

112TH CONGRESS
1ST SESSION

H. R. 658

IN THE SENATE OF THE UNITED STATES

APRIL 4, 2011

Received

AN ACT

To amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2011 through 2014, to streamline programs, create efficiencies, reduce waste, and improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

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

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

4 (a) SHORT TITLE.—This Act may be cited as the
 5 “FAA Reauthorization and Reform Act of 2011”.

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

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

TITLE I—AUTHORIZATIONS

Subtitle A—Funding of FAA Programs

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

Subtitle B—Passenger Facility Charges

- Sec. 111. Passenger facility charges.
- Sec. 112. Airport access flexibility program.
- Sec. 113. GAO study of alternative means of collecting PFCs.
- Sec. 114. Qualifications-based selection.

Subtitle C—Fees for FAA Services

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

Subtitle D—Airport Improvement Program Modifications

- Sec. 131. Airport master plans.
- Sec. 132. Aerotropolis transportation systems.
- Sec. 133. AIP definitions.
- Sec. 134. Recycling plans for airports.
- Sec. 135. Contents of competition plans.
- Sec. 136. Grant assurances.
- Sec. 137. Agreements granting through-the-fence access to general aviation airports.
- Sec. 138. Government share of project costs.
- Sec. 139. Allowable project costs.
- Sec. 140. Veterans’ preference.
- Sec. 141. Standardizing certification of disadvantaged business enterprises.

- Sec. 142. Special apportionment rules.
- Sec. 143. Puerto Rico minimum guarantee.
- Sec. 144. Apportionments.
- Sec. 145. Reducing apportionments.
- Sec. 146. Marshall Islands, Micronesia, and Palau.
- Sec. 147. Designating current and former military airports.
- Sec. 148. Contract tower program.
- Sec. 149. Resolution of disputes concerning airport fees.
- Sec. 150. Sale of private airports to public sponsors.
- Sec. 151. Repeal of certain limitations on Metropolitan Washington Airports Authority.
- Sec. 152. Midway Island Airport.
- Sec. 153. Miscellaneous amendments.
- Sec. 154. Extension of grant authority for compatible land use planning and projects by State and local governments.
- Sec. 155. Priority review of construction projects in cold weather States.
- Sec. 156. Study on national plan of integrated airport systems.
- Sec. 157. Transfers of terminal area air navigation equipment to airport sponsors.
- Sec. 158. Airport privatization program.

TITLE II—NEXTGEN AIR TRANSPORTATION SYSTEM AND AIR TRAFFIC CONTROL MODERNIZATION

- Sec. 201. Definitions.
- Sec. 202. NextGen demonstrations and concepts.
- Sec. 203. Clarification of authority to enter into reimbursable agreements.
- Sec. 204. Chief NextGen Officer.
- Sec. 205. Definition of air navigation facility.
- Sec. 206. Clarification to acquisition reform authority.
- Sec. 207. Assistance to foreign aviation authorities.
- Sec. 208. Next Generation Air Transportation System Joint Planning and Development Office.
- Sec. 209. Next Generation Air Transportation Senior Policy Committee.
- Sec. 210. Improved management of property inventory.
- Sec. 211. Automatic dependent surveillance-broadcast services.
- Sec. 212. Expert review of enterprise architecture for NextGen.
- Sec. 213. Acceleration of NextGen technologies.
- Sec. 214. Performance metrics.
- Sec. 215. Certification standards and resources.
- Sec. 216. Surface systems acceleration.
- Sec. 217. Inclusion of stakeholders in air traffic control modernization projects.
- Sec. 218. Airspace redesign.
- Sec. 219. Study on feasibility of development of a public internet web-based resource on locations of potential aviation obstructions.
- Sec. 220. NextGen research and development center of excellence.
- Sec. 221. NextGen public-private partnerships.

TITLE III—SAFETY

Subtitle A—General Provisions

- Sec. 301. Judicial review of denial of airman certificates.
- Sec. 302. Release of data relating to abandoned type certificates and supplemental type certificates.
- Sec. 303. Design and production organization certificates.

- Sec. 304. Aircraft certification process review and reform.
- Sec. 305. Consistency of regulatory interpretation.
- Sec. 306. Runway safety.
- Sec. 307. Improved pilot licenses.
- Sec. 308. Flight Standards Evaluation Program.
- Sec. 309. Cockpit smoke.
- Sec. 310. Safety of air ambulance operations.
- Sec. 311. Off-airport, low-altitude aircraft weather observation technology.
- Sec. 312. Feasibility of requiring helicopter pilots to use night vision goggles.
- Sec. 313. Prohibition on personal use of electronic devices on flight deck.
- Sec. 314. Noncertificated maintenance providers.
- Sec. 315. Inspection of foreign repair stations.
- Sec. 316. Sunset of line check.

Subtitle B—Unmanned Aircraft Systems

- Sec. 321. Definitions.
- Sec. 322. Civil unmanned aircraft systems integration plan.
- Sec. 323. Special rules for certain unmanned aircraft systems.
- Sec. 324. Public unmanned aircraft systems.
- Sec. 325. Safety studies.
- Sec. 326. Unmanned aircraft systems test ranges.

Subtitle C—Safety and Protections

- Sec. 331. Postemployment restrictions for flight standards inspectors.
- Sec. 332. Review of air transportation oversight system database.
- Sec. 333. Improved voluntary disclosure reporting system.
- Sec. 334. Aviation Whistleblower Investigation Office.
- Sec. 335. Duty periods and flight time limitations applicable to flight crewmembers.
- Sec. 336. Certain existing flight time limitations and rest requirements.
- Sec. 337. Disclosure and use of information.
- Sec. 338. Liability protection for persons implementing safety management systems.

TITLE IV—AIR SERVICE IMPROVEMENTS

Subtitle A—Essential Air Service

- Sec. 401. Essential air service marketing.
- Sec. 402. Notice to communities prior to termination of eligibility for subsidized essential air service.
- Sec. 403. Essential air service contract guidelines.
- Sec. 404. Essential air service reform.
- Sec. 405. Small community air service.
- Sec. 406. Adjustments to compensation for significantly increased costs.
- Sec. 407. Repeal of EAS local participation program.
- Sec. 408. Sunset of essential air service program.

Subtitle B—Passenger Air Service Improvements

- Sec. 421. Smoking prohibition.
- Sec. 422. Monthly air carrier reports.
- Sec. 423. Flight operations at Ronald Reagan Washington National Airport.
- Sec. 424. Musical instruments.
- Sec. 425. Passenger air service improvements.

- Sec. 426. Airfares for members of the Armed Forces.
- Sec. 427. Review of air carrier flight delays, cancellations, and associated causes.
- Sec. 428. Denied boarding compensation.
- Sec. 429. Compensation for delayed baggage.
- Sec. 430. Schedule reduction.
- Sec. 431. DOT airline consumer complaint investigations.
- Sec. 432. Study of operators regulated under part 135.
- Sec. 433. Use of cell phones on passenger aircraft.

TITLE V—ENVIRONMENTAL STREAMLINING

- Sec. 501. Overflights of national parks.
- Sec. 502. State block grant program.
- Sec. 503. NextGen environmental efficiency projects streamlining.
- Sec. 504. Airport funding of special studies or reviews.
- Sec. 505. Noise compatibility programs.
- Sec. 506. Grant eligibility for assessment of flight procedures.
- Sec. 507. Determination of fair market value of residential properties.
- Sec. 508. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels.
- Sec. 509. Aircraft departure queue management pilot program.
- Sec. 510. High performance, sustainable, and cost-effective air traffic control facilities.
- Sec. 511. Sense of Congress.
- Sec. 512. Aviation noise complaints.

TITLE VI—FAA EMPLOYEES AND ORGANIZATION

- Sec. 601. Federal Aviation Administration personnel management system.
- Sec. 602. Presidential rank award program.
- Sec. 603. FAA technical training and staffing.
- Sec. 604. Safety critical staffing.
- Sec. 605. FAA air traffic controller staffing.
- Sec. 606. Air traffic control specialist qualification training.
- Sec. 607. Assessment of training programs for air traffic controllers.
- Sec. 608. Collegiate training initiative study.
- Sec. 609. FAA facility conditions.
- Sec. 610. Frontline manager staffing.

TITLE VII—AVIATION INSURANCE

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

TITLE VIII—MISCELLANEOUS

- Sec. 801. Disclosure of data to Federal agencies in interest of national security.
- Sec. 802. FAA authority to conduct criminal history record checks.
- Sec. 803. Civil penalties technical amendments.
- Sec. 804. Realignment and consolidation of FAA services and facilities.
- Sec. 805. Limiting access to flight decks of all-cargo aircraft.
- Sec. 806. Consolidation or elimination of obsolete, redundant, or otherwise unnecessary reports; use of electronic media format.

- Sec. 807. Prohibition on use of certain funds.
- Sec. 808. Study on aviation fuel prices.
- Sec. 809. Wind turbine lighting.
- Sec. 810. Air-rail code sharing study.
- Sec. 811. D.C. Metropolitan Area Special Flight Rules Area.
- Sec. 812. FAA review and reform.
- Sec. 813. Cylinders of compressed oxygen or other oxidizing gases.
- Sec. 814. Air transportation of lithium cells and batteries.
- Sec. 815. Use of mineral revenue at certain airports.
- Sec. 816. Liability protection for volunteer pilot nonprofit organizations that fly
for public benefit and to pilots and staff of such nonprofit or-
ganizations.
- Sec. 817. Aircraft situational display to industry.
- Sec. 818. Contracting.
- Sec. 819. Flood planning.
- Sec. 820. Termination of certain restrictions for Burke Lakefront Airport.
- Sec. 821. Santa Monica Airport, California.
- Sec. 822. Inspector General report on participation in FAA programs by dis-
advantaged small business concerns.
- Sec. 823. Historical aircraft documents.
- Sec. 824. Release from restrictions.
- Sec. 825. Sense of Congress.
- Sec. 826. Issuing regulations.

TITLE IX—NATIONAL MEDIATION BOARD

- Sec. 901. Authority of Inspector General.
- Sec. 902. Evaluation and audit of National Mediation Board.
- Sec. 903. Repeal of rule.

TITLE X—FEDERAL AVIATION RESEARCH AND DEVELOPMENT REAUTHORIZATION ACT OF 2011

- Sec. 1001. Short title.
- Sec. 1002. Definitions.
- Sec. 1003. Authorization of appropriations.
- Sec. 1004. Unmanned aircraft systems.
- Sec. 1005. Research program on runways.
- Sec. 1006. Research on design for certification.
- Sec. 1007. Airport cooperative research program.
- Sec. 1008. Centers of excellence.
- Sec. 1009. Center of excellence for aviation human resource research.
- Sec. 1010. Interagency research on aviation and the environment.
- Sec. 1011. Aviation fuel research and development program.
- Sec. 1012. Research program on alternative jet fuel technology for civil aircraft.
- Sec. 1013. Review of FAA's energy- and environment-related research pro-
grams.
- Sec. 1014. Review of FAA's aviation safety-related research programs.

TITLE XI—AIRPORT AND AIRWAY TRUST FUND FINANCING

- Sec. 1101. Short title.
- Sec. 1102. Extension of Airport and Airway Trust Fund expenditure authority.
- Sec. 1103. Extension of taxes funding Airport and Airway Trust Fund.

TITLE XII—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT OF 2010

Sec. 1201. Compliance provision.

TITLE XIII—COMMERCIAL SPACE

Sec. 1301. Commercial space launch license requirements.

