for the  
5 county of Los Angeles, to be used for a project  
6 to carry out noise mitigation for a building, or  
7 for the replacement of a relocatable building  
8 with a permanent building, in the noise im-  
9 pacted area surrounding the airport at which  
10 such building is used primarily for educational  
11 purposes, notwithstanding the air easement  
12 granted or any terms to the contrary in such  
13 judgment and final order, if—

14 “(i) the Secretary determines that the  
15 building is adversely affected by airport  
16 noise;

17 “(ii) the building is owned or char-  
18 tered by the school district that was the  
19 plaintiff in case number 986,442 or  
20 986,446, which was resolved by such judg-  
21 ment and final order;

22 “(iii) the project is for a school identi-  
23 fied in 1 of the settlement agreements ef-  
24 fective February 16, 2005, between the  
25 airport and each of the school districts;

1           “(iv) in the case of a project to re-  
2           place a relocatable building with a perma-  
3           nent building, the eligible project costs are  
4           limited to the actual structural construc-  
5           tion costs necessary to mitigate aircraft  
6           noise in instructional classrooms to an in-  
7           terior noise level meeting current stand-  
8           ards of the Federal Aviation Administra-  
9           tion; and

10           “(v) the project otherwise meets the  
11           requirements of this section for authoriza-  
12           tion of a passenger facility charge.

13           “(B) ELIGIBLE PROJECT COSTS.—In sub-  
14           paragraph (A)(iv), the term ‘eligible project  
15           costs’ means the difference between the cost of  
16           standard school construction and the cost of  
17           construction necessary to mitigate classroom  
18           noise to the standards of the Federal Aviation  
19           Administration.”.

20 **SEC. 215. ENVIRONMENTAL MITIGATION DEMONSTRATION**  
21 **PILOT PROGRAM.**

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

1 **“§47143. Environmental mitigation demonstration**  
2 **pilot program**

3 “(a) *IN GENERAL.*—*The Secretary of Transportation*  
4 *shall carry out a pilot program involving not more than*  
5 *6 projects at public-use airports under which the Secretary*  
6 *may make grants to sponsors of such airports from funds*  
7 *apportioned under paragraph 47117(e)(1)(A) for use at*  
8 *such airports for environmental mitigation demonstration*  
9 *projects that will measurably reduce or mitigate aviation*  
10 *impacts on noise, air quality or water quality in the vicin-*  
11 *ity of the airport. Notwithstanding any other provision of*  
12 *this subchapter, an environmental mitigation demonstra-*  
13 *tion project approved under this section shall be treated as*  
14 *eligible for assistance under this subchapter.*

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

17 “(c) *SELECTION CRITERIA.*—*In selecting from among*  
18 *applicants for participation in the pilot program, the Sec-*  
19 *retary may give priority consideration to environmental*  
20 *mitigation demonstration projects that—*

21 “(1) *will achieve the greatest reductions in air-*  
22 *craft noise, airport emissions, or airport water qual-*  
23 *ity impacts either on an absolute basis, or on a per-*  
24 *dollar-of-funds expended basis; and*

25 “(2) *will be implemented by an eligible consor-*  
26 *tium.*

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

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

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

14       “(g) *DEFINITIONS.*—*In this section:*

15               “(1) *ELIGIBLE CONSORTIUM.*—*The term ‘eligible*  
16 *consortium’ means a consortium that comprises 2 or*  
17 *more of the following entities:*

18                       “(A) *Businesses incorporated in the United*  
19 *States.*

20                       “(B) *Public or private educational or re-*  
21 *search organizations located in the United*  
22 *States.*

23                       “(C) *Entities of State or local governments*  
24 *in the United States.*

25                       “(D) *Federal laboratories.*

1           “(2) *ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.*—*The term ‘environmental mitigation demonstration project’ means a project that—*

4                   “(A) *introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;*

8                   “(B) *proposes methods for efficient adaptation or integration of new concepts to airport operations; and*

11                  “(C) *will demonstrate whether new techniques or technology for environmental mitigation identified in research are—*

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

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

19           (b) *CONFORMING AMENDMENT.*—*The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47142 the following:*

                  “47143. *Environmental mitigation demonstration pilot program.*”.

22   **SEC. 216. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.**

24           Section 47110(c) of title 49, United States Code, is  
25 amended—

1           (1) by striking “; or” in paragraph (1) and in-  
2           serting a semicolon;

3           (2) by striking “project.” in paragraph (2) and  
4           inserting “project; or”; and

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

6           “(3) necessarily incurred in anticipation of se-  
7           vere weather.”.

8           **TITLE III—FAA ORGANIZATION**  
9           **AND REFORM**

10       **SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVER-**  
11       **SIGHT BOARD.**

12       Section 106 is amended by striking subsection (p)  
13       and inserting in lieu thereof the following:

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

15       “(p) AIR TRAFFIC CONTROL MODERNIZATION OVER-  
16       SIGHT BOARD.—

17           “(1) ESTABLISHMENT.—The Secretary shall es-  
18       tablish an advisory Board which shall be known as  
19       the Air Traffic Control Modernization Oversight  
20       Board.

21           “(2) MEMBERSHIP.—The Board shall be com-  
22       prised of 7 members, who shall consist of—

23           “(A) the Administrator of the Federal  
24       Aviation Administration and a representative  
25       from the Department of Defense;



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

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

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

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

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

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

20           “(3) APPOINTMENT AND QUALIFICATIONS.—

21                   “(A) Members of the Board appointed  
22                   under paragraphs (2)(B) and (2)(C) shall be  
23                   appointed by the President, by and with the ad-  
24                   vice and consent of the Senate.

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

9                   “(i) management of large service or-  
10                   ganizations;

11                   “(ii) customer service;

12                   “(iii) management of large procure-  
13                   ments;

14                   “(iv) information and communications  
15                   technology;

16                   “(v) organizational development; and

17                   “(vi) labor relations.

18           “(4) FUNCTIONS.—

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

20                   “(i) review and provide advice on the  
21                   Administration’s modernization programs,  
22                   budget, and cost accounting system;

23                   “(ii) review the Administration’s stra-  
24                   tegic plan and make recommendations on  
25                   the non-safety program portions of the

1 plan, and provide advice on the safety pro-  
2 grams of the plan;

3 “(iii) review the operational efficiency  
4 of the air traffic control system and make  
5 recommendations on the operational and  
6 performance metrics for that system;

7 “(iv) approve capital expenditures for  
8 a project of \$100,000,000 or more related  
9 to the system;

10 “(v) approve by July 31 of each year  
11 the Administrator’s budget request for fa-  
12 cilities and equipment prior to its submis-  
13 sion to the Office of Management and  
14 Budget;

15 “(vi) approve the Federal Aviation  
16 Administration’s Capital Investment Plan  
17 prior to its submission to the Congress;

18 “(vii) annually approve the Oper-  
19 ational Evolution Plan;

20 “(viii) approve the Administrator’s se-  
21 lection of a Chief Operating Officer for the  
22 Air Traffic Organization and on the ap-  
23 pointment and compensation of its man-  
24 agers; and

1                   “(ix) approve the selection of the head  
2                   of the Joint Planning Development Office.

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

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

20                  “(5) FEDERAL ADVISORY COMMITTEE ACT NOT  
21                  TO APPLY.—The Federal Advisory Committee Act (5  
22                  U.S.C. App.) shall not apply to the Board or such  
23                  rulemaking committees as the Administrator shall  
24                  designate.

25                  “(6) ADMINISTRATIVE MATTERS.—

1           “(A) TERMS OF MEMBERS.—Members of  
2 the Board appointed under paragraph (2)(B)  
3 and (2)(C) shall be appointed for a term of 4  
4 years.

5           “(B) REAPPOINTMENT.—No individual  
6 may be appointed to the Board for more than  
7 8 years total.

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

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

19           “(E) REMOVAL.—Any member of the  
20 Board appointed under paragraph (2)(B) or  
21 (2)(C) may be removed by the President for  
22 cause.

23           “(F) CLAIMS AGAINST MEMBERS OF THE  
24 BOARD.—

1           “(i) IN GENERAL.—A member ap-  
2           pointed to the Board shall have no per-  
3           sonal liability under State or Federal law  
4           with respect to any claim arising out of or  
5           resulting from an act or omission by such  
6           member within the scope of service as a  
7           member of the Board.

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

10                   “(I) to affect any other immunity  
11                   or protection that may be available to  
12                   a member of the Board under applica-  
13                   ble law with respect to such trans-  
14                   actions;

15                   “(II) to affect any other right or  
16                   remedy against the United States  
17                   under applicable law; or

18                   “(III) to limit or alter in any way  
19                   the immunities that are available  
20                   under applicable law for Federal offi-  
21                   cers and employees.

22           “(G) ETHICAL CONSIDERATIONS.—Each  
23           member of the Board appointed under para-  
24           graph (2)(B) must certify that he or she—

1           “(i) does not have a pecuniary interest  
2           in, or own stock in or bonds of, an aviation  
3           or aeronautical enterprise, except an inter-  
4           est in a diversified mutual fund or an in-  
5           terest that is exempt from the application  
6           of section 208 of title 18;

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

9           “(iii) is not a member of any organi-  
10          zation that engages, as a substantial part  
11          of its activities, in activities to influence  
12          aviation-related legislation.

13          “(H) CHAIRMAN; VICE CHAIRMAN.—The  
14          Board shall elect a chair and a vice chair from  
15          among its members, each of whom shall serve  
16          for a term of 2 years. The vice chair shall per-  
17          form the duties of the chairman in the absence  
18          of the chairman.

19          “(I) COMPENSATION.—No member shall re-  
20          ceive any compensation or other benefits from  
21          the Federal Government for serving on the  
22          Board, except for compensation benefits for in-  
23          juries under subchapter I of chapter 81 of title  
24          5 and except as provided under subparagraph  
25          (J).

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

6           ~~“(K) BOARD RESOURCES.—From re-~~  
7 ~~sources otherwise available to the Adminis-~~  
8 ~~trator, the Chairman shall appoint such staff to~~  
9 ~~assist the board and provide impartial analysis.~~  
10 ~~The Administrator shall make available to the~~  
11 ~~Board such information and administrative~~  
12 ~~services and assistance as may reasonably be~~  
13 ~~required to enable the Board to carry out its re-~~  
14 ~~sponsibilities under this subsection.~~

15           “(K) BOARD RESOURCES.—*From resources*  
16 *otherwise available to the Administrator, the*  
17 *Chairman shall appoint such staff to assist the*  
18 *board and provide impartial analysis, and the*  
19 *Administrator shall make available to the Board*  
20 *such information and administrative services*  
21 *and assistance, as may reasonably be required to*  
22 *enable the Board to carry out its responsibilities*  
23 *under this subsection.*

24           “(L) QUORUM AND VOTING.—A simple  
25 majority of members of the Board shall con-



1           stitute a quorum. A majority vote of members  
2           present and voting shall be required for the  
3           Committee to take action.

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

8   **SEC. 302. ADS-B SUPPORT PILOT PROGRAM.**

9           (a) IN GENERAL.—Chapter 445, as amended by sec-  
10          tion 207, is amended by adding at the end the following:

11   **“§ 44519. ADS-B support pilot program**

12          “(a) IN GENERAL.—The Secretary may carry out a  
13          pilot program to support non-Federal acquisition of Na-  
14          tional Airspace System compliant Automatic Dependent  
15          Surveillance-Broadcast (ADS-B) ground stations if—

16                 “(1) the Secretary determines that acquisition  
17                 of the ground stations benefits the improvement of  
18                 safety or capacity in the National Airspace System;

19                 “(2) the ground stations provide the required  
20                 transmit and receive data formats consistent with  
21                 the National Airspace System architecture at the ap-  
22                 propriate service delivery point; and

23                 “(3) the ground stations acquired under this  
24                 program are supplemental to ground stations estab-

1 lished under programs administered by the Adminis-  
2 trator of the Federal Aviation Administration.

3 “(b) PROJECT GRANTS.—

4 “(1) For purposes of carrying out the pilot pro-  
5 gram and notwithstanding the requirements of sec-  
6 tion 47114(d), the Secretary may make a project  
7 grant out of funds apportioned under section  
8 47114(d)(2) to not more than 10 eligible sponsors to  
9 acquire and install ADS-B ground stations in order  
10 to serve any public-use airport.

11 “(2) The Secretary shall establish procurement  
12 procedures applicable to grants issued under this  
13 section. The procedures shall permit the sponsor to  
14 carry out the project using Federal Aviation Admin-  
15 istration contracts. The procedures established by  
16 the Secretary may provide for the direct reimburse-  
17 ment (including administrative costs) of the Admin-  
18 istrator by the sponsor using grant funds under this  
19 section, for the ordering of such equipment and its  
20 installation, or for the direct ordering of such equip-  
21 ment and its installation by the sponsor, using such  
22 grant funds, from the suppliers with which the Ad-  
23 ministrator has contracted.

24 “(c) MATCHING REQUIREMENT.—The amount of a  
25 grant to an eligible sponsor under subsection (b) may not

1 exceed 90 percent of the costs of the acquisition and in-  
 2 stallation of the ground support equipment.

3 “(d) DEFINITIONS.—In this section:

4 “(1) ADS–B GROUND STATION.—The term  
 5 ‘ADS–B ground station’ means electronic equipment  
 6 that provides for ADS–B reception and broadcast  
 7 services.

8 “(2) ELIGIBLE SPONSOR.—The term ‘eligible  
 9 sponsor’ means a State or any consortium of 2 or  
 10 more State or local governments meeting the defini-  
 11 tion of a sponsor under section 47102 of this title.”.

12 (b) CONFORMING AMENDMENT.—The chapter anal-  
 13 ysis for chapter 445 is amended by inserting after the item  
 14 relating to section 44518 the following:

“44519. ADS–B support pilot program.”.