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

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

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

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

12 **TITLE I—AUTHORIZATIONS** 13 **Subtitle A—Funding of FAA** 14 **Programs**

15 **SEC. 101. AIRPORT PLANNING AND DEVELOPMENT AND** 16 **NOISE COMPATIBILITY PLANNING AND PRO-** 17 **GRAMS.**

18 (a) AUTHORIZATION.—Section 48103 is amended to
19 read as follows:

1 **“§ 48103. Airport planning and development and**
 2 **noise compatibility planning and pro-**
 3 **grams**

4 “(a) IN GENERAL.—There shall be available to the
 5 Secretary of Transportation out of the Airport and Airway
 6 Trust Fund established under section 9502 of the Internal
 7 Revenue Code of 1986 to make grants for airport planning
 8 and airport development under section 47104, airport
 9 noise compatibility planning under section 47505(a)(2),
 10 and carrying out noise compatibility programs under sec-
 11 tion 47504(c)—

12 “(1) \$3,176,000,000 for fiscal year 2011;

13 “(2) \$3,000,000,000 for fiscal year 2012;

14 “(3) \$3,000,000,000 for fiscal year 2013; and

15 “(4) \$3,000,000,000 for fiscal year 2014.

16 “(b) AVAILABILITY OF AMOUNTS.—Amounts made
 17 available under subsection (a) shall remain available until
 18 expended.

19 “(c) LIMITATION.—Amounts made available under
 20 subsection (a) may not be used for carrying out the Air-
 21 port Cooperative Research Program or the Airports Tech-
 22 nology Research Program.”.

23 (b) OBLIGATIONAL AUTHORITY.—Section 47104(c)
 24 is amended by striking “March 31, 2011” and inserting
 25 “September 30, 2014”.

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

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 48101(a) is amended by striking paragraphs (1) through
4 (6) and inserting the following:

5 “(1) \$2,700,000,000 for fiscal year 2011.

6 “(2) \$2,600,000,000 for fiscal year 2012.

7 “(3) \$2,600,000,000 for fiscal year 2013.

8 “(4) \$2,600,000,000 for fiscal year 2014.”.

9 (b) SET-ASIDES.—Section 48101 is amended—

10 (1) by striking subsections (c), (d), (e), (h), and
11 (i); and

12 (2) by redesignating subsections (f) and (g) as
13 subsections (c) and (d), respectively.

14 **SEC. 103. FAA OPERATIONS.**

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

18 “(A) \$9,403,000,000 for fiscal year 2011;

19 “(B) \$9,168,000,000 for fiscal year 2012;

20 “(C) \$9,168,000,000 for fiscal year 2013;

21 and

22 “(D) \$9,168,000,000 for fiscal year
23 2014.”.

24 (b) AUTHORIZED EXPENDITURES.—Section
25 106(k)(2) is amended—

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

3 (2) by redesignating subparagraphs (E), (F),
4 and (G) as subparagraphs (A), (B), and (C), respec-
5 tively; and

6 (3) in subparagraphs (A), (B), and (C) (as so
7 redesignated) by striking “2004 through 2007” and
8 inserting “2011 through 2014”.

9 (c) **AUTHORITY TO TRANSFER FUNDS.**—Section
10 106(k) is amended by adding at the end the following:

11 “(3) **ADMINISTERING PROGRAM WITHIN AVAIL-**
12 **ABLE FUNDING.**—Notwithstanding any other provi-
13 sion of law, in each of fiscal years 2011 through
14 2014, if the Secretary determines that the funds ap-
15 propriated under paragraph (1) are insufficient to
16 meet the salary, operations, and maintenance ex-
17 penses of the Federal Aviation Administration, as
18 authorized by this section, the Secretary shall reduce
19 nonsafety-related activities of the Administration as
20 necessary to reduce such expenses to a level that can
21 be met by the funding available under paragraph
22 (1).”.

1 **SEC. 104. FUNDING FOR AVIATION PROGRAMS.**

2 (a) AIRPORT AND AIRWAY TRUST FUND GUAR-
3 ANTEE.—Section 48114(a)(1)(A) is amended to read as
4 follows:

5 “(A) IN GENERAL.—The total budget re-
6 sources made available from the Airport and
7 Airway Trust Fund each fiscal year pursuant to
8 sections 48101, 48102, 48103, and 106(k)
9 shall—

10 “(i) in fiscal year 2011, be equal to
11 90 percent of the estimated level of re-
12 cepts plus interest credited to the Airport
13 and Airway Trust Fund for that fiscal
14 year; and

15 “(ii) in fiscal year 2012 and each fis-
16 cal year thereafter, be equal to the sum
17 of—

18 “(I) 90 percent of the estimated
19 level of receipts plus interest credited
20 to the Airport and Airway Trust
21 Fund for that fiscal year; and

22 “(II) the actual level of receipts
23 plus interest credited to the Airport
24 and Airway Trust Fund for the sec-
25 ond preceding fiscal year minus the
26 total amount made available for obli-

1 gation from the Airport and Airway
 2 Trust Fund for the second preceding
 3 fiscal year.

4 Such amounts may be used only for aviation in-
 5 vestment programs listed in subsection (b).”.

6 (b) ADDITIONAL AUTHORIZATIONS OF APPROPRIA-
 7 TIONS FROM THE GENERAL FUND.—Section 48114(a)(2)
 8 is amended by striking “2007” and inserting “2014”.

9 (c) ESTIMATED LEVEL OF RECEIPTS PLUS INTER-
 10 EST DEFINED.—Section 48114(b)(2) is amended—

11 (1) in the paragraph heading by striking
 12 “LEVEL” and inserting “ESTIMATED LEVEL”; and

13 (2) by striking “level of receipts plus interest”
 14 and inserting “estimated level of receipts plus inter-
 15 est”.

16 (d) ENFORCEMENT OF GUARANTEES.—Section
 17 48114(c)(2) is amended by striking “2007” and inserting
 18 “2014”.

19 **SEC. 105. DELINEATION OF NEXT GENERATION AIR TRANS-**
 20 **PORTATION SYSTEM PROJECTS.**

21 Section 44501(b) is amended—

22 (1) in paragraph (3) by striking “and” after
 23 the semicolon;

24 (2) in paragraph (4)(B) by striking “defense.”
 25 and inserting “defense; and”; and

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

2 “(5) a list of capital projects that are part of
3 the Next Generation Air Transportation System and
4 funded by amounts appropriated under section
5 48101(a).”.

6 **SEC. 106. FUNDING FOR ADMINISTRATIVE EXPENSES FOR**
7 **AIRPORT PROGRAMS.**

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

10 **“§ 48105. Airport programs administrative expenses**

11 “(a) IN GENERAL.—Of the funds made available
12 under section 48103, the following amounts may be avail-
13 able for administrative expenses of the Federal Aviation
14 Administration described in subsection (b):

15 “(1) \$85,987,000 for fiscal year 2011.

16 “(2) \$80,676,000 for fiscal year 2012.

17 “(3) \$80,676,000 for fiscal year 2013.

18 “(4) \$80,676,000 for fiscal year 2014.

19 “(b) ELIGIBLE ADMINISTRATIVE EXPENSES.—
20 Amounts made available under subsection (a) may be used
21 for administrative expenses relating to the airport im-
22 provement program, passenger facility charge approval
23 and oversight, national airport system planning, airport
24 standards development and enforcement, airport certifi-

1 cation, airport-related environmental activities (including
2 legal services), and other airport-related activities.

3 “(c) AVAILABILITY OF AMOUNTS.—Amounts made
4 available under subsection (a) shall remain available until
5 expended.”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 481 is amended by striking the item relating to section
8 48105 and inserting the following:

“48105. Airport programs administrative expenses.”.

9 **Subtitle B—Passenger Facility** 10 **Charges**

11 **SEC. 111. PASSENGER FACILITY CHARGES.**

12 (a) PFC DEFINED.—Section 40117(a)(5) is amend-
13 ed to read as follows:

14 “(5) PASSENGER FACILITY CHARGE.—The term
15 ‘passenger facility charge’ means a charge or fee im-
16 posed under this section.”.

17 (b) PILOT PROGRAM FOR PFC AUTHORIZATIONS AT
18 NONHUB AIRPORTS.—Section 40117(l) is amended—

19 (1) by striking paragraph (7); and

20 (2) by redesignating paragraph (8) as para-
21 graph (7).

22 (c) CORRECTION OF REFERENCES.—

23 (1) SECTION 40117.—Section 40117 is amend-
24 ed—

1 (A) in the section heading by striking
2 “**fees**” and inserting “**charges**”;

3 (B) in the heading for subsection (e) by
4 striking “FEES” and inserting “CHARGES”;

5 (C) in the heading for subsection (l) by
6 striking “FEE” and inserting “CHARGE”;

7 (D) in the heading for paragraph (5) of
8 subsection (l) by striking “FEE” and inserting
9 “CHARGE”;

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

12 (F) in the heading for paragraph (1) of
13 subsection (m) by striking “FEES” and insert-
14 ing “CHARGES”;

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

18 (H) by striking “fees” each place it ap-
19 pears and inserting “charges”.

20 (2) OTHER REFERENCES.—Subtitle VII is
21 amended by striking “fee” and inserting “charge”
22 each place it appears in each of the following sec-
23 tions:

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

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

1 (C) Section 47114(f).

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

3 (E) Section 47139(b).

4 (F) Section 47524(e).

5 (G) Section 47526(2).

6 (3) CLERICAL AMENDMENT.—The analysis for
7 chapter 401 is amended by striking the item relating
8 to section 40117 and inserting the following:

“40117. Passenger facility charges.”.

9 **SEC. 112. AIRPORT ACCESS FLEXIBILITY PROGRAM.**

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

12 “(n) AIRPORT ACCESS FLEXIBILITY PROGRAM.—

13 “(1) PFC ELIGIBILITY.—Subject to the require-
14 ments of this subsection, the Secretary shall estab-
15 lish a pilot program under which the Secretary may
16 authorize, at no more than 5 airports, a passenger
17 facility charge imposed under subsection (b)(1) or
18 (b)(4) to be used to finance the eligible cost of an
19 intermodal ground access project.

20 “(2) INTERMODAL GROUND ACCESS PROJECT
21 DEFINED.—In this subsection, the term ‘intermodal
22 ground access project’ means a project for con-
23 structing a local facility owned or operated by an eli-
24 gible agency that is directly and substantially related

1 to the movement of passengers or property traveling
2 in air transportation.

3 “(3) ELIGIBLE COSTS.—

4 “(A) IN GENERAL.—For purposes of para-
5 graph (1), the eligible cost of an intermodal
6 ground access project at an airport shall be the
7 total cost of the project multiplied by the ratio
8 that—

9 “(i) the number of individuals pro-
10 jected to use the project to gain access to
11 or depart from the airport; bears to

12 “(ii) the total number of the individ-
13 uals projected to use the facility.

14 “(B) DETERMINATIONS REGARDING PRO-
15 JECTED PROJECT USE.—

16 “(i) IN GENERAL.—Except as pro-
17 vided by clause (ii), the Secretary shall de-
18 termine the projected use of a project for
19 purposes of subparagraph (A) at the time
20 the project is approved under this sub-
21 section.

22 “(ii) PUBLIC TRANSPORTATION
23 PROJECTS.—In the case of a project ap-
24 proved under this section to be financed in
25 part using funds administered by the Fed-

1 eral Transit Administration, the Secretary
 2 shall use the travel forecasting model for
 3 the project at the time the project is ap-
 4 proved by the Federal Transit Administra-
 5 tion to enter preliminary engineering to de-
 6 termine the projected use of the project for
 7 purposes of subparagraph (A).”.