15 **SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAF-**  
 16 **FIC SERVICES.**

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

19 “(7) AIR TRAFFIC SERVICES.—In determining  
 20 what actions to take, by rule or through an agree-  
 21 ment or transaction under paragraph (6) or under  
 22 section 44502, to permit non-government providers  
 23 of communications, navigation, surveillance or other  
 24 services to provide such services in the National Air-  
 25 space System, or to require the usage of such serv-

1       ices, the Administrator shall consider whether such  
2       actions would—

3               “(A) promote the safety of life and prop-  
4       erty;

5               “(B) improve the efficiency of the National  
6       Airspace System and reduce the regulatory bur-  
7       den upon National Airspace System users,  
8       based upon sound engineering principles, user  
9       operational requirements, and marketplace de-  
10      mands;

11              “(C) encourage competition and provide  
12      services to the largest feasible number of users;  
13      and

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

16 **SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO**  
17 **REIMBURSABLE AGREEMENTS.**

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

20 **SEC. 305. CLARIFICATION TO ACQUISITION REFORM AU-**  
21 **THORITY.**

22       Section 40110(c) is amended—

23              (1) by inserting “and” after the semicolon in  
24      paragraph (3);

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

1           (3) by redesignating paragraph (5) as para-  
2           graph (4).

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

4           Section 40113(e) is amended—

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

7           (2) by striking “safety.” in paragraph (1) and  
8           inserting “safety or efficiency. The Administrator is  
9           authorized to participate in, and submit offers in re-  
10          sponse to, competitions to provide these services,  
11          and to contract with foreign aviation authorities to  
12          provide these services consistent with the provisions  
13          under section 106(l)(6) of this title. The Adminis-  
14          trator is also authorized, notwithstanding any other  
15          provision of law or policy, to accept payments in ar-  
16          rears.”; and

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

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

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

24          (1) by striking “and” after the semicolon in  
25          subparagraph (G);

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

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

5                   “(I) subsections (b), (c), and (d) of section  
6                   4507 (relating to Meritorious Executive or Dis-  
7                   tinguished Executive rank awards), and section  
8                   subsections (b) and (c) of section 4507a (relat-  
9                   ing to Meritorious Senior Professional or Dis-  
10                  tinguished Senior Professional rank-awards),  
11                  except that—

12                           “(i) for purposes of applying such  
13                           provisions to the personnel management  
14                           system—

15                                   “(I) the term ‘agency’ means the  
16                                   Department of Transportation;

17                                   “(II) the term ‘senior executive’  
18                                   means an Federal Aviation Adminis-  
19                                   tration executive;

20                                   “(III) the term ‘career appointee’  
21                                   means an Federal Aviation Adminis-  
22                                   tration career executive; and

23                                   “(IV) the term ‘senior career em-  
24                                   ployee’ means an Federal Aviation

1 Administration career senior profes-  
2 sional;

3 “(ii) receipt by a career appointee of  
4 the rank of Meritorious Executive or Meri-  
5 torious Senior Professional entitles such  
6 individual to a lump-sum payment of an  
7 amount equal to 20 percent of annual  
8 basic pay, which shall be in addition to the  
9 basic pay paid under the Federal Aviation  
10 Administration Executive Compensation  
11 Plan; and

12 “(iii) receipt by a career appointee of  
13 the rank of Distinguished Executive or  
14 Distinguished Senior Professional entitles  
15 the individual to a lump-sum payment of  
16 an amount equal to 35 percent of annual  
17 basic pay, which shall be in addition to the  
18 basic pay paid under the Federal Aviation  
19 Administration Executive Compensation  
20 Plan.”.

21 **SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESS-**  
22 **MENT.**

23 (a) FAA CRITERIA FOR FACILITIES REALIGN-  
24 MENT.—Within 9 months after the date of enactment of  
25 this Act, the Administrator of the Federal Aviation Ad-

1 ministration, after providing an opportunity for public  
2 comment, shall publish final criteria to be used in making  
3 the Administrator's recommendations for the realignment  
4 of services and facilities to assist in the transition to next  
5 generation facilities and help reduce capital, operating,  
6 maintenance, and administrative costs with no adverse ef-  
7 fect on safety.

8 (b) REALIGNMENT RECOMMENDATIONS.—Within 9  
9 months after publication of the criteria, the Administrator  
10 shall publish a list of the services and facilities that the  
11 Administrator recommends for realignment, including a  
12 justification for each recommendation, and a description  
13 of the costs and savings of such transition.

14 (c) REALIGNMENT DEFINED.—As used in this sec-  
15 tion, the term “realignment” includes any action which  
16 relocates functions and personnel positions but does not  
17 include a reduction in personnel resulting from workload  
18 adjustments.

19 (d) STUDY BY BOARD.—The Air Traffic Control  
20 Modernization Oversight Board established by section  
21 106(p) of title 49, United States Code, shall study the Ad-  
22 ministrator's recommendations for realignment and the  
23 opportunities, risks, and benefits of realigning services and  
24 facilities of the Federal Aviation Administration to help



1 reduce capital, operating, maintenance, and administrative  
2 costs with no adverse effect on safety.

3 (e) REVIEW AND RECOMMENDATIONS.—

4 (1) After receiving the recommendations from  
5 the Administrator pursuant to subsection (b), the  
6 Board shall provide opportunity for public comment  
7 on such recommendations.

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

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

21 (4) The Administrator may not consolidate any  
22 additional approach control facilities into the South-  
23 ern California ~~TRACON~~ *TRACON*, *the Houston*  
24 *TRACON*, *or the Memphis TRACON* until the  
25 Board's recommendations are completed.

1 **SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYS-**  
2 **TEM PLANNING OFFICE.**

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

7 (1) by inserting “(A)” after “(3)” in subsection  
8 (a)(3);

9 (2) by inserting after subsection (a)(3) the fol-  
10 lowing:

11 “(B) The Administrator of the Federal  
12 Aviation Administration, the Secretary of De-  
13 fense, the Administrator of the National Aero-  
14 nautics and Space Administration, the Sec-  
15 retary of Commerce, the Secretary of Homeland  
16 Security, and the head of any other Department  
17 or Federal agency from which the Secretary of  
18 Transportation requests assistance under sub-  
19 paragraph (A) shall designate an *implementa-*  
20 *tion* office to be responsible for—

21 “(i) carrying out the Department or  
22 agency’s Next Generation Air Transpor-  
23 tation System *implementation* activities  
24 with the Office; and

25 “(ii) liaison and coordination with  
26 other Departments and agencies involved

1 in Next Generation Air Transportation  
2 ~~System activities.~~ *System activities; and*

3 “(iii) *managing all Next Generation*  
4 *Air Transportation System programs for*  
5 *the Department or agency, including nec-*  
6 *essary budgetary and staff resources, includ-*  
7 *ing, for the Federal Aviation Administra-*  
8 *tion, those projects described in section*  
9 *44501(b)(5) of title 49, United States Code).*

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

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

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

22 “(D)(i) Within 6 months after the date of  
23 enactment of the Aviation Investment and Mod-  
24 ernization Act of 2007, the head of each such  
25 Department or agency shall execute a memo-

1           randum of understanding with the Office and  
2           with the other Departments and agencies par-  
3           ticipating in the Next Generation Air Transpor-  
4           tation System project that—

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

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

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

16                   (3) *by* adding at the end of subsection (a) the  
17                   following:

18                   “(5) The Director of the Office shall be a voting  
19                   member of the Federal Aviation Administration’s Joint  
20                   Resources Council and the Air Traffic Organization’s Ex-  
21                   ecutive Council.”;

22                   (4) by striking “beyond those currently included  
23                   in the Federal Aviation Administration’s Operational  
24                   Evolution Plan” in subsection (b);

1           (5) by striking “research and development road-  
2           map” in subsection (b)(3) and inserting “implemen-  
3           tation plan”;

4           (6) by striking “and” after the semicolon in  
5           subsection (b)(3)(B);

6           (7) by inserting after subsection (b)(3)(C) the  
7           following:

8                   “(D) a schedule of rulemakings required to  
9                   issue regulations and guidelines for implementa-  
10                  tion of the Next Generation Air Transportation  
11                  System within a timeframe consistent with the  
12                  integrated plan; and”;

13           (8) by inserting “and key technologies” after  
14           “concepts” in subsection (b)(4);

15           (9) by striking “users” in subsection (b)(4) and  
16           inserting “users, an implementation plan,”;

17           (10) by adding at the end of subsection (b) the  
18           following:

19           “Within 6 months after the date of enactment of the Avia-  
20           tion Investment and Modernization Act of 2007, the Ad-  
21           ministrators shall develop the implementation plan de-  
22           scribed in paragraph (3) of this subsection and shall up-  
23           date it annually thereafter.”; and

24           (11) by striking “2010.” in subsection (e) and  
25           inserting “2011.”.

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

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

6 Section 40102(a)(4) is amended—

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

9 “(B) runway lighting and airport surface  
10 visual and other navigation aids;”;

11 (2) by striking “weather information, signaling,  
12 radio-directional finding, or radio or other electro-  
13 magnetic communication; and” in subparagraph (C)  
14 and inserting “aeronautical and meteorological infor-  
15 mation to air traffic control facilities or aircraft,  
16 supplying communication, navigation or surveillance  
17 equipment for air-to-ground or air-to-air applica-  
18 tions;”;

19 (3) by striking “another structure” in subpara-  
20 graph (D) and inserting “any structure or equip-  
21 ment”;

22 (4) by striking “aircraft.” in subparagraph (D)  
23 and inserting “aircraft; and”; and

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

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

3 **SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVEN-**  
4                   **TORY.**

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

9 **SEC. 312. EDUCATIONAL REQUIREMENTS.**

10                  The Administrator of the Federal Aviation Adminis-  
11                  tration shall make payments to the Department of De-  
12                  fense for the education of dependent children of those  
13                  Federal Aviation Administration employees in Puerto Rico  
14                  and Guam ~~who~~ *as they* are subject to transfer by policy  
15                  and practice and meet the eligibility requirements of sec-  
16                  tion 2164(c) of title 10, United States Code.

17 **SEC. 313. FEDERAL AVIATION ADMINISTRATION PER-**  
18                   **SONNEL MANAGEMENT SYSTEM.**

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

20                   “(2) DISPUTE RESOLUTION.—

21                   “(A) MEDIATION.—If the Administrator  
22                   does not reach an agreement under paragraph  
23                   (1) or subsection (g)(2)(C) with the exclusive  
24                   bargaining representatives, the services of the  
25                   Federal Mediation and Conciliation Service

1 shall be used to attempt to reach such agree-  
2 ment in accordance with part 1425 of title 29,  
3 Code of Federal Regulations. The Adminis-  
4 trator and bargaining representatives may by  
5 mutual agreement adopt procedures for the res-  
6 olution of disputes or impasses arising in the  
7 negotiation of a collective-bargaining agree-  
8 ment.

9 “(B) BINDING ARBITRATION.—If the serv-  
10 ices of the Federal Mediation and Conciliation  
11 Service under subparagraph (A) does not lead  
12 to an agreement, the Administrator and the  
13 bargaining representatives shall submit their  
14 issues in controversy to the Federal Service Im-  
15 passes Panel in accordance with section 7119 of  
16 title 5. The Panel shall assist the parties in re-  
17 solving the impasse by asserting jurisdiction  
18 and ordering binding arbitration by a private  
19 arbitration board consisting of 3 members in  
20 accordance with section 2471.6(a)(2)(ii) of title  
21 5, Code of Federal Regulations. The executive  
22 director of the Panel shall request a list of not  
23 less than 15 names of arbitrators with Federal  
24 sector experience from the director of the Fed-  
25 eral Mediation and Conciliation Service to be



1 provided to the Administrator and the bar-  
2 gaining representatives. Within 10 days after  
3 receiving the list, the parties shall each select 1  
4 person. The 2 arbitrators shall then select a  
5 third person from the list within 7 days. If ei-  
6 ther of the parties fails to select a person or if  
7 the 2 arbitrators are unable to agree on the  
8 third person within 3 days, the selection shall  
9 be chosen randomly through a process agreed to  
10 by the 2 parties. *If the 2 arbitrators are unable*  
11 *to agree on the third person, the parties shall se-*  
12 *lect the third person by alternately striking*  
13 *names from the list until only 1 name remains.*  
14 If the parties do not agree on the framing of  
15 the issues to be submitted, the arbitration  
16 board shall frame the issues. The arbitration  
17 board shall give the parties a full and fair hear-  
18 ing, including an opportunity to present evi-  
19 dence in support of their claims, and an oppor-  
20 tunity to present their case in person, by coun-  
21 sel, or by other representative as they may  
22 elect. Decisions of the arbitration board shall be  
23 conclusive and binding upon the parties. The  
24 arbitration board shall render its decision with-  
25 in 90 days after its appointment. The Adminis-

1           trator and the bargaining representative shall  
2           share costs of the arbitration equally. The arbi-  
3           tration board shall take into consideration the  
4           effect of its arbitration decisions on the Federal  
5           Aviation Administration’s ability to attract and  
6           retain a qualified workforce and the Federal  
7           Aviation Administration’s budget.

8           “(C) EFFECT.—Upon reaching a voluntary  
9           agreement or at the conclusion of the binding  
10          arbitration under subparagraph (B) above, the  
11          final agreement, except for those matters de-  
12          cided by the arbitration board, shall be subject  
13          to ratification by the exclusive representative, if  
14          so requested by the exclusive representative,  
15          and approval by the head of the agency in ac-  
16          cordance with subsection (g)(2)(C).

17          “(D) ENFORCEMENT.—Enforcement of the  
18          provisions of this paragraph, and any agree-  
19          ment hereunder, shall be in the United States  
20          District Court for the District of Columbia.”.

21 **SEC. 314. RULEMAKING AND REPORT ON ADS-B IMPLEMEN-**  
22 **TATION.**

23          (a) *REPORT.*—*Within 90 days after the date of enact-*  
24 *ment of this Act, the Administrator of the Federal Aviation*  
25 *Administration shall submit a report to the Senate Com-*

1 *mittee on Commerce, Science, and Transportation and the*  
2 *House of Representatives Committee on Transportation and*  
3 *Infrastructure detailing the Administration program and*  
4 *schedule for integrating ADS-B technology into the Na-*  
5 *tional Airspace System. The report shall include—*

6           (1) *Phase 1 and Phase 2 activity to purchase*  
7           *and install necessary ADS-B ground stations; and*

8           (2) *detailed plans and schedules for implementa-*  
9           *tion of advanced operational procedures and ADS-B*  
10          *air-to-air applications.*

11          (b) *RULEMAKING.—Not later than 12 months after the*  
12 *date of enactment of this Act the Administrator shall issue*  
13 *guidelines and regulations required for the implementation*  
14 *of ADS-B, including—*

15           (1) *the type of avionics (e.g., ADS-B “out” avi-*  
16           *onics) required of aircraft for all classes of airspace;*

17           (2) *a schedule outlining when aircraft will be re-*  
18           *quired to be equipped with such avionics;*

19           (3) *the expected costs associated with the avi-*  
20           *onics; and*

21           (4) *the expected uses and benefits of the avionics.*

1 **TITLE IV—AIRLINE SERVICE**  
2 **AND SMALL COMMUNITY AIR**  
3 **SERVICE IMPROVEMENTS**

4 **SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIRE-**  
5 **MENTS.**

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

8 “SUBCHAPTER IV—AIRLINE CUSTOMER  
9 SERVICE

10 “§ 41781. AIRLINE CONTINGENCY SERVICE RE-  
11 QUIREMENTS.

12 “(a) IN GENERAL.—Not later than 60 days after the  
13 date of the enactment of the Aviation Investment and  
14 Modernization Act of 2007, each air carrier shall institute  
15 the following practices:

16 “(1) PROVISION OF FOOD AND WATER.—In any  
17 case in which departure of a flight of an air carrier  
18 is substantially delayed, such air carrier shall pro-  
19 vide—

20 “(A) adequate food and potable water to  
21 passengers on such flight during such delay;  
22 and

23 “(B) adequate restroom facilities to pas-  
24 sengers on such flight during such delay.

25 “(2) RIGHT TO DEPLANE.—

1           “(A) IN GENERAL.—An air carrier shall  
2           develop a plan, that incorporates medical con-  
3           siderations, to ensure that passengers are pro-  
4           vided a clear timeframe under which they will  
5           be permitted to deplane a delayed aircraft. The  
6           air carrier shall provide a copy of the plan to  
7           the Secretary of Transportation, who shall  
8           make the plan available to the public. In the ab-  
9           sence of such a plan, except as provided in sub-  
10          paragraph (B), if more than 3 hours after pas-  
11          sengers have boarded an air carrier and the air  
12          carrier doors are closed, the air carrier has not  
13          departed, the air carrier shall provide pas-  
14          sengers with the option to deplane safely before  
15          the departure of such air carrier. Such option  
16          shall be provided to passengers not less often  
17          than once during each 3-hour period that the  
18          plane remains on the ground.

19          “(B) EXCEPTIONS.—Subparagraph (A)  
20          shall not apply—

21                 “(i) if the pilot of such flight reason-  
22                 ably determines that such flight will depart  
23                 not later than 30 minutes after the 3 hour  
24                 delay; or

1                   “(ii) if the pilot of such flight reason-  
2                   ably determines that permitting a pas-  
3                   senger to deplane would jeopardize pas-  
4                   senger safety or security.

5                   “(C)     *APPLICATION     TO     DIVERTED*  
6                   *FLIGHTS.—This section applies to aircraft with-*  
7                   *out regard to whether they have been diverted to*  
8                   *an airport other than the original destination.*

9                   “(b) *POSTING CONSUMER RIGHTS ON WEBSITE.—An*  
10                  *air carrier holding a certificate issued under section 41102*  
11                  *that conducts scheduled passenger air transportation shall*  
12                  *publish conspicuously and update monthly on the Internet*  
13                  *website of the air carrier a statement of the air carrier’s*  
14                  *customer service policy and of air carrier customers’ con-*  
15                  *sumer rights under Federal and State law.*

16                  “~~(b)~~ (c) *AIR CARRIER.—In this section the term ‘air*  
17                  *carrier’ means an air carrier holding a certificate issued*  
18                  *under section 41102 that conducts scheduled passenger*  
19                  *air transportation.’”.*

20                  (b) *REGULATIONS.—Not later than 60 days after the*  
21                  *date of enactment of this Act, the Secretary of Transpor-*  
22                  *tation shall promulgate such regulations as the Secretary*  
23                  *determines necessary to carry out the amendment made*  
24                  *by subsection (a).*

1 (c) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for chapter 417 is amended by adding at the end the  
 3 following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

“41781. Airline contingency service requirements.”.

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

6 Section 41722 is amended by adding at the end the  
 7 following:

8 “(f) CHRONICALLY DELAYED FLIGHTS.—

9 “(1) PUBLICATION OF LIST OF FLIGHTS.—An  
 10 air carrier holding a certificate issued under section  
 11 41102 that conducts scheduled passenger air trans-  
 12 portation shall publish and update monthly on the  
 13 Internet website of the air carrier, or provide on re-  
 14 quest, a list of chronically delayed flights operated  
 15 by the air carrier.

16 “(2) DISCLOSURE TO CUSTOMERS WHEN PUR-  
 17 CHASING TICKETS.—An air carrier shall disclose the  
 18 following information prominently to an individual  
 19 before that individual books transportation on the  
 20 air carrier’s Internet website for any flight for which  
 21 data is reported to the Department of Transpor-  
 22 tation under part 234 of title 14, Code of Federal  
 23 Regulations, and for which the air carrier has pri-  
 24 mary responsibility for inventory control:

1           “(A) The on-time performance for the  
2 flight if it is a chronically delayed flight.

3           “(B) The cancellation rate for the flight if  
4 it is a chronically canceled flight.

5           “(3) CHRONICALLY DELAYED; CHRONICALLY  
6 CANCELED.—The Secretary of Transportation shall  
7 define the terms ‘chronically delayed flight’ and  
8 ‘chronically canceled flight’ for purposes of this sub-  
9 section.”.

10 **SEC. 403. EAS CONNECTIVITY PROGRAM.**

11       Section 406(a) of the Vision 100—Century of Avia-  
12 tion Reauthorization Act (49 U.S.C. 40101 note) is  
13 amended by striking “may” and inserting “shall”.

14 **SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING**  
15 **MILEAGE ADJUSTMENT ELIGIBILITY.**

16       Section 409(d) of the Vision 100—Century of Avia-  
17 tion Reauthorization Act (49 U.S.C. 40101 note) is  
18 amended by striking “September 30, 2007.” and inserting  
19 “September 30, 2011.”.

20 **SEC. 405. EAS CONTRACT GUIDELINES.**

21       Section 41737(a)(1) is amended—

22           (1) by striking “and” after the semicolon in  
23 subparagraph (B);

24           (2) by striking “provided.” in subparagraph (C)  
25 and inserting “provided;”; and



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

2 “(D) include provisions under which the Sec-  
3 retary may encourage carriers to improve air service  
4 to small and rural communities by incorporating fi-  
5 nancial incentives in essential air service contracts  
6 based on specified performance goals; and

7 “(E) include provisions under which the Sec-  
8 retary may execute long-term essential air service  
9 contracts to encourage carriers to provide air service  
10 to small and rural communities where it would be in  
11 the public interest to do so.”.

12 **SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.**

13 (a) IN GENERAL.—Section 41745 is amended—

14 (1) by redesignating subsections (e) through (g)  
15 as subsections (d) through (h), respectively; and

16 (2) by inserting after subsection (b) the fol-  
17 lowing:

18 “(c) CONVERSION OF LOST ELIGIBILITY AIR-  
19 PORTS.—

20 “(1) IN GENERAL.—The Secretary shall estab-  
21 lish a program to provide general aviation conversion  
22 funding for airports serving eligible places that the  
23 Secretary has determined no longer qualify as eligi-  
24 ble places.

1           “(2) GRANTS.—A grant under this sub-  
2 section—

3           “(A) may not exceed twice the compensa-  
4 tion paid to provide essential air service to the  
5 airport in the fiscal year preceding the fiscal  
6 year in which the Secretary determines that the  
7 place served by the airport is no longer an eligi-  
8 ble place; and

9           “(B) may be used—

10           “(i) for airport development (as de-  
11 fined in section 47102(3)) that will en-  
12 hance general aviation capacity at the air-  
13 port;

14           “(ii) to defray operating expenses, if  
15 such use is approved by the Secretary; or

16           “(iii) to develop innovative air service  
17 options, such as on-demand or air taxi op-  
18 erations, if such use is approved by the  
19 Secretary.

20           “(3) AIP REQUIREMENTS.—An airport sponsor  
21 that uses funds provided under this subsection for  
22 an airport development project shall comply with the  
23 requirements of subchapter I of chapter 471 applica-  
24 ble to airport development projects funded under

1 that subchapter with respect to the project funded  
2 under this subsection.

3 “(4) LIMITATION.—The sponsor of an airport  
4 receiving funding under this subsection is not eligi-  
5 ble for funding under section 41736.”.

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

8 (1) by striking “An eligible place” and inserting  
9 “Neither an eligible place, nor a place to which sub-  
10 section (c) applies,”; and

11 (2) by striking “not”.

12 **SEC. 407. ESSENTIAL AIR SERVICE REFORM.**

13 Section 41742(a) is amended—

14 (1) by adding at the end of paragraph (1) “Any  
15 amount in excess of \$50,000,000 credited for any  
16 fiscal year to the account established under section  
17 45303(c) shall be obligated for programs under sec-  
18 tion 406 of the Vision 100—Century of Aviation Re-  
19 authorization Act (49 U.S.C. 40101 note) and sec-  
20 tion 41745 of this title. Amounts appropriated pur-  
21 suant to this section shall remain available until ex-  
22 pended.”; and

23 (2) by striking “\$77,000,000” in paragraph (2)  
24 and inserting “\$83,000,000”.

1 **SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.**

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

3 (1) by striking the section heading and insert-  
4 ing the following:

5 **“§ 47129. Resolution of airport-air carrier and foreign**  
6 **air carrier disputes concerning airport**  
7 **fees” ;**

8 (2) by inserting “AND FOREIGN AIR CARRIER”  
9 *after* “CARRIER” in the subsection caption for sub-  
10 section (d);

11 (3) by inserting “AND FOREIGN AIR CARRIER”  
12 *after* “CARRIER” in the paragraph caption for sub-  
13 section (d)(2);

14 (4) by striking “air carrier” each place it ap-  
15 pears and inserting “air carrier or foreign air car-  
16 rier”;

17 (5) by striking “air carrier’s” each place it ap-  
18 pears and inserting “air carrier’s or foreign air car-  
19 rier’s”;

20 (6) by striking “air carriers” and inserting “air  
21 carriers or foreign air carriers”; and

22 (7) by striking “(as defined in section 40102 of  
23 this title)” in subsection (a) and inserting “(as those  
24 terms are defined in section 40102 of this title)”.

1 (b) CONFORMING AMENDMENT.—The chapter anal-  
 2 ysis for chapter 471 is amended by striking the item relat-  
 3 ing to section 47129 and inserting the following:

“47129. Resolution of airport-air carrier and foreign air carrier disputes con-  
 cerning airport fees.”.

4 **SEC. 409. SMALL COMMUNITY AIR SERVICE.**

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

6 (1) by striking “and” after the semicolon in  
 7 subparagraph (D);

8 (2) by striking “fashion.” in subparagraph (E)  
 9 and inserting “fashion; and”; and

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

11 “(F) multiple communities cooperate to  
 12 submit a region or multistate application to im-  
 13 prove air service.”.

14 (b) EXTENSION OF AUTHORIZATION.—Section  
 15 41743(e)(2) is amended by striking “2008” and inserting  
 16 “2011”.

17 **SEC. 410. CONTRACT TOWER PROGRAM.**

18 (a) COST-BENEFIT REQUIREMENT.—Section  
 19 47124(b)(1) is amended—

20 (1) by inserting “(A)” after “(1)”; and

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

22 “(B) If the Secretary determines that a tower already  
 23 operating under this program has a benefit to cost ratio  
 24 of less than 1.0, the airport sponsor or State or local gov-

1 ernment having jurisdiction over the airport shall not be  
2 required to pay the portion of the costs that exceeds the  
3 benefit for a period of 18 months after such determination  
4 is made.

5 “(C) If the Secretary finds that all or part of an  
6 amount made available to carry out the program contin-  
7 ued under this paragraph is not required during a fiscal  
8 year, the Secretary may use during such fiscal year the  
9 amount not so required to carry out the program estab-  
10 lished under paragraph (3) of this section.”.

11 (b) FUNDING.—Subparagraph (E) of section  
12 47124(b)(3) is amended—

13 (1) by striking “and” after “2006,”; and

14 (2) by inserting “\$8,500,000 for fiscal year  
15 2008, \$9,000,000 for fiscal year 2009, \$9,500,000  
16 for fiscal year 2010, and \$10,000,000 for fiscal year  
17 2011” after “2007,”; and

18 (3) by inserting after “paragraph.” the fol-  
19 lowing: “If the Secretary finds that all or part of an  
20 amount made available under this subparagraph is  
21 not required during a fiscal year to carry out this  
22 paragraph, the Secretary may use during such fiscal  
23 year the amount not so required to carry out the  
24 program continued under paragraph (b)(1) of this  
25 section.”.

1 (c) FEDERAL SHARE.—Subparagraph (C) of section  
2 47124(b)(4) is amended by striking “\$1,500,000.” and in-  
3 serting “\$2,000,000.”.

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

6 “(c) SAFETY AUDITS.—The Secretary shall establish  
7 uniform standards and requirements for safety assess-  
8 ments of air traffic control towers that receive funding  
9 under this section in accordance with the Administration’s  
10 safety management system.”.

11 **SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED**  
12 **FORCES.**

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

14 (1) the Armed Forces is comprised of approxi-  
15 mately 1,400,000 members who are stationed on ac-  
16 tive duty at more than 6,000 military bases in 146  
17 different countries;

18 (2) the United States is indebted to the mem-  
19 bers of the Armed Forces, many of whom are in  
20 grave danger due to their engagement in, or expo-  
21 sure to, combat;

22 (3) military service, especially in the current  
23 war against terrorism, often requires members of the  
24 Armed Forces to be separated from their families on

1 short notice, for long periods of time, and under  
2 very stressful conditions;

3 (4) the unique demands of military service often  
4 preclude members of the Armed Forces from pur-  
5 chasing discounted advance airline tickets in order  
6 to visit their loved ones at home; and

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

11 (b) SENSE OF CONGRESS.—It is the sense of Con-  
12 gress that each United States air carrier should—

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

17 (2) offer flexible terms that allow members of  
18 the Armed Forces on active duty to purchase, mod-  
19 ify, or cancel tickets without time restrictions, fees,  
20 and penalties.