8 **SEC. 113. GAO STUDY OF ALTERNATIVE MEANS OF COL-**
 9 **LECTING PFCS.**

10 (a) IN GENERAL.—The Comptroller General shall
 11 conduct a study of alternative means of collecting pas-
 12 senger facility charges imposed under section 40117 of
 13 title 49, United States Code, that would permit such
 14 charges to be collected without being included in the ticket
 15 price. In conducting the study, the Comptroller General
 16 shall consider, at a minimum—

17 (1) collection options for arriving, connecting,
 18 and departing passengers at airports;

19 (2) cost sharing or allocation methods based on
 20 passenger travel to address connecting traffic; and

21 (3) examples of airport charges collected by do-
 22 mestic and international airports that are not in-
 23 cluded in ticket prices.

24 (b) REPORT.—Not later than 1 year after the date
 25 of enactment of this Act, the Comptroller General shall

1 submit to the Committee on Commerce, Science, and
 2 Transportation of the Senate and the Committee on
 3 Transportation and Infrastructure of the House of Rep-
 4 resentatives a report on the study, including the Comp-
 5 troller General’s findings, conclusions, and recommenda-
 6 tions.

7 **SEC. 114. QUALIFICATIONS-BASED SELECTION.**

8 (a) QUALIFICATIONS-BASED SELECTION DEFINED.—
 9 In this section, the term “qualifications-based selection”
 10 means a competitive procurement process under which
 11 firms compete for capital improvement projects on the
 12 basis of qualifications, past experience, and specific exper-
 13 tise.

14 (b) SENSE OF CONGRESS.—It is the sense of Con-
 15 gress that airports should consider the use of qualifica-
 16 tions-based selection in carrying out capital improvement
 17 projects funded using passenger facility charges collected
 18 under section 40117 of title 49, United States Code, with
 19 the goal of serving the needs of all stakeholders.

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

21 **SEC. 121. UPDATE ON OVERFLIGHTS.**

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

24 “(b) ESTABLISHMENT AND ADJUSTMENT OF
 25 FEES.—

1 “(1) IN GENERAL.—In establishing and adjust-
2 ing fees under this section, the Administrator shall
3 ensure that the fees are reasonably related to the
4 Administration’s costs, as determined by the Admin-
5 istrator, of providing the services rendered.

6 “(2) SERVICES FOR WHICH COSTS MAY BE RE-
7 COVERED.—Services for which costs may be recov-
8 ered under this section include the costs of air traf-
9 fic control, navigation, weather services, training,
10 and emergency services that are available to facili-
11 tate safe transportation over the United States and
12 the costs of other services provided by the Adminis-
13 trator, or by programs financed by the Adminis-
14 trator, to flights that neither take off nor land in the
15 United States.

16 “(3) LIMITATIONS ON JUDICIAL REVIEW.—Not-
17 withstanding section 702 of title 5 or any other pro-
18 vision of law, the following actions and other matters
19 shall not be subject to judicial review:

20 “(A) The establishment or adjustment of a
21 fee by the Administrator under this section.

22 “(B) The validity of a determination of
23 costs by the Administrator under paragraph
24 (1), and the processes and procedures applied

1 by the Administrator when reaching such deter-
2 mination.

3 “(C) An allocation of costs by the Adminis-
4 trator under paragraph (1) to services provided,
5 and the processes and procedures applied by the
6 Administrator when establishing such alloca-
7 tion.

8 “(4) ADJUSTMENT OF OVERFLIGHT FEES.—In
9 accordance with section 106(f)(3)(A), the Adminis-
10 trator shall adjust the overflight fees established by
11 subsection (a)(1) by issuing a final rule with respect
12 to the notice of proposed rulemaking published in
13 the Federal Register on September 28, 2010 (75
14 Fed. Reg. 59661).

15 “(5) AIRCRAFT ALTITUDE.—Nothing in this
16 section shall require the Administrator to take into
17 account aircraft altitude in establishing any fee for
18 aircraft operations in en route or oceanic airspace.

19 “(6) COSTS DEFINED.—In this subsection, the
20 term ‘costs’ includes operation and maintenance
21 costs, leasing costs, and overhead expenses associ-
22 ated with the services provided and the facilities and
23 equipment used in providing such services.

24 “(7) SPECIAL RULE FOR FISCAL YEARS 2011
25 THROUGH 2015.—In each of fiscal years 2011

1 through 2015, section 45303(c) shall not apply to
 2 any increase in fees collected pursuant to a final rule
 3 described in paragraph (4).”.

4 (b) ADJUSTMENT OF FEES.—Section 45301 is
 5 amended by adding at the end the following:

6 “(e) ADJUSTMENT OF FEES.—In addition to adjust-
 7 ments under subsection (b), the Administrator may peri-
 8 odically adjust the fees established under this section.”.

9 **SEC. 122. REGISTRATION FEES.**

10 (a) IN GENERAL.—Chapter 453 is amended by add-
 11 ing at the end the following:

12 **“§ 45305. Registration, certification, and related fees**

13 “(a) GENERAL AUTHORITY AND FEES.—Subject to
 14 subsection (b), the Administrator of the Federal Aviation
 15 Administration shall establish and collect a fee for each
 16 of the following services and activities of the Administra-
 17 tion that does not exceed the estimated costs of the service
 18 or activity:

19 “(1) Registering an aircraft.

20 “(2) Reregistering, replacing, or renewing an
 21 aircraft registration certificate.

22 “(3) Issuing an original dealer’s aircraft reg-
 23 istration certificate.

24 “(4) Issuing an additional dealer’s aircraft reg-
 25 istration certificate (other than the original).

1 “(5) Issuing a special registration number.

2 “(6) Issuing a renewal of a special registration
3 number reservation.

4 “(7) Recording a security interest in an aircraft
5 or aircraft part.

6 “(8) Issuing an airman certificate.

7 “(9) Issuing a replacement airman certificate.

8 “(10) Issuing an airman medical certificate.

9 “(11) Providing a legal opinion pertaining to
10 aircraft registration or recordation.

11 “(b) LIMITATION ON COLLECTION.—No fee may be
12 collected under this section unless the expenditure of the
13 fee to pay the costs of activities and services for which
14 the fee is imposed is provided for in advance in an appro-
15 priations Act.

16 “(c) FEES CREDITED AS OFFSETTING COLLEC-
17 TIONS.—

18 “(1) IN GENERAL.—Notwithstanding section
19 3302 of title 31, any fee authorized to be collected
20 under this section shall—

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

24 “(B) be available for expenditure only to
25 pay the costs of activities and services for which

1 the fee is imposed, including all costs associated
2 with collecting the fee; and

3 “(C) remain available until expended.

4 “(2) CONTINUING APPROPRIATIONS.—The Ad-
5 ministrator may continue to assess, collect, and
6 spend fees established under this section during any
7 period in which the funding for the Federal Aviation
8 Administration is provided under an Act providing
9 continuing appropriations in lieu of the Administra-
10 tion’s regular appropriations.

11 “(3) ADJUSTMENTS.—The Administrator shall
12 adjust a fee established under subsection (a) for a
13 service or activity if the Administrator determines
14 that the actual cost of the service or activity is high-
15 er or lower than was indicated by the cost data used
16 to establish such fee.”.

17 (b) CLERICAL AMENDMENT.—The analysis for chap-
18 ter 453 is amended by adding at the end the following:

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

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

21 (1) by striking “A fee” and inserting the fol-
22 lowing:

23 “(1) IN GENERAL.—A fee”; and

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

1 “(2) EFFECT OF IMPOSITION OF OTHER
 2 FEES.—A fee may not be imposed for a service or
 3 activity under this section during any period in
 4 which a fee for the same service or activity is im-
 5 posed under section 45305.”.

6 **Subtitle D—Airport Improvement** 7 **Program Modifications**

8 **SEC. 131. AIRPORT MASTER PLANS.**

9 Section 47101(g)(2) is amended—

10 (1) in subparagraph (B) by striking “and” at
 11 the end;

12 (2) by redesignating subparagraph (C) as sub-
 13 paragraph (D); and

14 (3) by inserting after subparagraph (B) the fol-
 15 lowing:

16 “(C) consider passenger convenience, air-
 17 port ground access, and access to airport facili-
 18 ties; and”.

19 **SEC. 132. AEROTROPOLIS TRANSPORTATION SYSTEMS.**

20 Section 47101(g) is amended by adding at the end
 21 the following:

22 “(4) AEROTROPOLIS TRANSPORTATION SYS-
 23 TEMS.—Encourage the development of aerotropolis
 24 transportation systems, which are planned and co-
 25 ordinated multimodal freight and passenger trans-

1 portation networks that, as determined by the Sec-
2 retary, provide efficient, cost-effective, sustainable,
3 and intermodal connectivity to a defined region of
4 economic significance centered around a major air-
5 port.”.

6 **SEC. 133. AIP DEFINITIONS.**

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

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

11 (2) in subparagraph (G) by inserting “and in-
12 cluding acquiring glycol recovery vehicles,” after
13 “aircraft,”; and

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

15 “(M) construction of mobile refueler park-
16 ing within a fuel farm at a nonprimary airport
17 meeting the requirements of section 112.8 of
18 title 40, Code of Federal Regulations.

19 “(N) terminal development under section
20 47119(a).

21 “(O) acquiring and installing facilities and
22 equipment to provide air conditioning, heating,
23 or electric power from terminal-based, nonexclu-
24 sive use facilities to aircraft parked at a public
25 use airport for the purpose of reducing energy

1 use or harmful emissions as compared to the
2 provision of such air conditioning, heating, or
3 electric power from aircraft-based systems.”.

4 (b) AIRPORT PLANNING.—Section 47102(5) is
5 amended to read as follows:

6 “(5) ‘airport planning’ means planning as de-
7 fined by regulations the Secretary prescribes and in-
8 cludes—

9 “(A) integrated airport system planning;

10 “(B) developing an environmental manage-
11 ment system; and

12 “(C) developing a plan for recycling and
13 minimizing the generation of airport solid
14 waste, consistent with applicable State and local
15 recycling laws, including the cost of a waste
16 audit.”.

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

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

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

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

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

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

5 “(B) has scheduled service with less than
6 2,500 passenger boardings each year.”.

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

11 “(24) ‘revenue producing aeronautical support
12 facilities’ means fuel farms, hangar buildings, self-
13 service credit card aeronautical fueling systems, air-
14 plane wash racks, major rehabilitation of a hangar
15 owned by a sponsor, or other aeronautical support
16 facilities that the Secretary determines will increase
17 the revenue producing ability of the airport.”.

18 (e) TERMINAL DEVELOPMENT.—Section 47102 (as
19 amended by subsection (c) of this section) is further
20 amended by adding at the end the following:

21 “(28) ‘terminal development’ means—

22 “(A) development of—

23 “(i) an airport passenger terminal
24 building, including terminal gates;

1 “(ii) access roads servicing exclusively
2 airport traffic that leads directly to or
3 from an airport passenger terminal build-
4 ing; and

5 “(iii) walkways that lead directly to or
6 from an airport passenger terminal build-
7 ing; and

8 “(B) the cost of a vehicle described in sec-
9 tion 47119(a)(1)(B).”.

10 **SEC. 134. RECYCLING PLANS FOR AIRPORTS.**

11 Section 47106(a) is amended—

12 (1) in paragraph (4) by striking “and” at the
13 end;

14 (2) in paragraph (5) by striking “proposed.”
15 and inserting “proposed; and”; and

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

17 “(6) if the project is for an airport that has an
18 airport master plan, the master plan addresses
19 issues relating to solid waste recycling at the airport,
20 including—

21 “(A) the feasibility of solid waste recycling
22 at the airport;

23 “(B) minimizing the generation of solid
24 waste at the airport;

1 “(C) operation and maintenance require-
2 ments;

3 “(D) the review of waste management con-
4 tracts; and

5 “(E) the potential for cost savings or the
6 generation of revenue.”.

7 **SEC. 135. CONTENTS OF COMPETITION PLANS.**

8 Section 47106(f)(2) is amended—

9 (1) by striking “patterns of air service,”;

10 (2) by inserting “and” before “whether”; and

11 (3) by striking “, and airfare levels” and all
12 that follows before the period.

13 **SEC. 136. GRANT ASSURANCES.**

14 (a) GENERAL WRITTEN ASSURANCES.—Section
15 47107(a)(16)(D)(ii) is amended by inserting before the
16 semicolon at the end the following: “, except in the case
17 of a relocation or replacement of an existing airport facil-
18 ity that meets the conditions of section 47110(d)”.

19 (b) WRITTEN ASSURANCES ON ACQUIRING LAND.—

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

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

3 “(4) In approving the reinvestment or transfer of
4 proceeds under paragraph (2)(A)(iii), the Secretary shall
5 give preference, in descending order, to the following ac-
6 tions:

7 “(A) Reinvestment in an approved noise com-
8 patibility project.

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

11 “(C) Reinvestment in an approved airport de-
12 velopment project that is eligible for funding under
13 section 47114, 47115, or 47117.

14 “(D) Transfer to a sponsor of another public
15 airport to be reinvested in an approved noise com-
16 patibility project at such airport.

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

19 (c) CLERICAL AMENDMENT.—Section
20 47107(c)(2)(B)(iii) is amended by striking “the Fund”
21 and inserting “the Airport and Airway Trust Fund estab-
22 lished under section 9502 of the Internal Revenue Code
23 of 1986”.

1 (d) EXTENSION OF COMPETITIVE ACCESS RE-
 2 PORTS.—Section 47107(s) is amended by striking para-
 3 graph (3).

4 **SEC. 137. AGREEMENTS GRANTING THROUGH-THE-FENCE**
 5 **ACCESS TO GENERAL AVIATION AIRPORTS.**

6 (a) IN GENERAL.—Section 47107 is amended by
 7 adding at the end the following:

8 “(t) AGREEMENTS GRANTING THROUGH-THE-
 9 FENCE ACCESS TO GENERAL AVIATION AIRPORTS.—

10 “(1) IN GENERAL.—Subject to paragraph (2), a
 11 sponsor of a general aviation airport shall not be
 12 considered to be in violation of this subtitle, or to be
 13 in violation of a grant assurance made under this
 14 section or under any other provision of law as a con-
 15 dition for the receipt of Federal financial assistance
 16 for airport development, solely because the sponsor
 17 enters into an agreement that grants to a person
 18 that owns residential real property adjacent to or
 19 near the airport access to the airfield of the airport
 20 for the following:

21 “(A) Aircraft of the person.

22 “(B) Aircraft authorized by the person.

23 “(2) THROUGH-THE-FENCE AGREEMENTS.—

24 “(A) IN GENERAL.—An agreement de-
 25 scribed in paragraph (1) between an airport

1 sponsor and a property owner (or an associa-
2 tion representing such property owner) shall be
3 a written agreement that prescribes the rights,
4 responsibilities, charges, duration, and other
5 terms the airport sponsor determines are nec-
6 essary to establish and manage the airport
7 sponsor's relationship with the property owner.

8 “(B) TERMS AND CONDITIONS.—An agree-
9 ment described in paragraph (1) between an
10 airport sponsor and a property owner (or an as-
11 sociation representing such property owner)
12 shall require the property owner, at minimum—

13 “(i) to pay airport access charges
14 that, as determined by the airport sponsor,
15 are comparable to those charged to tenants
16 and operators on-airport making similar
17 use of the airport;

18 “(ii) to bear the cost of building and
19 maintaining the infrastructure that, as de-
20 termined by the airport sponsor, is nec-
21 essary to provide aircraft located on the
22 property adjacent to or near the airport
23 access to the airfield of the airport;

1 “(iii) to maintain the property for res-
2 idential, noncommercial use for the dura-
3 tion of the agreement; and

4 “(iv) to prohibit access to the airport
5 from other properties through the property
6 of the property owner.”.

7 (b) APPLICABILITY.—The amendment made by sub-
8 section (a) shall apply to an agreement between an airport
9 sponsor and a property owner (or an association rep-
10 resenting such property owner) entered into before, on, or
11 after the date of enactment of this Act.

12 **SEC. 138. GOVERNMENT SHARE OF PROJECT COSTS.**

13 Section 47109 is amended—

14 (1) in subsection (a) by striking “provided in
15 subsection (b) or subsection (c) of this section” and
16 inserting “otherwise provided in this section”; and

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

18 “(e) SPECIAL RULE FOR TRANSITION FROM SMALL
19 HUB TO MEDIUM HUB STATUS.—If the status of a small
20 hub airport changes to a medium hub airport, the Govern-
21 ment’s share of allowable project costs for the airport may
22 not exceed 90 percent for the first 2 fiscal years following
23 such change in hub status.

24 “(f) SPECIAL RULE FOR ECONOMICALLY DEPRESSED
25 COMMUNITIES.—The Government’s share of allowable

1 project costs shall be 95 percent for a project at an airport
2 that—

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

5 “(2) is located in an area that meets one or
6 more of the criteria established in section 301(a) of
7 the Public Works and Economic Development Act of
8 1965 (42 U.S.C. 3161(a)), as determined by the
9 Secretary of Commerce.”.

10 **SEC. 139. ALLOWABLE PROJECT COSTS.**

11 (a) ALLOWABLE PROJECT COSTS.—Section
12 47110(b)(2)(D) is amended to read as follows:

13 “(D) if the cost is for airport development and
14 is incurred before execution of the grant agreement,
15 but in the same fiscal year as execution of the grant
16 agreement, and if—

17 “(i) the cost was incurred before execution
18 of the grant agreement due to climactic condi-
19 tions affecting the construction season in the vi-
20 cinity of the airport;

21 “(ii) the cost is in accordance with an air-
22 port layout plan approved by the Secretary and
23 with all statutory and administrative require-
24 ments that would have been applicable to the
25 project if the project had been carried out after

1 execution of the grant agreement, including
2 submission of a complete grant application to
3 the appropriate regional or district office of the
4 Federal Aviation Administration;

5 “(iii) the sponsor notifies the Secretary be-
6 fore authorizing work to commence on the
7 project;

8 “(iv) the sponsor has an alternative fund-
9 ing source available to fund the project; and

10 “(v) the sponsor’s decision to proceed with
11 the project in advance of execution of the grant
12 agreement does not affect the priority assigned
13 to the project by the Secretary for the alloca-
14 tion of discretionary funds;”.

15 (b) INCLUSION OF MEASURES TO IMPROVE EFFI-
16 CIENCY OF AIRPORT BUILDINGS IN AIRPORT IMPROVE-
17 MENT PROJECTS.—Section 47110(b) is amended—

18 (1) in paragraph (5) by striking “; and” and in-
19 serting a semicolon;

20 (2) in paragraph (6) by striking the period at
21 the end and inserting “; and”; and

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

23 “(7) if the cost is incurred on a measure to im-
24 prove the efficiency of an airport building (such as
25 a measure designed to meet one or more of the cri-

1 teria for being considered a high-performance green
2 building as set forth under section 401(13) of the
3 Energy Independence and Security Act of 2007 (42
4 U.S.C. 17061(13))) and—

5 “(A) the measure is for a project for air-
6 port development;

7 “(B) the measure is for an airport building
8 that is otherwise eligible for construction assist-
9 ance under this subchapter; and

10 “(C) if the measure results in an increase
11 in initial project costs, the increase is justified
12 by expected savings over the life cycle of the
13 project.”.

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

16 “(d) RELOCATION OF AIRPORT-OWNED FACILI-
17 TIES.—The Secretary may determine that the costs of re-
18 locating or replacing an airport-owned facility are allow-
19 able for an airport development project at an airport only
20 if—

21 “(1) the Government’s share of such costs will
22 be paid with funds apportioned to the airport spon-
23 sor under section 47114(c)(1) or 47114(d);

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

4 “(3) the Secretary determines that the change
 5 is beyond the control of the airport sponsor.”.

6 (d) NONPRIMARY AIRPORTS.—Section 47110(h) is
 7 amended—

8 (1) by inserting “construction” before “costs of
 9 revenue producing”; and

10 (2) by striking “, including fuel farms and
 11 hangars,”.

12 **SEC. 140. VETERANS’ PREFERENCE.**

13 Section 47112(c) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (B) by striking “sepa-
 16 rated from” and inserting “discharged or re-
 17 leased from active duty in”; and

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

19 “(C) ‘Afghanistan-Iraq war veteran’ means an
 20 individual who served on active duty (as defined in
 21 section 101 of title 38) in the Armed Forces in sup-
 22 port of Operation Enduring Freedom, Operation
 23 Iraqi Freedom, or Operation New Dawn for more
 24 than 180 consecutive days, any part of which oc-
 25 curred after September 11, 2001, and before the

1 date prescribed by presidential proclamation or by
2 law as the last day of Operation Enduring Freedom,
3 Operation Iraqi Freedom, or Operation New Dawn
4 (whichever is later), and who was discharged or re-
5 leased from active duty in the armed forces under
6 honorable conditions.

7 “(D) ‘Persian Gulf veteran’ means an indi-
8 vidual who served on active duty in the Armed
9 Forces in the Southwest Asia theater of operations
10 during the Persian Gulf War for more than 180 con-
11 secutive days, any part of which occurred after Au-
12 gust 2, 1990, and before the date prescribed by
13 presidential proclamation or by law, and who was
14 discharged or released from active duty in the armed
15 forces under honorable conditions.”; and

16 (2) in paragraph (2) by striking “Vietnam-era
17 veterans and disabled veterans” and inserting “Viet-
18 nam-era veterans, Persian Gulf veterans, Afghani-
19 stan-Iraq war veterans, disabled veterans, and small
20 business concerns (as defined in section 3 of the
21 Small Business Act (15 U.S.C. 632)) owned and
22 controlled by disabled veterans”.

1 **SEC. 141. STANDARDIZING CERTIFICATION OF DISADVAN-**
2 **TAGED BUSINESS ENTERPRISES.**

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

5 “(e) MANDATORY TRAINING PROGRAM.—

6 “(1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this subsection, the Sec-
8 retary shall establish a mandatory training program
9 for persons described in paragraph (3) to provide
10 streamlined training on certifying whether a small
11 business concern qualifies as a small business con-
12 cern owned and controlled by socially and economi-
13 cally disadvantaged individuals under this section
14 and section 47107(e).

15 “(2) IMPLEMENTATION.—The training program
16 may be implemented by one or more private entities
17 approved by the Secretary.

18 “(3) PARTICIPANTS.—A person referred to in
19 paragraph (1) is an official or agent of an airport
20 sponsor—

21 “(A) who is required to provide a written
22 assurance under this section or section
23 47107(e) that the airport owner or operator will
24 meet the percentage goal of subsection (b) of
25 this section or section 47107(e)(1), as the case
26 may be; or

1 “(B) who is responsible for determining
 2 whether or not a small business concern quali-
 3 fies as a small business concern owned and con-
 4 trolled by socially and economically disadvan-
 5 taged individuals under this section or section
 6 47107(e).”.

7 **SEC. 142. SPECIAL APPORTIONMENT RULES.**

8 (a) **ELIGIBILITY TO RECEIVE PRIMARY AIRPORT**
 9 **MINIMUM APPORTIONMENT AMOUNT.**—Section 47114(d)
 10 is amended by adding at the end the following:

11 “(7) **ELIGIBILITY TO RECEIVE PRIMARY AIR-**
 12 **PORT MINIMUM APPORTIONMENT AMOUNT.**—Not-
 13 withstanding any other provision of this subsection,
 14 the Secretary may apportion to an airport sponsor
 15 in a fiscal year an amount equal to the minimum ap-
 16 portionment available under subsection (c)(1)(B) if
 17 the Secretary finds that the airport—

18 “(A) received scheduled or unscheduled air
 19 service from a large certificated air carrier (as
 20 defined in part 241 of title 14, Code of Federal
 21 Regulations, or such other regulations as may
 22 be issued by the Secretary under the authority
 23 of section 41709) in the calendar year used to
 24 calculate the apportionment; and

1 “(B) had more than 10,000 passenger
2 boardings in the calendar year used to calculate
3 the apportionment.”.