21 **SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COM-**  
22 **PLAINT INVESTIGATIONS.**

23 (a) *IN GENERAL.*—*Subject to the availability of appro-*  
24 *priations, the Secretary of Transportation shall investigate*  
25 *consumer complaints regarding—*



- 1           (1) *flight cancellations;*
- 2           (2) *compliance with Federal regulations con-*  
3           *cerning overbooking seats flights;*
- 4           (3) *lost, damaged, or delayed baggage, and dif-*  
5           *ficulties with related airline claims procedures;*
- 6           (4) *problems in obtaining refunds for unused or*  
7           *lost tickets or fare adjustments;*
- 8           (5) *incorrect or incomplete information about*  
9           *fares, discount fare conditions and availability, over-*  
10           *charges, and fare increases;*
- 11           (6) *the rights of passengers who hold frequent*  
12           *flier miles, or equivalent redeemable awards earned*  
13           *through customer-loyalty programs; and*
- 14           (7) *deceptive or misleading advertising.*

15           (b) **BUDGET NEEDS REPORT.**—*The Secretary shall*  
16 *provide, as an annex to its annual budget request, an esti-*  
17 *mate of resources which would have been sufficient to inves-*  
18 *tigate all such claims the Department of Transportation re-*  
19 *ceived in the previous fiscal year. The annex shall be trans-*  
20 *mitted to the Congress when the President submits the budg-*  
21 *et of the United States to the Congress under section 1105*  
22 *of title 31, United States Code.*

23 **SEC. 413. EAS MARKETING.**

24           *The Secretary of Transportation shall require all ap-*  
25 *plications to provide service under subchapter II of chapter*

1 417 of title 49, United States Code, include a marketing  
2 plan.

3 **SEC. 414. EXTRAPERIMETAL AND INTRAPERIMETAL SLOTS**

4 **AT RONALD REAGAN WASHINGTON NATIONAL**  
5 **AIRPORT.**

6 (a) *BEYOND PERIMETER EXEMPTIONS.*—Section  
7 41718 (a) is amended by striking “24” and inserting “36”.

8 (b) *WITHIN PERIMETER EXEMPTIONS.*—Section 41718  
9 (b) is amended by striking “20” and inserting “28”.

10 (c) *LIMITATIONS.*—Section 41718(c) is amended—

11 (1) by striking “3 operations.” in paragraph (2)  
12 and inserting “4 operations. Operations conducted by  
13 new entrant and limited incumbent air carriers shall  
14 be afforded a scheduling priority over operations con-  
15 ducted by other air carriers granted exemptions pur-  
16 suant to section 41718 with the highest scheduling  
17 priority afforded to beyond-perimeter operations con-  
18 ducted by new entrant and limited incumbent air  
19 carriers.”;

20 (2) by striking “six” in paragraph (3)(A) and  
21 inserting “8”;

22 (3) by striking “ten” in paragraph (3)(B) and  
23 inserting “12”; and

24 (4) by striking “four” in paragraph (3)(C) and  
25 inserting “6”.

1       **TITLE V—AVIATION SAFETY**

2       **SEC. 501. RUNWAY INCURSION REDUCTION.**

3       Not later than December 31, 2008, the Administrator  
4 of the Federal Aviation Administration shall issue a plan  
5 to develop an installation and deployment schedule for sys-  
6 tems the Administration is installing to alert controllers  
7 and flight crews to potential runway incursions. The plan  
8 shall be integrated into the annual Federal Aviation Ad-  
9 ministration operational evolution plan.

10      **SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.**

11      Not later than December 31, 2007, the Federal Avia-  
12 tion Administration shall issue a final rule regarding the  
13 reduction of fuel tank flammability in transport category  
14 aircraft.

15      **SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**  
16                       **TIFICATES.**

17      (a) JUDICIAL REVIEW OF NTSB DECISIONS.—Sec-  
18 tion 44703(d) is amended by adding at the end the fol-  
19 lowing:

20      “(3) JUDICIAL REVIEW.—A person substantially af-  
21 fected by an order of the Board under this subsection, or  
22 the Administrator when the Administrator decides that an  
23 order of the Board will have a significant adverse impact  
24 on carrying out this part, may obtain judicial review of  
25 the order under section 46110 of this title. The Adminis-

1 trator shall be made a party to the judicial review pro-  
 2 ceedings. The findings of fact of the Board in any such  
 3 case are conclusive if supported by substantial evidence.”.

4 (b) CONFORMING AMENDMENT.—Section 1153(c) is  
 5 amended by striking “section 44709 or” and inserting  
 6 “section 44703(d), 44709, or”.

7 **SEC. 504. RELEASE OF DATA RELATING TO ABANDONED**  
 8 **TYPE CERTIFICATES AND SUPPLEMENTAL**  
 9 **TYPE CERTIFICATES.**

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

12 “(5) RELEASE OF DATA.—

13 “(A) Notwithstanding any other provision of  
 14 law, the Administrator may designate, without the  
 15 consent of the owner of record, engineering data in  
 16 the agency’s possession related to a type certificate  
 17 or a supplemental type certificate for an aircraft, en-  
 18 gine, propeller or appliance as public data, and  
 19 therefore releasable, upon request, to a person seek-  
 20 ing to maintain the airworthiness of such product, if  
 21 the Administrator determines that—

22 “(i) the certificate containing the requested  
 23 data has been inactive for 3 years;

24 “(ii) the owner of record, or the owner of  
 25 record’s heir, of the type certificate or supple-

1           mental certificate has not been located despite  
2           a search of due diligence by the agency; and

3                   “(iii) the designation of such data as pub-  
4           lic data will enhance aviation safety.

5           “(B) In this section, the term ‘engineering  
6           data’ means type design drawings and specifications  
7           for the entire product or change to the product, in-  
8           cluding the original design data, and any associated  
9           supplier data for individual parts or components ap-  
10          proved as part of the particular aeronautical product  
11          certificate.”.

12 **SEC. 505. DESIGN ORGANIZATION CERTIFICATES.**

13          Section 44704(e) is amended—

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

17               (2) by striking “testing” in paragraph (2) and  
18               inserting “production”; and

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

21               “(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN  
22               ORGANIZATION CERTIFICATION.—The Administrator may  
23               rely on the Design Organization for certification of compli-  
24               ance under this section.”.

1 **SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR**  
2 **DATABASE SYSTEMS.**

3 (a) IN GENERAL.—Chapter 401 is amended by add-  
4 ing at the end thereof the following:

5 **“§ 40130. FAA access to criminal history records or**  
6 **databases systems**

7 “(a) ACCESS TO RECORDS OR DATABASES SYS-  
8 TEMS.—

9 “(1) Notwithstanding section 534 of title 28  
10 and the implementing regulations for such section  
11 (28 C.F.R. part 20), the Administrator of the Fed-  
12 eral Aviation Administration is authorized to access  
13 a system of documented criminal justice information  
14 maintained by the Department of Justice or by a  
15 State but may do so only for the purpose of carrying  
16 out its civil and administrative responsibilities to  
17 protect the safety and security of the National Air-  
18 space System or to support the missions of the De-  
19 partment of Justice, the Department of Homeland  
20 ~~Security~~ *Security*, and other law enforcement agen-  
21 cies. The Administrator shall be subject to the same  
22 conditions or procedures established by the Depart-  
23 ment of Justice or State for access to such an infor-  
24 mation system by other governmental agencies with  
25 access to the system.

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

4           “(b) DESIGNATED EMPLOYEES.—The Administrator  
5           shall, by order, designate those employees of the Adminis-  
6           tration who shall carry out the authority described in sub-  
7           section (a). Such designated employees may—

8           “(1) have access to and receive criminal history,  
9           driver, vehicle, and other law enforcement informa-  
10          tion contained in the law enforcement databases of  
11          the Department of Justice, or of any jurisdiction in  
12          a State in the same manner as a police officer em-  
13          ployed by a State or local authority of that State  
14          who is certified or commissioned under the laws of  
15          that State;

16          “(2) use any radio, data link, or warning sys-  
17          tem of the Federal Government and of any jurisdic-  
18          tion in a State that provides information about  
19          wanted persons, be-on-the-lookout notices, or war-  
20          rant status or other officer safety information to  
21          which a police officer employed by a State or local  
22          authority in that State who is certified or commis-  
23          sion under the laws of that State has access and in  
24          the same manner as such police officer; or

1           “(3) receive Federal, State, or local government  
 2           communications with a police officer employed by a  
 3           State or local authority in that State in the same  
 4           manner as a police officer employed by a State or  
 5           local authority in that State who is commissioned  
 6           under the laws of that State.

7           “(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE  
 8           INFORMATION DEFINED.—In this section the term ‘sys-  
 9           tem of documented criminal justice information’ means  
 10          any law enforcement databases, ~~systems~~ *systems*, or com-  
 11          munications containing information concerning identifica-  
 12          tion, criminal history, arrests, convictions, arrest war-  
 13          rants, *or* wanted or missing persons, including the Na-  
 14          tional Crime Information Center and its incorporated  
 15          criminal history databases and the National Law Enforce-  
 16          ment Telecommunications System.”.

17          (b) CONFORMING AMENDMENT.—The chapter anal-  
 18          ysis for chapter 401 is amended by inserting after the item  
 19          relating to section 40129 the following:

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

20          **SEC. 507. FLIGHT CREW FATIGUE.**

21          (a) IN GENERAL.—Within 3 months after the date  
 22          of enactment of this Act the Administrator of the Federal  
 23          Aviation Administration shall conclude arrangements with  
 24          the National Academy of Sciences for a study of pilot fa-  
 25          tigue.



1 (b) STUDY.—The study shall include consideration  
2 of—

3 (1) research on fatigue, sleep, and circadian  
4 rhythms;

5 (2) sleep and rest requirements recommended  
6 by the National Transportation Safety Board; and

7 (3) international standards.

8 (c) REPORT.—Within 18 months after initiating the  
9 study, the National Academy shall submit a report to the  
10 Administrator containing its findings and recommenda-  
11 tions, including recommendations with respect to Federal  
12 Aviation Regulations governing flight limitation and rest  
13 requirements.

14 (d) RULEMAKING.—After the Administrator receives  
15 the National Academy’s report, the Federal Aviation Ad-  
16 ministration shall consider the findings of the National  
17 Academy in its rulemaking proceeding on flight time limi-  
18 tations and rest requirements.

19 (e) IMPLEMENTATION OF FLIGHT ATTENDANT FA-  
20 TIGUE STUDY RECOMMENDATIONS.—Within 60 days  
21 after the date of enactment of this Act, the Administrator  
22 of the Federal Aviation Administration shall initiate a  
23 process to carry out the recommendations of the CAMI  
24 study on flight attendant fatigue.

1 **SEC. 508. INCREASING SAFETY FOR HELICOPTER EMER-**  
2 **GENCY MEDICAL SERVICE OPERATORS.**

3 (a) COMPLIANCE WITH 14 CFR PART 135 REGULA-  
4 TIONS.—No later than 18 months after the date of enact-  
5 ment of this Act, all helicopter emergency medical service  
6 operators shall comply with the regulations in part 135  
7 of title 14, Code of Federal Regulations whenever there  
8 is a medical crew on board, without regard to whether  
9 there are patients on board the helicopter.

10 (b) IMPLEMENTATION OF FLIGHT RISK EVALUATION  
11 PROGRAM.—Within 60 days after the date of enactment  
12 of this Act, the Federal Aviation Administration shall ini-  
13 tiate, and complete within 18 months, a rulemaking—

14 (1) to create a standardized checklist of risk  
15 evaluation factors based on its Notice 8000.301,  
16 issued in August, 2005; and

17 (2) to require helicopter emergency medical  
18 service operators to use the checklist to determine  
19 whether a mission should be accepted.

20 (c) COMPREHENSIVE CONSISTENT FLIGHT DIS-  
21 PATCH PROCEDURES.—Within 60 days after the date of  
22 enactment of this Act, the Federal Aviation Administra-  
23 tion shall initiate, and complete within 18 months, a rule-  
24 making—

25 (1) to create standardized flight dispatch proce-  
26 dures for helicopter emergency medical service oper-

1       ators based on the regulations in part 121 of title  
2       14, Code of Federal Regulations; and

3               (2) *to* require such operators to use those proce-  
4       dures for flights.

5       (d) IMPROVING SITUATIONAL AWARENESS.—Any  
6       helicopter used for helicopter emergency medical service  
7       operations that is ordered, purchased, or otherwise ob-  
8       tained after the date of enactment of this Act shall have  
9       on board an operational terrain awareness and warning  
10      system that meets the technical specifications of section  
11      135.154 of the Federal Aviation Regulations (14 C.F.R.  
12      135.154).

13      (e) IMPROVING THE DATA AVAILABLE TO NTSB IN-  
14      VESTIGATORS AT CRASH SITES.—

15              (1) STUDY.—Within 1 year after the date of  
16      enactment of this Act, the Federal Aviation Admin-  
17      istration shall complete a feasibility study of requir-  
18      ing flight data and cockpit voice recorders on new  
19      and existing helicopters used for emergency medical  
20      service operations. The study shall address, at a  
21      minimum, issues related to survivability, weight, and  
22      financial considerations of such a requirement.

23              (2) RULEMAKING.—Within 2 years after the  
24      date of enactment of this Act, the Federal Aviation  
25      Administration shall complete a rulemaking to re-

1       quire flight data and cockpit voice recorders on  
2       board such helicopters.

3 **SEC. 509. CABIN CREW COMMUNICATION REQUIREMENTS.**

4       (a) IN GENERAL.—Section 44728 is amended—

5           (1) by redesignating subsection (f) as sub-  
6       section (g); and

7           (2) by inserting after subsection (e) the fol-  
8       lowing:

9       “(f) MINIMUM ENGLISH LANGUAGE SKILLS.—

10           “(1) IN GENERAL.—No certificate holder may  
11       use any person to serve, nor may any person serve,  
12       as a flight attendant under this part, unless that  
13       person has the ability ~~(H)~~ to read, speak, and write  
14       English well enough to—

15           “(A) read material written in English and  
16       comprehend the information;

17           “(B) speak and understand English suffi-  
18       ciently to provide direction to, and understand  
19       and answer questions from, English-speaking  
20       individuals;

21           “(C) write incident reports and statements  
22       and log entries and statements; and

23           “(D) carry out written and oral instruc-  
24       tions regarding the proper performance of their  
25       duties.

1           “(2) FOREIGN FLIGHTS.—The requirements of  
2 paragraph (1) do not apply to service as a flight at-  
3 tendant on a flight operated by a certificate holder  
4 solely between points outside the United States.”.

5           (b) ADMINISTRATION.—The Administrator of the  
6 Federal Aviation Administration shall work with certifi-  
7 cate holders to which section 44728(f) of title 49, United  
8 States Code, applies to facilitate compliance with the re-  
9 quirements of section 44728(f)(1) of that title.

10 **SEC. 510. CLARIFICATION OF MEMORANDUM OF UNDER-**  
11 **STANDING WITH OSHA.**

12           (a) *IN GENERAL.*—*Within 6 months after the date of*  
13 *enactment of this Act, the Administrator of the Federal*  
14 *Aviation Administration shall—*

15                 (1) *establish milestones, in consultation with the*  
16 *Occupational Safety and Health Administration,*  
17 *through a report to Congress for the completion of*  
18 *work begun under the August 2000 memorandum of*  
19 *understanding between the 2 Administrations and to*  
20 *address issues needing further action in the Adminis-*  
21 *trations’ joint report in December 2000; and*

22                 (2) *initiate development of a policy statement to*  
23 *set forth the circumstances in which Occupational*  
24 *Safety and Health Administration requirements may*

1       *be applied to crewmembers while working in the air-*  
2       *craft cabin.*

3       **(b) POLICY STATEMENT.**—*The policy statement to be*  
4       *developed under subsection (a)(2) shall satisfy the following*  
5       *principles:*

6               *(1) The establishment of a coordinating body*  
7       *similar to the Aviation Safety and Health Joint*  
8       *Team established by the August 2000 memorandum of*  
9       *understanding that includes representatives des-*  
10       *ignated by both Administrations—*

11               *(A) to examine the applicability of current*  
12       *and future Occupational Safety and Health Ad-*  
13       *ministration regulations;*

14               *(B) to recommend policies for facilitating*  
15       *the training of Federal Aviation Administration*  
16       *inspectors; and*

17               *(C) to make recommendations that will gov-*  
18       *ern the inspection and enforcement of safety and*  
19       *health standards on board aircraft in operation*  
20       *and all work-related environments.*

21               *(2) Any standards adopted by the Federal Avia-*  
22       *tion Administration shall set forth clearly—*

23               *(A) the circumstances under which an em-*  
24       *ployer is required to take action to address occu-*  
25       *pational safety and health hazards;*

1                   (B) the measures required of an employer  
2                   under the standard; and

3                   (C) the compliance obligations of an em-  
4                   ployer under the standard.

5 **SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLE-**  
6 **MENTATION OF REQUIRED NAVIGATION PER-**  
7 **FORMANCE APPROACH PROCEDURES.**

8           (a) *IN GENERAL.*—The Administrator of the Federal  
9 Aviation Administration shall set a target of achieving a  
10 minimum of 200 Required Navigation Performance proce-  
11 dures each fiscal year through fiscal year 2012, with 25  
12 percent of that target number meeting the low visibility ap-  
13 proach criteria.

14           (b) *USE OF THIRD PARTIES.*—The Administrator is  
15 authorized to provide third parties the ability to design,  
16 flight check, and implement Required Navigation Perform-  
17 ance approach procedures.

18 **TITLE VI—AVIATION RESEARCH**

19 **SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

20           (a) *IN GENERAL.*—Section 44511(f) is amended—

21                   (1) by striking “establish a 4-year pilot” in  
22 paragraph (1) and inserting “maintain an”; and

23                   (2) by inserting “pilot” in paragraph (4) before  
24 “program” the first time it appears; and

1           (3) by striking “program, including rec-  
2           ommendations as to the need for establishing a per-  
3           manent airport cooperative research program.” in  
4           paragraph (4) and inserting “program.”.

5           **(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—**  
6           *Not more than \$15,000,000 per year for fiscal years 2008,*  
7           *2009, 2010, and 2011 may be appropriated to the Secretary*  
8           *of Transportation from the amounts made available each*  
9           *year under subsection (a) for the Airport Cooperative Re-*  
10           *search Program under section 44511 of this title, of which*  
11           *not less than \$5,000,000 per year shall be for research ac-*  
12           *tivities related to the airport environment, including reduc-*  
13           *tion of community exposure to civil aircraft noise, reduc-*  
14           *tion of civil aviation emissions, or addressing water quality*  
15           *issues.*

16           **SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY**  
17                                   **CONSUMPTION FROM CIVILIAN AIRCRAFT.**

18           **(a) ESTABLISHMENT OF RESEARCH PROGRAM.—**  
19           From amounts made available under section 48102(a) of  
20           title 49, United States Code, the Administrator of the  
21           Federal Aviation Administration shall establish a research  
22           program related to reducing civilian aircraft source noise  
23           and emissions through grants or other measures author-  
24           ized under section 106(l)(6) of such title, including reim-  
25           bursable agreements with other Federal agencies. The pro-



1 gram shall include participation of educational and re-  
2 search institutions or private sector entities that have ex-  
3 isting facilities and experience for developing and testing  
4 noise, emissions and energy reduction engine and aircraft  
5 technology, and developing alternative fuels.

6 (b) ESTABLISHING A CONSORTIUM.—Within 6  
7 months after the date of enactment of this Act, the Ad-  
8 ministrators shall designate, using a competitive process,  
9 an institution, entity, or consortium described in sub-  
10 section (a) as a Consortium for Aviation Noise, Emissions,  
11 and Energy Technology Research to perform research in  
12 accordance with this section. The Consortium shall con-  
13 duct the research program in coordination with the Na-  
14 tional Aeronautics and Space Administration and other  
15 relevant agencies.

16 (c) PERFORMANCE OBJECTIVES.—By January 1,  
17 2015, the research program shall accomplish the following  
18 objectives:

19 (1) Certifiable aircraft technology that increases  
20 aircraft fuel efficiency by 25 percent relative to 1997  
21 subsonic aircraft technology.

22 (2) Certifiable engine technology that reduces  
23 landing and takeoff cycle nitrogen oxide emissions  
24 by 50 percent, without increasing other gaseous or

1 particle emissions, over the International Civil Avia-  
2 tion Organization standard adopted in 2004.

3 (3) Certifiable aircraft technology that reduces  
4 noise levels by 10 dB (30 dB cumulative) relative to  
5 1997 subsonic jet aircraft technology.

6 (4) Determination of the feasibility of use of al-  
7 ternative fuels in aircraft systems, including success-  
8 ful demonstration and quantification of benefits.

9 (5) Determination of the extent to which new  
10 engine and aircraft technologies may be used to ret-  
11 rofit or re-engine aircraft so as to increase the level  
12 of penetration into the commercial fleet.

13 **SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECH-**  
14 **NOLOGY FOR CIVILIAN AIRCRAFT.**

15 (a) ESTABLISHMENT OF RESEARCH PROGRAM.—  
16 From amounts made available under section 48102(a) of  
17 title 49, United States Code, the Secretary of Transpor-  
18 tation shall establish a research program related to devel-  
19 oping jet fuel from clean coal through grants or other  
20 measures authorized under section 106(l)(6) of such title,  
21 including reimbursable agreements with other Federal  
22 agencies. The program shall include participation by edu-  
23 cational and research institutions that have existing facili-  
24 ties and experience in the development and deployment of  
25 technology that processes coal to aviation fuel.

1 (b) DESIGNATION OF ~~INSTITUTE~~ *INSTITUTION* AS A  
 2 CENTER OF EXCELLENCE.—Within 6 months after the  
 3 date of enactment of this Act, the Administrator of the  
 4 Federal Aviation Administration shall designate an insti-  
 5 tution described in subsection (a) as a Center of Excel-  
 6 lence for ~~Coal to Jet Fuel~~ *Coal-to-Jet-Fuel* Research.

7 **SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERO-**  
 8 **NAUTICS.**

9 (a) ESTABLISHMENT.—There is established an advi-  
 10 sory committee to be know as the “Advisory Committee  
 11 on the Future of Aeronautics”.

12 (b) MEMBERSHIP.—The Advisory Committee shall  
 13 consist of 7 members appointed by the President from a  
 14 list of 15 candidates proposed by the Director of the Na-  
 15 tional Academy of Sciences.

16 (c) CHAIRPERSON.—The Advisory Committee mem-  
 17 bers shall elect 1 member to serve as chairperson of the  
 18 Advisory Committee.

19 (d) FUNCTIONS.—The Advisory Committee shall ex-  
 20 amine the best governmental and organizational struc-  
 21 tures for the conduct of civil aeronautics research and de-  
 22 velopment, including options and recommendations for  
 23 consolidating such research to ensure continued United  
 24 States leadership in civil aeronautics. The Committee shall  
 25 consider transferring responsibility for civil aeronautics re-

1 search and development from the National Aeronautics  
2 and Space Administration to other existing departments  
3 or agencies of the Federal government or to a non-govern-  
4 mental organization such as academic consortia or not-  
5 for-profit organizations. In developing its recommenda-  
6 tions, the Advisory Committee shall consider, as appro-  
7 priate, the aeronautics research policies developed pursu-  
8 ant to section 101(d) of Public Law 109–155 and the re-  
9 quirements and priorities for aeronautics research estab-  
10 lished by title IV of Public Law 109–155.

11 (e) REPORT.—Not later than 12 months after the  
12 date on which the full membership of the Advisory Com-  
13 mittee is appointed, the Advisory Committee shall submit  
14 a report to the Senate Committee on Commerce, Science,  
15 and Transportation and the House Committees on Science  
16 and Technology and on Transportation and Infrastructure  
17 on its findings and recommendations. The report may rec-  
18 ommend a rank ordered list of acceptable solutions.

19 (f) TERMINATION.—The Advisory Committee shall  
20 terminate 60 days after the date on which it submits the  
21 report to the Congress.

22 **SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD**  
23 **PAVEMENTS.**

24 (a) CONTINUATION OF PROGRAM.—*The Administrator*  
25 *of the Federal Aviation Administration shall continue the*

1 *program to consider awards to nonprofit concrete and as-*  
2 *phalt pavement research foundations to improve the design,*  
3 *construction, rehabilitation, and repair of airfield pave-*  
4 *ments to aid in the development of safer, more cost effective,*  
5 *and more durable airfield pavements.*

6 (b) *USE OF GRANTS OR COOPERATIVE AGREE-*  
7 *MENTS.—The Administrator may use grants or cooperative*  
8 *agreements in carrying out this section.*

9 **SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATH-**  
10 **ER RESEARCH.**

11 *Within 60 days after the date of enactment of this Act,*  
12 *the Administrator of the Federal Aviation Administration*  
13 *shall—*

14 (1) *initiate evaluation of proposals that would*  
15 *increase capacity throughout the air transportation*  
16 *system by reducing existing spacing requirements be-*  
17 *tween aircraft of all sizes, including research on the*  
18 *nature of wake vortices;*

19 (2) *begin implementation of a system to improve*  
20 *volcanic ash avoidance options for aircraft, including*  
21 *the development of a volcanic ash warning and notifi-*  
22 *cation system for aviation; and*

23 (3) *establish research projects on—*

24 (A) *ground de-icing/anti-icing, ice pellets,*  
25 *and freezing drizzle;*

1           (B) oceanic weather, including convective  
2 weather;

3           (C) en route turbulence prediction and de-  
4 tection; and

5           (D) all hazards during oceanic operations,  
6 where commercial traffic is high and only rudi-  
7 mentary satellite sensing is available, to reduce  
8 the hazards presented to commercial aviation.

9 **SEC. 607. INCORPORATION OF UNMANNED AERIAL SYS-**  
10 **TEMS INTO FAA PLANS AND POLICIES.**

11 (a) *RESEARCH.*—

12 (1) *EQUIPMENT.*—Section 44504 is amended—

13 (A) by inserting “unmanned and manned”  
14 in subsection (a) after “improve”;

15 (B) by striking “and” after the semicolon in  
16 subsection (b)(6);

17 (C) by striking “aircraft.” in subsection  
18 (b)(7) and inserting “aircraft; and”;

19 (D) by adding at the end of subsection (b)  
20 the following:

21 “(8) in conjunction with other Federal agencies  
22 as appropriate, to develop technologies and methods to  
23 assess the risk of and prevent defects, failures, and  
24 malfunctions of products, parts, and processes, for use

1 *in all classes of unmanned aerial systems that could*  
2 *result in a catastrophic failure.”.*

3 (2) *HUMAN FACTORS; SIMULATIONS.*—Section  
4 *44505(b) is amended—*

5 (A) *by striking “and” after the semicolon in*  
6 *paragraph (4);*

7 (B) *by striking “programs.” in paragraph*  
8 *(5)(C) and inserting “programs; and”; and*

9 (C) *by adding at the end thereof the fol-*  
10 *lowing:*

11 “(6) *to develop a better understanding of the re-*  
12 *lationship between human factors and unmanned aer-*  
13 *ial systems air safety; and*

14 “(7) *to develop dynamic simulation models of in-*  
15 *tegrating all classes of unmanned aerial systems into*  
16 *the National Air Space.”.*

17 (b) *NATIONAL ACADEMY OF SCIENCES ASSESSMENT.*—

18 (1) *IN GENERAL.*—*Within 3 months after the*  
19 *date of enactment of this Act, the Administrator of the*  
20 *Federal Aviation Administration shall enter into an*  
21 *arrangement with the National Academy of Science*  
22 *for an assessment of unmanned aerial systems that*  
23 *shall include consideration of—*

24 (A) *human factors regarding unmanned*  
25 *aerial systems operation;*

1           (B) “detect, sense and avoid technologies”  
2           with respect to both cooperative and non-cooper-  
3           ative aircraft;

4           (C) spectrum issues and bandwidth require-  
5           ments;

6           (D) operation in suboptimal winds and ad-  
7           verse weather conditions;

8           (E) mechanisms for letter others know  
9           where the unmanned aerial system is flying;

10          (F) airworthiness and system redundancy;

11          (G) flight termination systems for safety  
12          and security;

13          (H) privacy issues;

14          (I) technologies for unmanned aerial sys-  
15          tems flight control;

16          (J) technologies for unmanned aerial sys-  
17          tems propulsion;

18          (K) unmanned aerial systems operator  
19          qualifications, medical standards, and training  
20          requirements;

21          (L) unmanned aerial systems maintenance  
22          requirements and training requirements; and

23          (M) any other unmanned aerial systems-re-  
24          lated issue the Administrator believes should be  
25          addressed.