4 (b) SPECIAL RULE FOR FISCAL YEARS 2011 AND
5 2012.—Section 47114(c)(1) is amended—

6 (1) by striking subparagraphs (F) and (G); and
7 (2) by inserting after subparagraph (E) the fol-
8 lowing:

9 “(F) SPECIAL RULE FOR FISCAL YEARS
10 2011 AND 2012.—Notwithstanding subparagraph
11 (A), for an airport that had more than 10,000
12 passenger boardings and scheduled passenger
13 aircraft service in calendar year 2007, but in ei-
14 ther calendar year 2009 or 2010, or in both
15 years, the number of passenger boardings de-
16 creased to a level below 10,000 boardings per
17 year at such airport, the Secretary may appor-
18 tion in each of fiscal years 2011 and 2012 to
19 the sponsor of such airport an amount equal to
20 the amount apportioned to that sponsor in fis-
21 cal year 2009.”.

22 **SEC. 143. PUERTO RICO MINIMUM GUARANTEE.**

23 Section 47114 is amended by adding at the end the
24 following:

1 “(g) SUPPLEMENTAL APPORTIONMENT FOR PUERTO
 2 RICO.—The Secretary shall apportion amounts for air-
 3 ports in Puerto Rico in accordance with this section. This
 4 subsection does not prohibit the Secretary from making
 5 project grants for airports in Puerto Rico from the discre-
 6 tionary fund under section 47115.”.

7 **SEC. 144. APPORTIONMENTS.**

8 Chapter 471 is amended by striking
 9 “\$3,200,000,000” and inserting “\$3,000,000,000” in
 10 each of the following sections:

11 (1) 47114(c)(1)(C).

12 (2) 47114(c)(2)(C).

13 (3) 47114(d)(3).

14 (4) 47114(e)(4).

15 (5) 47117(e)(1)(C).

16 **SEC. 145. REDUCING APPORTIONMENTS.**

17 Section 47114(f)(1) is amended by striking subpara-
 18 graphs (A) and (B) and inserting the following:

19 “(A) in the case of a charge of \$3.00 or
 20 less—

21 “(i) except as provided in clause (ii),
 22 50 percent of the projected revenues from
 23 the charge in the fiscal year but not by
 24 more than 50 percent of the amount that

1 otherwise would be apportioned under this
2 section; or

3 “(ii) with respect to an airport in Ha-
4 waii, 50 percent of the projected revenues
5 from the charge in the fiscal year but not
6 by more than 50 percent of the excess of—

7 “(I) the amount that otherwise
8 would be apportioned under this sec-
9 tion; over

10 “(II) the amount equal to the
11 amount specified in subclause (I) mul-
12 tiplied by the percentage of the total
13 passenger boardings at the applicable
14 airport that are comprised of inter-
15 island passengers; and

16 “(B) in the case of a charge of more than
17 \$3.00—

18 “(i) except as provided in clause (ii),
19 75 percent of the projected revenues from
20 the charge in the fiscal year but not by
21 more than 75 percent of the amount that
22 otherwise would be apportioned under this
23 section; or

24 “(ii) with respect to an airport in Ha-
25 waii, 75 percent of the projected revenues

1 from the charge in the fiscal year but not
 2 by more than 75 percent of the excess of—

3 “(I) the amount that otherwise
 4 would be apportioned under this sec-
 5 tion; over

6 “(II) the amount equal to the
 7 amount specified in subclause (I) mul-
 8 tiplied by the percentage of the total
 9 passenger boardings at the applicable
 10 airport that are comprised of inter-
 11 island passengers.”.

12 **SEC. 146. MARSHALL ISLANDS, MICRONESIA, AND PALAU.**

13 Section 47115(j) is amended by striking “fiscal years
 14 2004 through 2010, and for the portion of fiscal year
 15 2011 ending before April 1, 2011,” and inserting “fiscal
 16 years 2010 through 2014,”.

17 **SEC. 147. DESIGNATING CURRENT AND FORMER MILITARY**
 18 **AIRPORTS.**

19 (a) CONSIDERATIONS.—Section 47118(c) is amend-
 20 ed—

21 (1) in paragraph (1) by striking “or” after the
 22 semicolon;

23 (2) in paragraph (2) by striking “delays.” and
 24 inserting “delays; or”; and

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

1 “(3) preserve or enhance minimum airfield in-
2 frastructure facilities at former military airports to
3 support emergency diversionary operations for trans-
4 oceanic flights in locations—

5 “(A) within United States jurisdiction or
6 control; and

7 “(B) where there is a demonstrable lack of
8 diversionary airports within the distance or
9 flight-time required by regulations governing
10 transoceanic flights.”.

11 (b) DESIGNATION OF GENERAL AVIATION AIR-
12 PORTS.—Section 47118(g) is amended—

13 (1) in the subsection heading by striking “AIR-
14 PORT” and inserting “AIRPORTS”; and

15 (2) by striking “one of the airports bearing a
16 designation under subsection (a) may be a general
17 aviation airport that was a former military installa-
18 tion” and inserting “3 of the airports bearing des-
19 ignations under subsection (a) may be general avia-
20 tion airports that were former military installa-
21 tions”.

22 (c) SAFETY-CRITICAL AIRPORTS.—Section 47118 is
23 amended by adding at the end the following:

24 “(h) SAFETY-CRITICAL AIRPORTS.—Notwithstanding
25 any other provision of this chapter, a grant under section

1 47117(e)(1)(B) may be made for a federally owned airport
 2 designated under subsection (a) if the grant is for a
 3 project that is—

4 “(1) to preserve or enhance minimum airfield
 5 infrastructure facilities described in subsection
 6 (c)(3); and

7 “(2) necessary to meet the minimum safety and
 8 emergency operational requirements established
 9 under part 139 of title 14, Code of Federal Regula-
 10 tions.”.

11 **SEC. 148. CONTRACT TOWER PROGRAM.**

12 (a) COST-BENEFIT REQUIREMENT.—Section
 13 47124(b) is amended—

14 (1) by striking paragraph (1) and inserting the
 15 following:

16 “(1) CONTRACT TOWER PROGRAM.—

17 “(A) CONTINUATION AND EXTENSION.—

18 The Secretary shall continue the low activity
 19 (Visual Flight Rules) Level I air traffic control
 20 tower contract program established under sub-
 21 section (a) for towers existing on December 30,
 22 1987, and shall extend the program to other
 23 low activity air traffic control towers for which
 24 a qualified entity (as determined by the Sec-
 25 retary), a State, or a subdivision of the State

1 meeting the requirements set forth by the Sec-
2 retary has requested to participate in the pro-
3 gram.

4 “(B) SPECIAL RULE.—If the Secretary de-
5 termines that a tower already operating under
6 the program continued under this paragraph
7 has a benefit-to-cost ratio of less than 1.0, the
8 airport sponsor or State or local government
9 having jurisdiction over the airport shall not be
10 required to pay the portion of the costs that ex-
11 ceeds the benefit for a period of 18 months
12 after such determination is made.

13 “(C) USE OF EXCESS FUNDS.—If the Sec-
14 retary finds that all or part of an amount made
15 available to carry out the program continued
16 under this paragraph is not required during a
17 fiscal year, the Secretary may use, during such
18 fiscal year, the amount not so required to carry
19 out the program established under paragraph
20 (3).”; and

21 (2) by striking “(2) The Secretary” and insert-
22 ing the following:

23 “(2) GENERAL AUTHORITY.—The Secretary”.

24 (b) COSTS EXCEEDING BENEFITS.—Section

25 47124(b)(3)(D) is amended—

1 (1) by striking “If the costs” and inserting the
2 following:

3 “(i) COST SHARING.—If the costs”;

4 and

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

6 “(ii) MAXIMUM LOCAL COST SHARE.—

7 The maximum allowable local cost share
8 allocated under clause (i) for an airport
9 certified under part 139 of title 14, Code
10 of Federal Regulations, with fewer than
11 50,000 annual passenger enplanements
12 shall be capped at 20 percent of the cost
13 of operating an air traffic tower under the
14 program.

15 “(iii) SUNSET.—Clause (ii) shall not
16 be in effect after September 30, 2014.”.

17 (c) FUNDING; USE OF EXCESS FUNDS.—Section
18 47124(b)(3) is amended by striking subparagraph (E) and
19 inserting the following:

20 “(E) FUNDING.—Of the amounts appro-
21 priated pursuant to section 106(k)(1), not more
22 than \$8,500,000 for each of fiscal years 2011
23 through 2014 may be used to carry out this
24 paragraph.

11 (e) SAFETY AUDITS.—Section 47124 is amended by
12 adding at the end the following:

17 SEC. 149. RESOLUTION OF DISPUTES CONCERNING AIR-
18 PORT FEES.

22 **“§ 47129. Resolution of disputes concerning airport**
23 **fees”;**

HR 658 RDS

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

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

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

10 (6) by striking “air carriers” and inserting “air
 11 carriers or foreign air carriers”; and

12 (7) by striking “(as defined in section 40102 of
 13 this title)” in subsection (a) and inserting “(as those
 14 terms are defined in section 40102)”.

15 (b) CONFORMING AMENDMENT.—The analysis for
 16 chapter 471 is amended by striking the item relating to
 17 section 47129 and inserting the following:

“47129. Resolution of disputes concerning airport fees.”.

18 **SEC. 150. SALE OF PRIVATE AIRPORTS TO PUBLIC SPON-**
 19 **SORS.**

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

21 (1) by striking “Subsection (a) shall not apply
 22 if” and inserting the following:

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

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

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

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

6 “(B) funding is provided under this sub-
7 chapter for any portion of the public sponsor’s
8 acquisition of airport land; and

9 “(C) an amount equal to the remaining
10 unamortized portion of any airport improve-
11 ment grant made to that airport for purposes
12 other than land acquisition, amortized over a
13 20-year period, plus an amount equal to the
14 Federal share of the current fair market value
15 of any land acquired with an airport improve-
16 ment grant made to that airport on or after Oc-
17 tober 1, 1996, is repaid to the Secretary by the
18 private owner.

19 “(3) TREATMENT OF REPAYMENTS.—Repay-
20 ments referred to in paragraph (2)(C) shall be treat-
21 ed as a recovery of prior year obligations.”.

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

1 **SEC. 151. REPEAL OF CERTAIN LIMITATIONS ON METRO-**
 2 **POLITAN WASHINGTON AIRPORTS AUTHOR-**
 3 **ITY.**

4 Section 49108, and the item relating to section
 5 49108 in the analysis for chapter 491, are repealed.

6 **SEC. 152. MIDWAY ISLAND AIRPORT.**

7 Section 186(d) of the Vision 100—Century of Avia-
 8 tion Reauthorization Act (117 Stat. 2518) is amended by
 9 striking “October 1, 2010, and for the portion of fiscal
 10 year 2011 ending before April 1, 2011,” and inserting
 11 “October 1, 2014,”.

12 **SEC. 153. MISCELLANEOUS AMENDMENTS.**

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

16 (1) in subsection (a)—

17 (A) by striking “each airport to—” and in-
 18 serting “the airport system to—”;

19 (B) in paragraph (1) by striking “system
 20 in the particular area;” and inserting “system,
 21 including connection to the surface transpor-
 22 tation network; and”;

23 (C) in paragraph (2) by striking “; and”
 24 and inserting a period; and

25 (D) by striking paragraph (3);

26 (2) in subsection (b)—

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

3 (B) by striking paragraph (2) and redesign-
 4 nating paragraph (3) as paragraph (2); and

5 (C) in paragraph (2) (as so redesignated)
 6 by striking “, Short Takeoff and Landing/Very
 7 Short Takeoff and Landing aircraft oper-
 8 ations,”; and
 9 (3) in subsection (d) by striking “status of
 10 the”.