1           (2) *REPORT.*—*Within 12 months after initiating*  
2 *the study, the National Academy shall submit its re-*  
3 *port to the Administrator, the Senate Committee on*  
4 *Commerce, Science, and Transportation, and the*  
5 *House of Representatives Committee on Transpor-*  
6 *tation and Infrastructure containing its findings and*  
7 *recommendations.*

8           (c) *PILOT PROJECTS.*—

9           (1) *IN GENERAL.*—*The Administrator of the Fed-*  
10 *eral Aviation Administration shall establish 3 2-year*  
11 *cost-shared pilot projects in sparsely populated, low-*  
12 *density Class G air traffic airspace to conduct experi-*  
13 *ments and collect data in order to accelerate the safe*  
14 *integration of unmanned aerial systems into the Na-*  
15 *tional Airspace System as follows:*

16                   (A) *1 project shall address operational*  
17 *issues required for integration of Category 1 un-*  
18 *manned aerial systems.*

19                   (B) *1 project shall address operational*  
20 *issues required for integration of Category 2 un-*  
21 *manned aerial systems.*

22                   (C) *1 project shall address operational*  
23 *issues required for integration of Category 3 un-*  
24 *manned aerial systems.*

1           (2) *USE OF CONSORTIA.*—*In conducting the pilot*  
2           *projects, the Administrator shall encourage the forma-*  
3           *tion of consortia from the public and private sectors,*  
4           *educational institutions, and non-profit organization.*

5           (3) *REPORT.*—*Within 60 days after completing*  
6           *the pilot projects, the Administrator shall transmit a*  
7           *report to the Senate Committee on Commerce,*  
8           *Science, and Transportation and the House of Rep-*  
9           *resentatives Committee on Transportation and Infra-*  
10           *structure setting forth the Administrator’s findings*  
11           *and conclusions concerning the projects.*

12           (4) *AUTHORIZATION OF APPROPRIATIONS.*—  
13           *There are authorized to be appropriated to the Ad-*  
14           *ministrator for fiscal years 2008 and 2009 such sums*  
15           *as may be necessary to conduct the pilot projects.*

16           (d) *FAA TASK LIST.*—

17           (1) *STREAMLINE UNMANNED AERIAL SYSTEMS*  
18           *CERTIFICATION PROCESS.*—*Within 30 days after the*  
19           *date of enactment of this Act, the Administrator of the*  
20           *Federal Aviation Administration shall develop and*  
21           *transmit an unmanned aerial systems “roadmap” to*  
22           *the Senate Committee on Commerce, Science, and*  
23           *Transportation and the House of Representatives*  
24           *Committee on Transportation and Infrastructure.*

1           (2) *UPDATE POLICY STATEMENT.*—Within 45  
2           days after the date of enactment of this Act, the Ad-  
3           ministratoꝛ shall issue an updated policy statement  
4           on unmanned aerial systems under Docket No. FAA-  
5           2006-25714; Notice No. 07-01.

6           (3) *ISSUE NPRM FOR CERTIFICATES.*—Within 90  
7           days after the date of enactment of this Act, the Ad-  
8           ministratoꝛ shall publish a notice of proposed rule-  
9           making on issuing airworthiness certificates and ex-  
10          perimental certificates to unmanned aerial systems  
11          operators for compensation or hire. The Adminis-  
12          tratoꝛ shall promulgate a final rule 90 days after the  
13          date on which the notice is published.

14          (4) *NOTICE TO CONGRESS ON BASING UNMANNED*  
15          *AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REG-*  
16          *ULATIONS.*—Within 90 days after the date of enact-  
17          ment of this Act, the Administrator shall transmit a  
18          report to the Senate Committee on Commerce,  
19          Science, and Transportation and the House of Rep-  
20          resentatives Committee on Transportation and Infra-  
21          structure on the potential of using part 103 of title  
22          14, Code of Federal Regulations (relating to Ultra-  
23          light Aircraft), as the regulatory basis for regulations  
24          on lightweight unmanned aerial systems.

1           (e) *CONSOLIDATED RULEMAKING DEADLINE.*—No  
 2 *later than April 30, 2010, the Federal Aviation Adminis-*  
 3 *tration and other affected Federal agencies shall have initi-*  
 4 *ated all of the rule makings regarding vehicle design re-*  
 5 *quirements, operational requirements, airworthiness re-*  
 6 *quirements, and flight crew certifications requirements nec-*  
 7 *essary for integrating all categories of unmanned aerial sys-*  
 8 *tems into the national air space, taking into consideration*  
 9 *the recommendations the Administrator receives from the*  
 10 *National Academy of Sciences report under subsection (b),*  
 11 *the unmanned aerial systems “roadmap” developed by the*  
 12 *Administrator under subsection (d)(1), the recommenda-*  
 13 *tions of the Radio Technical Committee Aeronautics Special*  
 14 *Committee 203 (RTCA–SC 203), and the data generated*  
 15 *from the 3 pilot projects conducted under subsection (c).*

16 **SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE**  
 17 **IN APPLIED RESEARCH AND TRAINING IN**  
 18 **THE USE OF ADVANCED MATERIALS IN**  
 19 **TRANSPORT AIRCRAFT.**

20           Section 708(b) of the *Vision 100—Century of Aviation*  
 21 *Reauthorization Act (49 U.S.C. 44504 note) is amended by*  
 22 *striking “\$500,000 for fiscal year 2004” and inserting*  
 23 *“\$1,000,000 for each of fiscal years 2008 through 2012”.*

1       **TITLE VII—MISCELLANEOUS**

2       **SEC. 701. GENERAL AUTHORITY.**

3           ~~(a)~~ **GENERAL AUTHORITY.**—Paragraph ~~(1)~~ of section  
4 44302(e), as redesignated by subsection ~~(a)(1)(B)~~, is  
5 amended by striking “December 31, 2006,” and inserting  
6 “December 31, 2008.”

7           ~~(b)~~ **(a) THIRD PARTY LIABILITY.**—Section 44303(b)  
8 is amended by striking “December 31, 2006,” and insert-  
9 ing “December 31, 2012.”

10          ~~(c)~~ **(b) EXTENSION OF PROGRAM AUTHORITY.**—Sec-  
11 tion 44310 is amended by striking “March 30, 2008.” and  
12 inserting “~~March 30, 2013.~~” “*October 1, 2017.*”

13       **SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.**

14           Within 6 months after the date of enactment of this  
15 Act, the Administrator of the Federal Aviation Adminis-  
16 tration shall develop a Human Intervention Management  
17 Study program for cabin crews employed by commercial  
18 air carriers in the United States.

19       **SEC. 703. AIRPORT PROGRAM MODIFICATIONS.**

20           The Administrator of the Federal Aviation Adminis-  
21 tration—

22                   (1) shall establish a formal, structured certifi-  
23 cation training program for the airport concessions  
24 disadvantaged business enterprise program; and

1           (2) may appoint 3 additional staff to implement  
2           the programs of the airport concessions disadvan-  
3           tagged business enterprise initiative.

4 **SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.**

5           (a) EXTENSION OF METROPOLITAN WASHINGTON  
6 AIRPORTS AUTHORITY.—Section 49108 is amended by  
7 striking “2008,” and inserting “2011,”.

8           (b) MARSHALL ISLANDS, FEDERATED STATES OF  
9 MICRONESIA, AND PALAU.—Section 47115(j) is amended  
10 by striking “2007,” and inserting “2011,”.

11           (c) MIDWAY ISLAND AIRPORT.—Section 186(d) of  
12 the Vision 100—Century of Aviation Reauthorization Act  
13 (17 Stat. 2518) is amended by striking “October 1,  
14 2007,” and inserting “October 1, 2011,”.

15 **SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.**

16           Section 47107(s) is amended by striking paragraph  
17 (3).

18 **SEC. 706. MODIFICATION OF FAA’S AGE-60 STANDARD.**

19           (a) IN GENERAL.—A pilot who has attained 60 years  
20 of age may serve as a pilot of an aircraft operated by an  
21 air carrier engaged in operations under part 121 of title  
22 14, Code of Federal Regulations, until attaining 65 years  
23 of age only if the pilot serves—

24           (1) as a required pilot in multi-crew aircraft op-  
25           erations; and

1           (2) with another pilot serving as a required  
2 pilot in such multi-crew aircraft operations who has  
3 not yet attained 60 years of age.

4           (b) SUNSET OF AGE-60 RULE.—

5           (1) IN GENERAL.—~~On and after the effective~~  
6 ~~date described in subsection (e), section~~ *Section*  
7 121.383(e) of title 14, Code of Federal Regulations  
8 shall have no further force or effect.

9           (2) REGULATIONS.—Not later than 30 days  
10 after ~~the effective date described in subsection (e),~~  
11 *paragraph (1) takes effect*, the Secretary of Trans-  
12 portation shall take such action as may be necessary  
13 to implement paragraph (1) and to modify the regu-  
14 lations relating to pilot privileges by reason of age.

15           (c) APPLICABILITY.—The provisions of subsection (a)  
16 shall not provide a basis for a claim of seniority under  
17 any labor agreement in effect between a recognized bar-  
18 gaining unit for pilots and an air carrier engaged in oper-  
19 ations under part 121 of title 14, Code of Federal Regula-  
20 tions, that is made by a person who was a pilot and who  
21 attained 60 years of age before ~~the effective date described~~  
22 ~~in subsection (e)~~ *this section takes effect* and is seeking a  
23 position as a pilot with such air carrier following that per-  
24 son's termination or cessation of employment or promotion  
25 or transfer to another position with such air carrier pursu-

1 ant to section 121.383(e) of title 14, Code of Federal Reg-  
 2 ulations, as in effect on the day before the effective date  
 3 ~~described in subsection (e).~~ *of this section.*

4 (d) GAO REPORT AFTER MODIFICATION OF AGE-60  
 5 STANDARD.—Not later than 24 months after the effective  
 6 date described in subsection (e), the Comptroller General  
 7 of the United States shall report to the ~~Committee on~~  
 8 ~~Commerce, Science, and Transportation of the Senate and~~  
 9 ~~the Committee on Transportation and Infrastructure of~~  
 10 ~~the House of Representatives~~ *Senate Committee on Com-*  
 11 *merce, Science, and Transportation and the House of Rep-*  
 12 *resentatives Committee on Transportation and Infrastruc-*  
 13 *ture* concerning the effect on aviation safety, if any, of the  
 14 modification of the age standard contained in subsection  
 15 (a).

16 (e) EFFECTIVE DATE.—This section shall take effect  
 17 ~~on the date that is~~ 30 days after the date of the enactment  
 18 of this Act.

19 **SEC. 707. UPDATE ON OVERFLIGHTS.**

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

21 “(b) LIMITATIONS.—

22 “(1) IN GENERAL.—In establishing fees under  
 23 subsection (a), the Administrator shall ensure that  
 24 the fees required by subsection (a) are reasonably  
 25 related to the Administration’s costs, as determined



1 by the Administrator, of providing the services ren-  
2 dered. Services for which costs may be recovered in-  
3 clude the costs of air traffic control, navigation,  
4 weather services, training, and emergency services  
5 which are available to facilitate safe transportation  
6 over the United States, and other services provided  
7 by the Administrator or by programs financed by  
8 the Administrator to flights that neither take off nor  
9 land in the United States. The determination of  
10 such costs by the Administrator is not subject to ju-  
11 dicial review.

12 “(2) ADJUSTMENT OF FEES.—The Adminis-  
13 trator shall adjust the overflight fees established by  
14 subsection (a)(1) by expedited rulemaking and begin  
15 collections under the adjusted fees by October 1,  
16 2008. In developing the adjusted overflight fees, the  
17 Administrator shall seek and consider the rec-  
18 ommendations offered by the Aviation Rulemaking  
19 Committee for Overflight Fees that are intended to  
20 ensure that overflight fees are reasonably related to  
21 the Administrator’s costs of providing air traffic  
22 control and related services to overflights. In addi-  
23 tion, the Administrator may periodically modify the  
24 fees established under this section either on the Ad-

1 administrator's own initiative or on a recommendation  
2 from the Air Traffic Control Modernization Board.

3 “(3) COST DATA.—The adjustment of overflight  
4 fees under paragraph (2) shall be based on the costs  
5 to the Administration of providing the air traffic  
6 control and related activities, services, facilities, and  
7 equipment using the available data derived from the  
8 Administration's cost accounting system and cost al-  
9 location system to users, as well as budget and oper-  
10 ational data.

11 “(4) AIRCRAFT ALTITUDE.—Nothing in this  
12 section shall require the Administrator to take into  
13 account aircraft altitude in establishing any fee for  
14 aircraft operations in en route or oceanic airspace.

15 “(5) ADMINISTRATIVE PROVISIONS.—Section  
16 ~~48515(e)~~ 48115(c) shall apply to the imposition and  
17 collection of overflight fees established under this  
18 section. For the purpose of applying that section to  
19 such fees, any reference in section 48515(c) to ‘sur-  
20 charge’ or ‘surcharges’ is deemed to refer to ‘over-  
21 flight fee’ or ‘overflight fees’, respectively.

22 “(6) COSTS DEFINED.—In this subsection, the  
23 term ‘costs’ means those costs associated with the  
24 operation, maintenance, debt service, and overhead  
25 expenses of the services provided and the facilities

1 and equipment used in such services, including the  
 2 projected costs for the period during which the serv-  
 3 ices will be provided.

4 “(7) PUBLICATION; COMMENT.—The Adminis-  
 5 trator shall publish in the Federal Register any fee  
 6 schedule under this section, including any adjusted  
 7 overflight fee schedule, and the associated collection  
 8 process as an interim final rule, pursuant to which  
 9 public comment will be sought and a final rule  
 10 issued.”.

11 **SEC. 708. TECHNICAL CORRECTIONS.**

12 Section ~~41022(g)~~ 40122(g), as amended by section 307  
 13 of this Act, is further amended—

14 (1) by striking “2302(b), relating to whistle-  
 15 blower protection,” in paragraph (2)(A) and insert-  
 16 ing “2302,”; and

17 (2) by striking “and” after the semicolon in  
 18 paragraph (2)(H).