11 (b) CONSOLIDATION OF TERMINAL DEVELOPMENT
 12 PROVISIONS.—Section 47119 is amended—

13 (1) by redesignating subsections (a), (b), (c),
 14 and (d) as subsections (b), (c), (d), and (e), respec-
 15 tively;

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

18 “(a) TERMINAL DEVELOPMENT PROJECTS.—

19 “(1) IN GENERAL.—The Secretary of Transpor-
 20 tation may approve a project for terminal develop-
 21 ment (including multimodal terminal development)
 22 in a nonrevenue-producing public-use area of a com-
 23 mercial service airport—

1 “(A) if the sponsor certifies that the air-
2 port, on the date the grant application is sub-
3 mitted to the Secretary, has—

4 “(i) all the safety equipment required
5 for certification of the airport under sec-
6 tion 44706;

7 “(ii) all the security equipment re-
8 quired by regulation; and

9 “(iii) provided for access by pas-
10 sengers to the area of the airport for
11 boarding or exiting aircraft that are not
12 air carrier aircraft;

13 “(B) if the cost is directly related to mov-
14 ing passengers and baggage in air commerce
15 within the airport, including vehicles for moving
16 passengers between terminal facilities and be-
17 tween terminal facilities and aircraft; and

18 “(C) under terms necessary to protect the
19 interests of the Government.

20 “(2) PROJECT IN REVENUE-PRODUCING AREAS
21 AND NONREVENUE-PRODUCING PARKING LOTS.—In
22 making a decision under paragraph (1), the Sec-
23 retary may approve as allowable costs the expenses
24 of terminal development in a revenue-producing area
25 and construction, reconstruction, repair, and im-

1 provement in a nonrevenue-producing parking lot
2 if—

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

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

11 (3) in subsection (b)(4)(B) (as redesignated by
12 paragraph (1) of this subsection) by striking “Sec-
13 retary of Transportation” and inserting “Secretary”;

14 (4) in subsections (b)(3) and (b)(4)(A) (as re-
15 designated by paragraph (1) of this subsection) by
16 striking “section 47110(d)” and inserting “sub-
17 section (a)”;

18 (5) in subsection (b)(5) (as redesignated by
19 paragraph (1) of this subsection) by striking “sub-
20 section (b)(1) and (2)” and inserting “subsections
21 (c)(1) and (c)(2)”;

22 (6) in subsections (c)(2)(A), (c)(3), and (c)(4)
23 (as redesignated by paragraph (1) of this sub-
24 section) by striking “section 47110(d) of this title”
25 and inserting “subsection (a)”;

1 (7) in subsection (c)(2)(B) (as redesignated by
2 paragraph (1) of this subsection) by striking “sec-
3 tion 47110(d)” and inserting “subsection (a)”;

4 (8) in subsection (c)(5) (as redesignated by
5 paragraph (1) of this subsection) by striking “sec-
6 tion 47110(d)” and inserting “subsection (a)”; and

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

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

14 (c) ANNUAL REPORT.—Section 47131(a) is amend-
15 ed—

16 (1) by striking “April 1” and inserting “June
17 1”; and

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

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

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

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

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

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

3 (1) in subsection (a) by striking
4 “47102(3)(F),”; and
5 (2) in subsection (b)—

6 (A) by striking “47102(3)(F),”; and

7 (B) by striking “47103(3)(F),”.

8 (e) CONFORMING AMENDMENT TO CIVIL PENALTY
9 ASSESSMENT AUTHORITY.—Section 46301(d)(2) is
10 amended by inserting “46319,” after “46318,”.

11 (f) OTHER CONFORMING AMENDMENTS.—

12 (1) Section 40117(a)(3)(B) is amended by
13 striking “section 47110(d)” and inserting “section
14 47119(a)”.

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

16 (A) by striking “section 47110(d)(2)” and
17 inserting “section 47119(a)”; and

18 (B) by striking “section 47110(d)” and in-
19 serting “section 47119(a)”.

20 (g) CORRECTION TO SURPLUS PROPERTY AUTHOR-
21 ITY.—Section 47151(e) is amended by striking “(other
22 than real property” and all that follows through “(10
23 U.S.C. 2687 note))”.

24 (h) DEFINITIONS.—

1 (1) CONGESTED AIRPORT.—Section 47175(2) is
2 amended by striking “2001” and inserting “2004 or
3 any successor report”.

4 (2) JOINT USE AIRPORT.—Section 47175 is
5 amended by adding at the end the following:

6 “(7) JOINT USE AIRPORT.—The term ‘joint use
7 airport’ means an airport owned by the Department
8 of Defense, at which both military and civilian air-
9 craft make shared use of the airfield.”.

10 **SEC. 154. EXTENSION OF GRANT AUTHORITY FOR COMPAT-**
11 **IBLE LAND USE PLANNING AND PROJECTS**
12 **BY STATE AND LOCAL GOVERNMENTS.**

13 Section 47141(f) is amended by striking “March 31,
14 2011” and inserting “September 30, 2014”.

15 **SEC. 155. PRIORITY REVIEW OF CONSTRUCTION PROJECTS**
16 **IN COLD WEATHER STATES.**

17 The Administrator of the Federal Aviation Adminis-
18 tration, to the extent practicable, shall schedule the Ad-
19 ministrator’s review of construction projects so that
20 projects to be carried out in States in which the weather
21 during a typical calendar year prevents major construction
22 projects from being carried out before May 1 are reviewed
23 as early as possible.

1 **SEC. 156. STUDY ON NATIONAL PLAN OF INTEGRATED AIR-**
2 **PORT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall begin a study to evaluate the formulation of
6 the national plan of integrated airport systems (in this
7 section referred to as the “plan”) under section 47103 of
8 title 49, United States Code.

9 (b) CONTENTS OF STUDY.—The study shall include
10 a review of the following:

11 (1) The criteria used for including airports in
12 the plan and the application of such criteria in the
13 most recently published version of the plan.

14 (2) The changes in airport capital needs as
15 shown in the 2005–2009 and 2007–2011 plans,
16 compared with the amounts apportioned or other-
17 wise made available to individual airports between
18 2005 and 2010.

19 (3) A comparison of the amounts received by
20 airports under the airport improvement program in
21 airport apportionments, State apportionments, and
22 discretionary grants during such fiscal years with
23 capital needs as reported in the plan.

24 (4) The effect of transfers of airport apporportion-
25 ments under title 49, United States Code.

1 (5) An analysis on the feasibility and advis-
2 ability of apportioning amounts under section
3 47114(c)(1) of title 49, United States Code, to the
4 sponsor of each primary airport for each fiscal year
5 an amount that bears the same ratio to the amount
6 subject to the apportionment for fiscal year 2009 as
7 the number of passenger boardings at the airport
8 during the prior calendar year bears to the aggre-
9 gate of all passenger boardings at all primary air-
10 ports during that calendar year.

11 (6) A documentation and review of the methods
12 used by airports to reach the 10,000 passenger
13 enplanement threshold, including whether such air-
14 ports subsidize commercial flights to reach such
15 threshold, at every airport in the United States that
16 reported between 10,000 and 15,000 passenger
17 enplanements during each of the 2 most recent cal-
18 endar years for which such data is available.

19 (7) Any other matters pertaining to the plan
20 that the Secretary determines appropriate.

21 (c) REPORT TO CONGRESS.—

22 (1) SUBMISSION.—Not later than 36 months
23 after the date that the Secretary begins the study
24 under this section, the Secretary shall submit to the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
 2 Commerce, Science, and Transportation of the Sen-
 3 ate a report on the results of the study.

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

5 (A) the findings of the Secretary on each
 6 of the issues described in subsection (b);

7 (B) recommendations for any changes to
 8 policies and procedures for formulating the
 9 plan; and

10 (C) recommendations for any changes to
 11 the methods of determining the amounts to be
 12 apportioned or otherwise made available to indi-
 13 vidual airports.

14 **SEC. 157. TRANSFERS OF TERMINAL AREA AIR NAVIGATION**
 15 **EQUIPMENT TO AIRPORT SPONSORS.**

16 (a) IN GENERAL.—Chapter 445 is amended by add-
 17 ing at the end the following:

18 **“§ 44518. Transfers of terminal area air navigation**
 19 **equipment to airport sponsors**

20 “(a) IN GENERAL.—Subject to the requirements of
 21 this section, the Administrator of the Federal Aviation Ad-
 22 ministrator may carry out a pilot program under which
 23 the Administrator may transfer ownership, operating, and
 24 maintenance responsibilities for terminal area air naviga-
 25 tion equipment at an airport to the airport sponsor.

1 “(b) PARTICIPATION.—The Administrator may select
2 the sponsors of not more than 3 nonhub airports, 3 small
3 hub airports, 3 medium hub airports, and 1 large hub air-
4 port to participate in the pilot program.

5 “(c) TERMS AND CONDITIONS OF TRANSFER FOR
6 AIRPORT SPONSORS.—As a condition of participating in
7 the pilot program, the airport sponsor shall provide assur-
8 ances satisfactory to the Administrator that the sponsor
9 will—

10 “(1) operate and maintain the terminal area air
11 navigation equipment transferred to the sponsor
12 under this section in accordance with standards to
13 be established by the Administrator;

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

19 “(3) acquire and maintain new terminal area
20 air navigation equipment at the airport as needed to
21 replace equipment at the end of its useful life or to
22 meet new standards established by the Adminis-
23 trator.

24 “(d) TERMS AND CONDITIONS OF TRANSFER FOR
25 ADMINISTRATOR.—When the Administrator approves an

1 airport sponsor's participation in the pilot program, the
2 Administrator shall transfer, at no cost to the sponsor,
3 all rights, title, and interests of the United States in and
4 to the terminal area air navigation equipment to be trans-
5 ferred to the sponsor under the program, including the
6 real property on which the equipment is located.

7 “(e) TREATMENT OF AIRPORT COSTS.—Any costs in-
8 curred by an airport sponsor for ownership and mainte-
9 nance of terminal area air navigation equipment trans-
10 ferred under this section shall be considered a cost of pro-
11 viding airfield facilities and services under standards and
12 guidelines issued by the Secretary of Transportation under
13 section 47129(b)(2) and may be recovered in rates and
14 charges assessed for use of the airport's airfield.

15 “(f) DEFINITIONS.—In this section, the following
16 definitions apply:

17 “(1) SPONSOR.—The term ‘sponsor’ has the
18 meaning given that term in section 47102.

19 “(2) TERMINAL AREA AIR NAVIGATION EQUIP-
20 MENT.—The term ‘terminal area air navigation
21 equipment’ means an air navigation facility as de-
22 fined in section 40102 that exists to provide ap-
23 proach and landing guidance to aircraft, but does
24 not include buildings used for air traffic control
25 functions.

1 “(g) GUIDELINES.—The Administrator shall issue
2 guidelines on the implementation of the program.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 445 is amended by adding at the end the following:

“44518. Transfers of terminal area air navigation equipment to airport spon-
sors.”.

5 **SEC. 158. AIRPORT PRIVATIZATION PROGRAM.**

6 (a) APPROVAL OF APPLICATIONS.—Section 47134(b)
7 is amended—

8 (1) in the matter preceding paragraph (1) by
9 striking “5 airports” and inserting “10 airports”;
10 and

11 (2) paragraph (1)—

12 (A) by striking subparagraph (A) and in-
13 serting the following:

14 “(A) IN GENERAL.—The Secretary may
15 grant an exemption to an airport sponsor from
16 the requirements of sections 47107(b) and
17 47133 (and any other law, regulation, or grant
18 assurance) to the extent necessary to permit the
19 sponsor to recover from the sale or lease of the
20 airport such amount as may be approved by the
21 Secretary after the sponsor has consulted—

22 “(i) in the case of a primary airport,
23 with each air carrier and foreign air car-

1 rier serving the airport, as determined by
 2 the Secretary; and

3 “(ii) in the case of a nonprimary air-
 4 port, with at least 65 percent of the own-
 5 ers of aircraft based at that airport, as de-
 6 termined by the Secretary.”; and

7 (B) by striking subparagraph (C).

8 (b) TERMS AND CONDITIONS.—Section 47134(c) is
 9 amended—

10 (1) by striking paragraphs (4), (5), and (9);

11 (2) by redesignating paragraphs (6), (7), and
 12 (8) as paragraphs (4), (5), and (6), respectively; and

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

14 “(7) A fee imposed by the airport on an air car-
 15 rier or foreign air carrier may not include any por-
 16 tion for a return on investment or recovery of prin-
 17 cipal with respect to consideration paid to a public
 18 agency for the lease or sale of the airport unless that
 19 portion of the fee is approved by the air carrier or
 20 foreign air carrier.”.

21 (c) PARTICIPATION OF CERTAIN AIRPORTS.—Section
 22 47134 is amended—

23 (1) by striking subsection (d); and

24 (2) by redesignating subsections (e) through
 25 (m) as subsections (d) through (l), respectively.

1 (d) APPLICABILITY.—The amendments made by this
2 section shall apply with respect to an exemption issued to
3 an airport under section 47134 of title 49, United States
4 Code, before, on, or after the date of enactment of this
5 Act.

6 **TITLE II—NEXTGEN AIR TRANS-**
7 **PORTATION SYSTEM AND AIR**
8 **TRAFFIC CONTROL MOD-**
9 **ERNIZATION**

10 **SEC. 201. DEFINITIONS.**

11 In this title, the following definitions apply:

12 (1) NEXTGEN.—The term “NextGen” means
13 the Next Generation Air Transportation System.

14 (2) ADS-B.—The term “ADS-B” means auto-
15 matic dependent surveillance-broadcast.

16 (3) ADS-B OUT.—The term “ADS-B Out”
17 means automatic dependent surveillance-broadcast
18 with the ability to transmit information from the
19 aircraft to ground stations and to other equipped
20 aircraft.

21 (4) ADS-B IN.—The term “ADS-B In” means
22 automatic dependent surveillance-broadcast with the
23 ability to transmit information from the aircraft to
24 ground stations and to other equipped aircraft as
25 well as the ability of the aircraft to receive informa-

1 tion from other transmitting aircraft and the ground
2 infrastructure.

3 (5) RNAV.—The term “RNAV” means area
4 navigation.

5 (6) RNP.—The term “RNP” means required
6 navigation performance.

7 **SEC. 202. NEXTGEN DEMONSTRATIONS AND CONCEPTS.**

8 In allocating amounts appropriated pursuant to sec-
9 tion 48101(a) of title 49, United States Code, the Sec-
10 retary of Transportation shall give priority to the following
11 NextGen activities:

12 (1) NextGen demonstrations and infrastructure.

13 (2) NextGen trajectory-based operations.

14 (3) NextGen reduced weather impact.

15 (4) NextGen high-density arrivals/departures.

16 (5) NextGen collaborative air traffic manage-
17 ment.

18 (6) NextGen flexible terminals and airports.

19 (7) NextGen safety, security, and environmental
20 reviews.

21 (8) NextGen networked facilities.

22 (9) The Center for Advanced Aviation System
23 Development.

24 (10) NextGen system development.

1 (11) Data communications system implementa-
2 tion.

3 (12) ADS-B infrastructure deployment and
4 operational implementation.

5 (13) Systemwide information management.

6 (14) NextGen facility consolidation and realign-
7 ment.

8 (15) En route automation modernization.

9 (16) National airspace system voice switch.

10 (17) NextGen network enabled weather.

11 **SEC. 203. CLARIFICATION OF AUTHORITY TO ENTER INTO**
12 **REIMBURSABLE AGREEMENTS.**

13 Section 106(m) is amended in the last sentence by
14 inserting “with or” before “without reimbursement”.

15 **SEC. 204. CHIEF NEXTGEN OFFICER.**

16 Section 106 is amended by adding at the end the fol-
17 lowing:

18 “(s) CHIEF NEXTGEN OFFICER.—

19 “(1) IN GENERAL.—

20 “(A) APPOINTMENT.—There shall be a
21 Chief NextGen Officer appointed by the Admin-
22 istrator. The Chief NextGen Officer shall report
23 directly to the Administrator and shall be sub-
24 ject to the authority of the Administrator.

1 “(B) QUALIFICATIONS.—The Chief
2 NextGen Officer shall have a demonstrated abil-
3 ity in management and knowledge of or experi-
4 ence in aviation and systems engineering.

5 “(C) TERM.—The Chief NextGen Officer
6 shall be appointed for a term of 5 years.

7 “(D) REMOVAL.—The Chief NextGen Offi-
8 cer shall serve at the pleasure of the Adminis-
9 trator, except that the Administrator shall
10 make every effort to ensure stability and con-
11 tinuity in the leadership of the implementation
12 of NextGen.

13 “(E) VACANCY.—Any individual appointed
14 to fill a vacancy in the position of Chief
15 NextGen Officer occurring before the expiration
16 of the term for which the individual’s prede-
17 cessor was appointed shall be appointed for the
18 remainder of that term.

19 “(2) COMPENSATION.—

20 “(A) IN GENERAL.—The Chief NextGen
21 Officer shall be paid at an annual rate of basic
22 pay to be determined by the Administrator. The
23 annual rate may not exceed the annual com-
24 pensation paid under section 102 of title 3. The
25 Chief NextGen Officer shall be subject to the

1 postemployment provisions of section 207 of
2 title 18 as if the position of Chief NextGen Of-
3 ficer were described in section 207(c)(2)(A)(i)
4 of that title.

5 “(B) BONUS.—In addition to the annual
6 rate of basic pay authorized by subparagraph
7 (A), the Chief NextGen Officer may receive a
8 bonus for any calendar year not to exceed 30
9 percent of the annual rate of basic pay, based
10 upon the Administrator’s evaluation of the
11 Chief NextGen Officer’s performance in relation
12 to the performance goals set forth in the per-
13 formance agreement described in paragraph
14 (3).

15 “(3) ANNUAL PERFORMANCE AGREEMENT.—
16 The Administrator and the Chief NextGen Officer,
17 in consultation with the Federal Aviation Manage-
18 ment Advisory Council, shall enter into an annual
19 performance agreement that sets forth measurable
20 organization and individual goals for the Chief
21 NextGen Officer in key operational areas. The
22 agreement shall be subject to review and renegoti-
23 ation on an annual basis.

24 “(4) ANNUAL PERFORMANCE REPORT.—The
25 Chief NextGen Officer shall prepare and transmit to

1 the Secretary of Transportation, the Committee on
2 Transportation and Infrastructure of the House of
3 Representatives, the Committee on Science and
4 Technology of the House of Representatives, and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate an annual management report
7 containing such information as may be prescribed by
8 the Secretary.

9 “(5) RESPONSIBILITIES.—The responsibilities
10 of the Chief NextGen Officer include the following:

11 “(A) Implementing NextGen activities and
12 budgets across all program offices of the Fed-
13 eral Aviation Administration.

14 “(B) Coordinating the implementation of
15 NextGen activities with the Office of Manage-
16 ment and Budget.

17 “(C) Reviewing and providing advice on
18 the Administration’s modernization programs,
19 budget, and cost accounting system with respect
20 to NextGen.

21 “(D) With respect to the budget of the Ad-
22 ministration—

23 “(i) developing a budget request of
24 the Administration related to the imple-
25 mentation of NextGen;

1 “(ii) submitting such budget request
2 to the Administrator; and

3 “(iii) ensuring that the budget request
4 supports the annual and long-range stra-
5 tegic plans of the Administration with re-
6 spect to NextGen.

7 “(E) Consulting with the Administrator on
8 the Capital Investment Plan of the Administra-
9 tion prior to its submission to Congress.

10 “(F) Developing an annual NextGen imple-
11 mentation plan.

12 “(G) Ensuring that NextGen implementa-
13 tion activities are planned in such a manner as
14 to require that system architecture is designed
15 to allow for the incorporation of novel and cur-
16 rently unknown technologies into NextGen in
17 the future and that current decisions do not
18 bias future decisions unfairly in favor of exist-
19 ing technology at the expense of innovation.

20 “(H) Coordinating with the NextGen Joint
21 Planning and Development Office with respect
22 to facilitating cooperation among all Federal
23 agencies whose operations and interests are af-
24 fected by the implementation of NextGen.

1 “(6) EXCEPTION.—If the Administrator ap-
2 points as the Chief NextGen Officer, pursuant to
3 paragraph (1)(A), an Executive Schedule employee
4 covered by section 5315 of title 5, then paragraphs
5 (1)(B), (1)(C), (2), and (3) of this subsection shall
6 not apply to such employee.

7 “(7) NEXTGEN DEFINED.—For purposes of this
8 subsection, the term ‘NextGen’ means the Next Gen-
9 eration Air Transportation System.”.

10 **SEC. 205. DEFINITION OF AIR NAVIGATION FACILITY.**

11 Section 40102(a)(4) is amended—

12 (1) by redesignating subparagraph (D) as sub-
13 paragraph (E);

14 (2) by striking subparagraphs (B) and (C) and
15 inserting the following:

16 “(B) runway lighting and airport surface
17 visual and other navigation aids;

18 “(C) apparatus, equipment, software, or
19 service for distributing aeronautical and mete-
20 orological information to air traffic control fa-
21 cilities or aircraft;

22 “(D) communication, navigation, or sur-
23 veillance equipment for air-to-ground or air-to-
24 air applications;”;

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

(A) by striking “another structure” and inserting “any structure, equipment,”; and

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

(4) by adding at the end the following:

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

SEC. 206. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

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

(2) by striking paragraph (4); and

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

SEC. 207. ASSISTANCE TO FOREIGN AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) in paragraph (1)—

(A) by inserting “(whether public or private)” after “authorities”; and

(B) by striking “safety.” and inserting “safety or efficiency. The Administrator is au-

1 thorized to participate in, and submit offers in
 2 response to, competitions to provide these serv-
 3 ices, and to contract with foreign aviation au-
 4 thorities to provide these services consistent
 5 with section 106(l)(6).”;

6 (2) in paragraph (2) by adding at the end the
 7 following: “The Administrator is authorized, not-
 8 withstanding any other provision of law or policy, to
 9 accept payments for services provided under this
 10 subsection in arrears.”; and

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

13 “(3) CREDITING APPROPRIATIONS.—Funds re-
 14 ceived by the Administrator pursuant to this section
 15 shall—

16 “(A) be credited to the appropriation cur-
 17 rent when the amount is received;

18 “(B) be merged with and available for the
 19 purposes of such appropriation; and

20 “(C) remain available until expended.”.