19 (3) by striking “Plan.” in paragraph (2)(I)(iii)  
 20 and inserting “Plan; and”;

21 (4) by adding at the end of paragraph (2) the  
 22 following:

23 “(J) sections 6381 through 6387, relating to  
 24 Family and Medical Leave.”; and

1           ~~(2)~~ (5) by adding at the end of paragraph (3)  
2           “Notwithstanding any other provision of law, retro-  
3           active to April 1, 1996, the Board shall have the  
4           same remedial authority over such employee appeals  
5           that it had as of March 31, 1996.”.

6   **SEC. 709. FAA TECHNICAL TRAINING AND STAFFING.**

7           (a) STUDY.—

8           (1) IN GENERAL.—The Comptroller General  
9           shall conduct a study of the training of airway  
10          transportation systems specialists of the Federal  
11          Aviation Administration that includes—

12                   (A) an analysis of the type of training pro-  
13                   vided to such specialists;

14                   (B) an analysis of the type of training that  
15                   such specialists need to be proficient in the  
16                   maintenance of the latest technologies;

17                   (C) actions that the Administration has  
18                   undertaken to ensure that such specialists re-  
19                   ceive up-to-date training on such technologies;

20                   (D) the amount and cost of training pro-  
21                   vided by vendors for such specialists;

22                   (E) the amount and cost of training pro-  
23                   vided by the Administration after developing in-  
24                   house training courses for such specialists;

1 (F) the amount and cost of travel required  
2 of such specialists in receiving training; and

3 (G) a recommendation regarding the most  
4 cost-effective approach to providing such train-  
5 ing.

6 (2) REPORT.—Within 1 year after the date of  
7 enactment of this Act, the Comptroller General shall  
8 transmit a report on the study containing the Comp-  
9 troller General’s findings and recommendations to  
10 the Senate Committee on Commerce, Science, and  
11 Transportation and the House of Representatives  
12 Committee on Transportation and Infrastructure.

13 *(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—*

14 *(1) IN GENERAL.—Not later than 90 days after*  
15 *the date of enactment of this Act, the Administrator*  
16 *of the Federal Aviation Administration shall contract*  
17 *with the National Academy of Sciences to conduct a*  
18 *study of the assumptions and methods used by the*  
19 *Federal Aviation Administration to estimate staffing*  
20 *needs for Federal Aviation Administration air traffic*  
21 *controllers and system specialists to ensure proper*  
22 *maintenance and certification of the National Air-*  
23 *space System. The National Academy of Sciences*  
24 *shall consult with the Exclusive Bargaining Rep-*  
25 *resentative certified under section 7111 of title 5,*

1        *United States Code, and the Administration (including*  
2        *the Civil Aeronautical Medical Institute) and examine*  
3        *data entailing human factors, traffic activity,*  
4        *and the technology at each facility.*

5            (2) *CONTENTS.—The study shall include—*

6                    (A) *recommendations for objective staffing*  
7                    *standards that maintain the safety of the Na-*  
8                    *tional Airspace System; and*

9                    (B) *the approximate length of time for de-*  
10                    *veloping such standards.*

11            (3) *REPORT.—Not later than 24 months after*  
12            *executing a contract under subsection (a), the Na-*  
13            *tional Academy of Sciences shall transmit a report*  
14            *containing its findings and recommendations to the*  
15            *Congress.*

16        ~~(b)~~ (c) *SAFETY STAFFING MODEL.—Within 18*  
17        *months after the date of enactment of this Act, the Ad-*  
18        *ministrator of the Federal Aviation Administration shall*  
19        *develop a staffing model for aviation safety inspectors. In*  
20        *developing the model, the Administrator shall consult with*  
21        *representatives of the aviation safety inspectors and other*  
22        *interested parties.*

1 **SEC. 710. COMMERCIAL AIR TOUR OPERATORS IN NA-**  
2 **TIONAL PARKS.**

3 (a) *SECRETARY OF THE INTERIOR AND OVERFLIGHTS*  
4 *OF NATIONAL PARKS.*—

5 (1) *Section 40128 is amended—*

6 (A) *by striking paragraph (8) of subsection*  
7 *(f);*

8 (B) *by striking “Director” each place it ap-*  
9 *pears and inserting “Secretary of the Interior”;*

10 (C) *by striking “National Park Service” in*  
11 *subsection (a)(2)(B)(vi) and inserting “Depart-*  
12 *ment of the Interior”;* and

13 (D) *by striking “National Park Service” in*  
14 *subsection (b)(4)(C) and inserting “Department*  
15 *of the Interior”.*

16 (2) *The National Parks Air Tour Management*  
17 *Act of 2000 (49 U.S.C. 40128 note) is amended—*

18 (A) *by striking “Director” in section 804(b)*  
19 *and inserting “Secretary of the Interior”;*

20 (B) *in section 805—*

21 (i) *by striking “Director of the Na-*  
22 *tional Park Service” in subsection (a) and*  
23 *inserting “Secretary of the Interior”;*

24 (ii) *by striking “Director” each place*  
25 *it appears and inserting “Secretary of the*  
26 *Interior”;*

1                   (iii) by striking “National Park Serv-  
2                   ice” each place it appears in subsection (b)  
3                   and inserting “Department of the Interior”;

4                   (iv) by striking “National Park Serv-  
5                   ice” in subsection (d)(2) and inserting “De-  
6                   partment of the Interior”; and

7                   (C) in section 807—

8                   (i) by striking “National Park Serv-  
9                   ice” in subsection (a)(1) and inserting “De-  
10                  partment of the Interior”; and

11                  (ii) by striking “Director of the Na-  
12                  tional Park Service” in subsection (b) and  
13                  inserting “Secretary of the Interior”.

14           (b) ALLOWING OVERFLIGHTS IN CASE OF AGREE-  
15   MENT.—Paragraph (1) of subsection (a) of section 40128  
16   is amended—

17                   (1) by striking “and” in subparagraph (B);

18                   (2) by striking “lands.” in subparagraph (C)  
19                  and inserting “lands; and”; and

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

21                   “(D) in accordance with a voluntary agree-  
22                  ment between the commercial air tour operator  
23                  and appropriate representatives of the national  
24                  park or tribal lands, as the case may be.”.



1           (c) *ADDITIONAL EXEMPTIONS TO AIR TOUR MANAGE-*  
2 *MENT PLANS.*—Subsection (a) of section 40128 is further  
3 *amended by adding at the end the following:*

4                   “(5) *WAIVER FOR NATIONAL PARKS WITH 100 OR*  
5 *FEWER COMMERCIAL AIR TOUR OPERATIONS PER*  
6 *YEAR.*—

7                           “(A) *IN GENERAL.*—Subject to subpara-  
8 *graph (B), and without further administrative*  
9 *or environmental process, the Secretary may*  
10 *waive the requirements of this section with re-*  
11 *spect to a national park over which 100 or fewer*  
12 *commercial air tour operations are conducted in*  
13 *a year.*

14                           “(B) *EXCEPTION TO WAIVER IF NECESSARY*  
15 *TO PROTECT PARK RESOURCES.*—

16                                   “(i) *IN GENERAL.*—The Secretary may  
17 *not waive the requirements of this section if*  
18 *the Secretary determines that an air tour*  
19 *management plan is necessary to protect*  
20 *park resources and values.*

21                                   “(ii) *NOTICE AND PUBLICATION.*—The  
22 *Secretary shall inform the Administrator in*  
23 *writing of the determinations under clause*  
24 *(i), and the Secretary and the Adminis-*  
25 *trator shall publish in the Federal Register*

1           *a list of the national parks that fall under*  
2           *this subparagraph.*

3           “(6) *WAIVER WITH RESPECT TO VOLUNTARY*  
4           *AGREEMENTS.—*

5           “(A) *IN GENERAL.—The Secretary may*  
6           *waive the requirements of this section if a com-*  
7           *mercial air tour operator enters into a voluntary*  
8           *agreement with a national park to manage com-*  
9           *mercial air tour operations over the national*  
10          *park.*

11          “(B) *PURPOSE OF VOLUNTARY AGREE-*  
12          *MENTS.—A voluntary agreement described in*  
13          *subparagraph (A) shall seek to protect park re-*  
14          *sources and visitor experiences without compro-*  
15          *mitting aviation safety, and may—*

16                 “(i) *include provisions described in*  
17                 *subparagraph (B) through (E) of subsection*  
18                 *(b)(3);*

19                 “(ii) *include provisions to ensure the*  
20                 *stability of, and compliance with, the provi-*  
21                 *sions of the voluntary agreement; and*

22                 “(iii) *set forth a fee schedule for oper-*  
23                 *ating over the national park.*

24          “(C) *CONSULTATION.—Before entering into*  
25          *a voluntary agreement described in subpara-*

1           *graph (A), a national park shall consult with*  
2           *any Indian tribe over whose tribal lands a com-*  
3           *mercial air tour operator may conduct commer-*  
4           *cial air tour operations pursuant to the vol-*  
5           *untary agreement.*

6                   “(D) *REVIEW AND APPROVAL BY THE SEC-*  
7                   *RETARY AND THE ADMINISTRATOR.—*

8                   “(i) *REVIEW.—Before executing a vol-*  
9                   *untary agreement described in subpara-*  
10                  *graph (A), a national park shall submit the*  
11                  *voluntary agreement to the Secretary and*  
12                  *the Administrator for review and approval.*

13                  “(ii) *APPROVAL.—Not later than 60*  
14                  *days after receiving the agreement from the*  
15                  *national park, the Secretary and the Ad-*  
16                  *ministrator shall inform the national park*  
17                  *of the determination of the Secretary and*  
18                  *the Administrator regarding the approval of*  
19                  *the agreement.*

20                   “(E) *RESCISSION OF VOLUNTARY AGREE-*  
21                   *MENT.—*

22                   “(i) *BY THE SECRETARY.—The Sec-*  
23                   *retary may rescind a voluntary agreement*  
24                   *described in subparagraph (A) if the Sec-*  
25                   *retary determines that the agreement does*

1           *not adequately protect park resources or vis-*  
2           *itor experiences.*

3           “(ii) *BY THE ADMINISTRATOR.—The*  
4           *Administrator may rescind a voluntary*  
5           *agreement described in subparagraph (A) if*  
6           *the Administrator determines that the*  
7           *agreement adversely affects aviation safety*  
8           *or the management of the national airspace*  
9           *system.*

10          “(iii) *EFFECT OF RESCISSION.—If the*  
11          *Secretary or the Administrator rescinds a*  
12          *voluntary agreement described in subpara-*  
13          *graph (A), the commercial air tour operator*  
14          *that was a party to the agreement shall op-*  
15          *erate under the requirements for interim op-*  
16          *erating authority of subsection (c) until an*  
17          *air tour management plan for the national*  
18          *park becomes effective.”.*

19          (d) *MODIFICATION OF INTERIM OPERATING AUTHOR-*  
20          *ITY.—Subsection (c)(2)(I) of section 40128 is amended to*  
21          *read as follows:*

22                  “(I) *may allow for modifications of the in-*  
23                  *terim operating authority without further envi-*  
24                  *ronmental process, if—*

1           “(i) adequate information on the exist-  
2           ing and proposed operations of the commer-  
3           cial air tour operator is provided to the Ad-  
4           ministrators and the Secretary by the oper-  
5           ator seeking operating authority;

6           “(ii) the Administrator determines that  
7           the modifications would not adversely affect  
8           aviation safety or the management of the  
9           national airspace system; and

10          “(iii) the Secretary agrees that the  
11          modifications would not adversely affect  
12          park resources and visitor experiences.”.

13          (e) *REPORTING REQUIREMENTS FOR COMMERCIAL AIR*  
14 *TOUR OPERATORS.*—

15           (1) *IN GENERAL.*—Not later than 90 days after  
16           the date of the enactment of this Act, and annually  
17           thereafter, each commercial air tour conducting com-  
18           mercial air tour operations over a national park shall  
19           report to the Administrator of the Federal Aviation  
20           Administration and the Secretary of the Interior  
21           on—

22           (A) the number of commercial air tour op-  
23           erations conducted by such operator over the na-  
24           tional park each day;

1           (B) any relevant characteristics of commer-  
2           cial air tour operations, including the routes, al-  
3           titudes, duration, and time of day of flights; and

4           (C) such other information as the Adminis-  
5           trator and the Secretary may determine nec-  
6           essary to administer the provisions of the Na-  
7           tional Parks Air Tour Management Act of 2000  
8           (49 U.S.C. 40128 note).

9           (2) *FORMAT.*—The report required by paragraph  
10          (1) shall be submitted in such form as the Adminis-  
11          trator and the Secretary determine to be appropriate.

12          (3) *EFFECT OF FAILURE TO REPORT.*—The Ad-  
13          ministrators shall rescind the operating authority of a  
14          commercial air tour operator that fails to file a re-  
15          port not later than 180 days after the date for the  
16          submittal of the report described in paragraph (1).

17          (4) *AUDIT OF REPORTS.*—Not later than 2 years  
18          after the date of the enactment of this Act, and at  
19          such times thereafter as the Inspector General of the  
20          Department of Transportation determines necessary,  
21          the Inspector General shall audit the reports required  
22          by paragraph (1).

23          (f) *COLLECTION OF FEES FROM AIR TOUR OPER-*  
24          *ATIONS.*—

1           (1) *IN GENERAL.*—*The Secretary of the Interior*  
2           *may assess a fee in an amount determined by the Sec-*  
3           *retary under paragraph (2) on a commercial air tour*  
4           *operator conducting commercial air tour operations*  
5           *over a national park.*

6           (2) *AMOUNT OF FEE.*—*In determining the*  
7           *amount of the fee assessed under paragraph (1), the*  
8           *Secretary shall consider the cost of developing air*  
9           *tour management plans for each national park.*

10          (3) *EFFECT OF FAILURE TO PAY FEE.*—*The Ad-*  
11          *ministrator of the Federal Aviation Administration*  
12          *shall revoke the operating authority of a commercial*  
13          *air tour operator conducting commercial air tour op-*  
14          *erations over any national park, including the Grand*  
15          *Canyon National Park, that has not paid the fee as-*  
16          *essed by the Secretary under paragraph (1) by the*  
17          *date that is 180 days after the date on which the Sec-*  
18          *retary determines the fee shall be paid.*

19          (g) *AUTHORIZATION OF APPROPRIATIONS FOR AIR*  
20          *TOUR MANAGEMENT PLANS.*—

21                 (1) *IN GENERAL.*—*There are authorized to be ap-*  
22                 *propriated \$10,000,000 to the Secretary of the Inte-*  
23                 *rior for the development of air tour management*  
24                 *plans under section 40128(b) of title 49, United*  
25                 *States Code.*

1           (2) *USE OF FUNDS.*—*The funds authorized to be*  
2           *appropriated by paragraph (1) shall be used to de-*  
3           *velop air tour management plans for the national*  
4           *parks the Secretary determines would most benefit*  
5           *from such a plan.*

6           (h) *GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL*  
7           *AIR TOUR OPERATORS.*—*The Administrator of the Federal*  
8           *Aviation Administration shall provide to the Administra-*  
9           *tion’s district offices clear guidance on the ability of com-*  
10          *mercial air tour operators to obtain—*

11                 (1) *increased safety certifications;*

12                 (2) *exemptions from regulations requiring safety*  
13                 *certifications; and*

14                 (3) *other information regarding compliance with*  
15                 *the requirements of this Act and other Federal and*  
16                 *State laws and regulations.*

17           (i) *OPERATING AUTHORITY OF COMMERCIAL AIR*  
18           *TOUR OPERATORS.*—

19                 (1) *TRANSFER OF OPERATING AUTHORITY.*—

20                         (A) *IN GENERAL.*—*Subject to subparagraph*  
21                         *(B), a commercial air tour operator that obtains*  
22                         *operating authority from the Administrator*  
23                         *under section 40128 of title 49, United States*  
24                         *Code, to conduct commercial air tour operations*



1           *may transfer such authority to another commer-*  
2           *cial air tour operator at any time.*

3           *(B) NOTICE.—Not later than 30 days before*  
4           *the date on which a commercial air tour oper-*  
5           *ator transfers operating authority under sub-*  
6           *paragraph (A), the operator shall notify the Ad-*  
7           *ministrator and the Secretary of the intent of the*  
8           *operator to transfer such authority.*

9           *(C) REGULATIONS.—Not later than 180*  
10          *days after the date of the enactment of this Act,*  
11          *the Administrator shall prescribe regulations to*  
12          *allow transfers of operating authority described*  
13          *in subparagraph (A).*

14          *(2) TIME FOR DETERMINATION REGARDING OP-*  
15          *ERATING AUTHORITY.—Notwithstanding any other*  
16          *provision of law, the Administrator shall determine*  
17          *whether to grant a commercial air tour operator oper-*  
18          *ating authority under section 40128 of title 49,*  
19          *United States Code, not later than 180 days after the*  
20          *earlier of the date on which—*

21                 *(A) the operator submits an application; or*

22                 *(B) an air tour management plan is com-*  
23                 *pleted for the national park over which the oper-*  
24                 *ator seeks to conduct commercial air tour oper-*  
25                 *ations.*

1           (3) *INCREASE IN INTERIM OPERATING AUTHOR-*  
 2           *ITY.*—*The Administrator and the Secretary may in-*  
 3           *crease the interim operating authority while an air*  
 4           *tour management plan is being developed for a park*  
 5           *if—*

6                   (A) *the Secretary determines that such an*  
 7                   *increase does not adversely impact park re-*  
 8                   *sources or visitor experiences; and*

9                   (B) *the Administrator determines that*  
 10                  *granting interim operating authority does not*  
 11                  *adversely affect aviation safety or the manage-*  
 12                  *ment of the national airspace system.*

13           (4) *ENFORCEMENT OF OPERATING AUTHORITY.*—  
 14           *The Administrator is authorized and directed to en-*  
 15           *force the requirements of this Act and any agency*  
 16           *rules or regulations related to operating authority.*

17 **SEC. 711. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.**

18           (a) *IN GENERAL.*—*Subchapter II of chapter 475 is*  
 19           *amended by adding at the end the following:*

20 **“§47534. Prohibition on operating certain aircraft**  
 21                   ***weighing 75,000 pounds or less not com-***  
 22                   ***plying with Stage 3 noise levels***

23           “(a) *PROHIBITION.*—*Except as provided in subsection*  
 24           *(b), (c), or (d), a person may not operate a civil subsonic*  
 25           *turbojet with a maximum weight of 75,000 pounds or less*

1 *to or from an airport in the United States unless the Sec-*  
2 *retary of Transportation finds that the aircraft complies*  
3 *with stage 3 noise levels.*

4       “(b) *EXCEPTION.—Subsection (a) shall not apply to*  
5 *aircraft operated only outside the 48 contiguous States.*

6       “(c) *OPT-OUT.—Subsection (a) shall not apply at an*  
7 *airport where the airport operator has notified the Sec-*  
8 *retary that it wants to continue to permit the operation*  
9 *of civil subsonic turbojets with a maximum weight of 75,000*  
10 *pounds or less that do not comply with stage 3 noise levels.*  
11 *The Secretary shall post the notices received under this sub-*  
12 *section on its website or in another place easily accessible*  
13 *to the public.*

14       “(d) *LIMITATION.—The Secretary shall permit a per-*  
15 *son to operate Stage 1 and Stage 2 aircraft with a max-*  
16 *imum weight of 75,000 pounds or less to or from an airport*  
17 *in the contiguous 48 States in order—*

18               “(1) *to sell, lease, or use the aircraft outside the*  
19               48 contiguous States;

20               “(2) *to scrap the aircraft;*

21               “(3) *to obtain modifications to the aircraft to*  
22               *meet stage 3 noise levels;*

23               “(4) *to perform scheduled heavy maintenance or*  
24               *significant modifications on the aircraft at a mainte-*  
25               *nance facility located in the contiguous 48 states;*

1           “(5) to deliver the aircraft to an operator leasing  
2           the aircraft from the owner or return the aircraft to  
3           the lessor;

4           “(6) to prepare or park or store the aircraft in  
5           anticipation of any of the activities described in  
6           paragraphs (1) through (5); or

7           “(7) to divert the aircraft to an alternative air-  
8           port in the 48 contiguous States on account of weath-  
9           er, mechanical, fuel air traffic control or other safety  
10          reasons while conducting a flight in order to perform  
11          any of the activities described in paragraphs (1)  
12          through (6).

13          “(e) *STATUTORY CONSTRUCTION.*—Nothing in the sec-  
14          tion may be construed as interfering with, nullifying, or  
15          otherwise affecting determinations made by the Federal  
16          Aviation Administration, or to be made by the Administra-  
17          tion, with respect to applications under part 161 of title  
18          14, Code of Federal Regulations, that were pending on the  
19          date of enactment of the Aircraft Noise Reduction Act of  
20          2006.”.

21          (b) *CONFORMING AMENDMENTS.*—

22                 (1) Section 47531 is amended by striking  
23                 “47529, or 47530” and inserting “47529, 47530, or  
24                 47534”.

1           (2) *Section 47532 is amended by striking*  
 2           *“47528–47531” and inserting “47528 through 47531*  
 3           *or 47534”.*

4           (3) *The chapter analysis for chapter 475 is*  
 5           *amended by inserting after the item relating to sec-*  
 6           *tion 47533 the following:*

*“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less  
 not complying with stage 3 noise levels.”.*

7           (c) *EFFECTIVE DATE.—The amendments made by this*  
 8           *section shall take effect 5 years after the date of enactment*  
 9           *of this Act.*

10   **SEC. 712. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.**

11           *On and after the date of the enactment of this Act,*  
 12           *the Administrator of the Federal Aviation Administration*  
 13           *is prohibited from taking actions designed to challenge or*  
 14           *influence weight restrictions or prior permission rules at*  
 15           *Teterboro Airport in Teterboro, New Jersey.*

16   **SEC. 713. FAIR AND EQUITABLE RESOLUTION OF LABOR IN-**  
 17                           **TEGRATION ISSUES.**

18           (a) *APPLICATION OF RAILWAY LABOR ACT TO MERG-*  
 19           *ERS AND ACQUISITIONS.—Section 6 of the Railway Labor*  
 20           *Act (45 U.S.C. 156) is amended by inserting “, including*  
 21           *changes sought in the context of a merger or acquisition*  
 22           *involving the carrier,” after “written notice of an intended*  
 23           *change in agreements”.*

1       (b) *LABOR INTEGRATION.*—With respect to any cov-  
2       ered transaction involving a covered air carrier that results  
3       in the combination of crafts or classes that are subject to  
4       the Railway Labor Act (45 U.S.C. 151 et seq.), the labor  
5       protective provisions imposed by the Civil Aeronautics  
6       Board in the Allegheny-Mohawk merger (as published at 59  
7       C.A.B. 45) shall apply to the covered employees of the cov-  
8       ered air carrier.

9       (c) *ENFORCEMENT.*—Any individual (including any  
10      labor organization that represents the individual) who is  
11      aggrieved as a result of a violation of the labor protective  
12      provisions applied under subsection (a) may bring an ac-  
13      tion to enforce this section, or to enforce the terms of any  
14      award or agreement resulting from arbitration or a settle-  
15      ment relating to the requirements of this section. An action  
16      under this subsection shall be brought in an appropriate  
17      Federal district court, determined in accordance with sec-  
18      tion 1391 of title 28, United States Code, without regard  
19      to the amount in controversy.

20      (d) *DEFINITIONS.*—In this section:

21           (1) *AIR CARRIER.*—The term “air carrier”  
22      means an air carrier that holds a certificate issued  
23      under chapter 411 of title 49, United States Code.

1           (2) *COVERED AIR CARRIER.*—*The term “covered*  
2 *air carrier” means an air carrier that is involved in*  
3 *a covered transaction.*

4           (3) *COVERED EMPLOYEE.*—*The term “covered*  
5 *employee” means an employee who—*

6                   (A) *is not a temporary employee; and*

7                   (B) *is a member of a craft or class that is*  
8 *subject to the Railway Labor Act (45 U.S.C. 151*  
9 *et seq.).*

10          (4) *COVERED TRANSACTION.*—*The term “covered*  
11 *transaction” means a transaction that—*

12                   (A) *is a transaction for the combination of*  
13 *multiple air carriers into a single air carrier;*  
14 *and*

15                   (B) *involves the transfer of ownership or*  
16 *control of—*

17                           (i) *50 percent or more of the equity se-*  
18 *curities (as defined in section 101 of title*  
19 *11, United States Code) of an air carrier;*  
20 *or*

21                           (ii) *50 percent or more (by value) of*  
22 *the assets of the air carrier.*

1 **SEC. 714. PILOT PROGRAM FOR REDEVELOPMENT OF AIR-**  
2 **PORT PROPERTIES.**

3 (a) *IN GENERAL.*—Within 1 year after the date of en-  
4 actment of this Act, the Administrator of the Federal Avia-  
5 tion Administration shall establish a pilot program for  
6 local airport operators that have submitted a noise compat-  
7 ibility program to the Federal Aviation Administration,  
8 from funds apportioned under section 47504 or section  
9 40117 of title 49, United States Code, in partnership with  
10 affected neighboring local jurisdictions, to support planning  
11 and site preparation for the assembly and redevelopment  
12 of property purchased with noise mitigation funds or pas-  
13 senger facility charge funds, to encourage airport-compat-  
14 ible land uses and generate economic benefits to the local  
15 airport authority and adjacent community.

16 (b) *NOISE COMPATABILITY MEASURES.*—Section  
17 47504(a)(2) is amended

18 (1) by striking “and” after the semicolon in sub-  
19 paragraph (D);

20 (2) by striking “operations.” in subparagraph  
21 (E) and inserting “operations;”; and

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

23 “(F) joint comprehensive land use planning in-  
24 cluding master plans, traffic studies, environmental  
25 evaluation and economic and feasibility studies, with  
26 neighboring local jurisdictions undertaking commu-



1        *nity redevelopment in the area where the land or*  
 2        *other property interests acquired by the airport oper-*  
 3        *ator pursuant to this subsection is located, to encour-*  
 4        *age and enhance redevelopment opportunities that re-*  
 5        *fect zoning and uses that will prevent the introduc-*  
 6        *tion of additional incompatible uses and enhance re-*  
 7        *development potential; and*

8                *“(G) utility upgrades and other site preparation*  
 9        *efforts.”.*

10        *(c) ELIGIBLE PROJECT DEFINITION.—Section*  
 11        *40117(a)(3) is amended by adding at the end thereof the*  
 12        *following:*

13                *“(H) A project for comprehensive planning*  
 14        *and redevelopment activities for properties ac-*  
 15        *quired under section 47504, including master*  
 16        *plans, traffic studies, environmental evaluation,*  
 17        *economic and feasibility studies, rezoning and*  
 18        *re-platting efforts, utility upgrades and site*  
 19        *preparation in cooperation with neighboring*  
 20        *local jurisdictions undertaking community rede-*  
 21        *velopment in the area.”.*

22        *(d) GRANT REQUIREMENTS.—The Administrator may*  
 23        *not make a grant under subsection (a) unless the grant is*  
 24        *made—*

1           (1) *to enable the airport operator and local juris-*  
2 *dictions undertaking the community redevelopment*  
3 *effort to expedite redevelopment efforts; and*

4           (2) *subject to a requirement that the local juris-*  
5 *isdiction governing the property interests in question*  
6 *has adopted zoning regulations that permit airport*  
7 *compatible redevelopment.*

8       (e) *DEMONSTRATION GRANTS.*—

9           (1) *IN GENERAL.*—*The Administrator shall pro-*  
10 *vide grants for up to 4 pilot property redevelopment*  
11 *demonstration projects distributed geographically and*  
12 *targeted to airports that demonstrate—*

13           (A) *a readiness to implement cooperative*  
14 *land use management and redevelopment plans*  
15 *with the adjacent community; and*

16           (B) *the probability of clear economic benefit*  
17 *to the local community and financial return to*  
18 *the airport through the implementation of the re-*  
19 *development plan.*

20           (2) *MATCHING REQUIREMENT.*—*The amount of a*  
21 *grant under the program may not exceed 90 percent*  
22 *of the costs of the overall project.*

23       (f) *REPORT TO CONGRESS.*—*The Administrator shall*  
24 *report to Congress within 18 months after making the first*

- 1 *grant under this section on the effectiveness of this program*
- 2 *on returning Part 150 lands to productive use.*

Calendar No. 329

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**S. 1300**

[Report No. 110-144]

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## **AN ACT**

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 modernize the air traffic control system, and for other purposes.

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August 3, 2007

Reported with amendments