21 **SEC. 208. NEXT GENERATION AIR TRANSPORTATION SYS-**
 22 **TEM JOINT PLANNING AND DEVELOPMENT**
 23 **OFFICE.**

24 (a) REDESIGNATION OF JPDO DIRECTOR TO ASSO-
 25 CIATE ADMINISTRATOR.—

1 (1) ASSOCIATE ADMINISTRATOR FOR NEXT
2 GENERATION AIR TRANSPORTATION SYSTEM PLAN-
3 NING, DEVELOPMENT, AND INTERAGENCY COORDI-
4 NATION.—Section 709(a) of the Vision 100—Cen-
5 tury of Aviation Reauthorization Act (49 U.S.C.
6 40101 note; 117 Stat. 2582) is amended—

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

10 (B) by inserting after paragraph (1) the
11 following:

12 “(2) The head of the Office shall be the Associate
13 Administrator for Next Generation Air Transportation
14 System Planning, Development, and Interagency Coordi-
15 nation, who shall be appointed by the Administrator of
16 the Federal Aviation Administration. The Administrator
17 shall appoint the Associate Administrator after consulting
18 with the Chairman of the Next Generation Senior Policy
19 Committee and providing advanced notice to the other
20 members of that Committee.”.

21 (2) RESPONSIBILITIES.—Section 709(a)(3) of
22 such Act (as redesignated by paragraph (1) of this
23 subsection) is amended—

24 (A) in subparagraph (G) by striking “;
25 and” and inserting a semicolon;

1 (B) in subparagraph (H) by striking the
2 period at the end and inserting a semicolon;
3 and

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

5 “(I) establishing specific quantitative goals
6 for the safety, capacity, efficiency, performance,
7 and environmental impacts of each phase of
8 Next Generation Air Transportation System
9 planning and development activities and meas-
10 uring actual operational experience against
11 those goals, taking into account noise pollution
12 reduction concerns of affected communities to
13 the extent practicable in establishing the envi-
14 ronmental goals;

15 “(J) working to ensure global interoper-
16 ability of the Next Generation Air Transpor-
17 tation System;

18 “(K) working to ensure the use of weather
19 information and space weather information in
20 the Next Generation Air Transportation System
21 as soon as possible;

22 “(L) overseeing, with the Administrator
23 and in consultation with the Chief NextGen Of-
24 ficer, the selection of products or outcomes of

1 research and development activities that should
2 be moved to a demonstration phase; and

3 “(M) maintaining a baseline modeling and
4 simulation environment for testing and evalu-
5 ating alternative concepts to satisfy Next Gen-
6 eration Air Transportation System enterprise
7 architecture requirements.”.

8 (3) COOPERATION WITH OTHER FEDERAL
9 AGENCIES.—Section 709(a)(4) of such Act (as re-
10 designated by paragraph (1) of this subsection) is
11 amended—

12 (A) by striking “(4)” and inserting
13 “(4)(A)”; and

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

15 “(B) The Secretary of Defense, the Administrator of
16 the National Aeronautics and Space Administration, the
17 Secretary of Commerce, the Secretary of Homeland Secu-
18 rity, and the head of any other Federal agency from which
19 the Secretary of Transportation requests assistance under
20 subparagraph (A) shall designate a senior official in the
21 agency to be responsible for—

22 “(i) carrying out the activities of the agency re-
23 lating to the Next Generation Air Transportation
24 System in coordination with the Office, including the
25 execution of all aspects of the work of the agency in

1 developing and implementing the integrated work
2 plan described in subsection (b)(5);

3 “(ii) serving as a liaison for the agency in ac-
4 tivities of the agency relating to the Next Generation
5 Air Transportation System and coordinating with
6 other Federal agencies involved in activities relating
7 to the System; and

8 “(iii) ensuring that the agency meets its obliga-
9 tions as set forth in any memorandum of under-
10 standing executed by or on behalf of the agency re-
11 lating to the Next Generation Air Transportation
12 System.

13 “(C) The head of a Federal agency referred to in sub-
14 paragraph (B) shall—

15 “(i) ensure that the responsibilities of the agen-
16 cy relating to the Next Generation Air Transpor-
17 tation System are clearly communicated to the sen-
18 ior official of the agency designated under subpara-
19 graph (B);

20 “(ii) ensure that the performance of the senior
21 official in carrying out the responsibilities of the
22 agency relating to the Next Generation Air Trans-
23 portation System is reflected in the official’s annual
24 performance evaluations and compensation;

1 “(iii) establish or designate an office within the
2 agency to carry out its responsibilities under the
3 memorandum of understanding under the super-
4 vision of the designated official; and

5 “(iv) ensure that the designated official has suf-
6 ficient budgetary authority and staff resources to
7 carry out the agency’s Next Generation Air Trans-
8 portation System responsibilities as set forth in the
9 integrated plan under subsection (b).

10 “(D) Not later than 6 months after the date of enact-
11 ment of this subparagraph, the head of each Federal agen-
12 cy that has responsibility for carrying out any activity
13 under the integrated plan under subsection (b) shall exe-
14 cute a memorandum of understanding with the Office obli-
15 gating that agency to carry out the activity.”.

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

19 “(6)(A) The Office shall work with the Director of
20 the Office of Management and Budget to develop a process
21 whereby the Director will identify projects related to the
22 Next Generation Air Transportation System across the
23 agencies referred to in paragraph (4)(A) and consider the
24 Next Generation Air Transportation System as a unified,
25 cross-agency program.

1 “(B) The Director of the Office of Management and
2 Budget, to the extent practicable, shall—

3 “(i) ensure that—

4 “(I) each Federal agency covered by the
5 plan has sufficient funds requested in the Presi-
6 dent’s budget, as submitted under section
7 1105(a) of title 31, United States Code, for
8 each fiscal year covered by the plan to carry out
9 its responsibilities under the plan; and

10 “(II) the development and implementation
11 of the Next Generation Air Transportation Sys-
12 tem remains on schedule;

13 “(ii) include, in the President’s budget, a state-
14 ment of the portion of the estimated budget of each
15 Federal agency covered by the plan that relates to
16 the activities of the agency under the Next Genera-
17 tion Air Transportation System; and

18 “(iii) identify and justify as part of the Presi-
19 dent’s budget submission any inconsistencies be-
20 tween the plan and amounts requested in the budg-
21 et.

22 “(7) The Associate Administrator of the Next Gen-
23 eration Air Transportation System Planning, Develop-
24 ment, and Interagency Coordination shall be a voting

1 member of the Joint Resources Council of the Federal
2 Aviation Administration.”.

3 (b) INTEGRATED PLAN.—Section 709(b) of such Act
4 (117 Stat. 2583) is amended—

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

6 (A) by striking “meets air” and inserting
7 “meets anticipated future air”; and

8 (B) by striking “beyond those currently in-
9 cluded in the Federal Aviation Administration’s
10 operational evolution plan”;

11 (2) at the end of paragraph (3) by striking
12 “and”;

13 (3) at the end of paragraph (4) by striking the
14 period and inserting “; and”; and

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

16 “(5) a multiagency integrated work plan for the
17 Next Generation Air Transportation System that in-
18 cludes—

19 “(A) an outline of the activities required to
20 achieve the end-state architecture, as expressed
21 in the concept of operations and enterprise ar-
22 chitecture documents, that identifies each Fed-
23 eral agency or other entity responsible for each
24 activity in the outline;

1 “(B) details on a year-by-year basis of spe-
2 cific accomplishments, activities, research re-
3 quirements, rulemakings, policy decisions, and
4 other milestones of progress for each Federal
5 agency or entity conducting activities relating to
6 the Next Generation Air Transportation Sys-
7 tem;

8 “(C) for each element of the Next Genera-
9 tion Air Transportation System, an outline, on
10 a year-by-year basis, of what is to be accom-
11 plished in that year toward meeting the Next
12 Generation Air Transportation System’s end-
13 state architecture, as expressed in the concept
14 of operations and enterprise architecture docu-
15 ments, as well as identifying each Federal agen-
16 cy or other entity that will be responsible for
17 each component of any research, development,
18 or implementation program;

19 “(D) an estimate of all necessary expendi-
20 tures on a year-by-year basis, including a state-
21 ment of each Federal agency or entity’s respon-
22 sibility for costs and available resources, for
23 each stage of development from the basic re-
24 search stage through the demonstration and im-
25 plementation phase;

1 “(E) a clear explanation of how each step
2 in the development of the Next Generation Air
3 Transportation System will lead to the following
4 step and of the implications of not successfully
5 completing a step in the time period described
6 in the integrated work plan;

7 “(F) a transition plan for the implementa-
8 tion of the Next Generation Air Transportation
9 System that includes date-specific milestones
10 for the implementation of new capabilities into
11 the national airspace system;

12 “(G) date-specific timetables for meeting
13 the environmental goals identified in subsection
14 (a)(3)(I); and

15 “(H) a description of potentially signifi-
16 cant operational or workforce changes resulting
17 from deployment of the Next Generation Air
18 Transportation System.”.

19 (c) NEXTGEN IMPLEMENTATION PLAN.—Section
20 709(d) of such Act (117 Stat. 2584) is amended to read
21 as follows:

22 “(d) NEXTGEN IMPLEMENTATION PLAN.—The Ad-
23 ministrators shall develop and publish annually the docu-
24 ment known as the NextGen Implementation Plan, or any
25 successor document, that provides a detailed description

1 of how the agency is implementing the Next Generation
2 Air Transportation System.”.

3 (d) CONTINGENCY PLANNING.—The Associate Ad-
4 ministrator for the Next Generation Air Transportation
5 System Planning, Development, and Interagency Coordi-
6 nation shall, as part of the design of the System, develop
7 contingency plans for dealing with the degradation of the
8 System in the event of a natural disaster, major equip-
9 ment failure, or act of terrorism.

10 **SEC. 209. NEXT GENERATION AIR TRANSPORTATION SEN-**
11 **IOR POLICY COMMITTEE.**

12 (a) MEETINGS.—Section 710(a) of the Vision 100—
13 Century of Aviation Reauthorization Act (49 U.S.C.
14 40101 note; 117 Stat. 2584) is amended by inserting be-
15 fore the period at the end the following “and shall meet
16 at least twice each year”.

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

19 “(e) ANNUAL REPORT.—

20 “(1) SUBMISSION TO CONGRESS.—Not later
21 than 1 year after the date of enactment of this sub-
22 section, and annually thereafter on the date of sub-
23 mission of the President’s budget request to Con-
24 gress under section 1105(a) of title 31, United
25 States Code, the Secretary shall submit to Congress

1 a report summarizing the progress made in carrying
2 out the integrated work plan required by section
3 709(b)(5) and any changes in that plan.

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

5 “(A) a copy of the updated integrated
6 work plan;

7 “(B) a description of the progress made in
8 carrying out the integrated work plan and any
9 changes in that plan, including any changes
10 based on funding shortfalls and limitations set
11 by the Office of Management and Budget;

12 “(C) a detailed description of—

13 “(i) the success or failure of each item
14 of the integrated work plan for the pre-
15 vious year and relevant information as to
16 why any milestone was not met; and

17 “(ii) the impact of not meeting the
18 milestone and what actions will be taken in
19 the future to account for the failure to
20 complete the milestone;

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

24 “(E) an identification of the levels of fund-
25 ing for each agency participating in the inte-

1 grated work plan devoted to programs and ac-
 2 tivities under the plan for the previous fiscal
 3 year and in the President’s budget request.”.

4 **SEC. 210. IMPROVED MANAGEMENT OF PROPERTY INVEN-**
 5 **TORY.**

6 Section 40110(a) is amended by striking paragraphs
 7 (2) and (3) and inserting the following:

8 “(2) may construct and improve laboratories
 9 and other test facilities; and

10 “(3) may dispose of any interest in property for
 11 adequate compensation, and the amount so received
 12 shall—

13 “(A) be credited to the appropriation cur-
 14 rent when the amount is received;

15 “(B) be merged with and available for the
 16 purposes of such appropriation; and

17 “(C) remain available until expended.”.

18 **SEC. 211. AUTOMATIC DEPENDENT SURVEILLANCE-BROAD-**
 19 **CAST SERVICES.**

20 (a) REVIEW BY DOT INSPECTOR GENERAL.—

21 (1) IN GENERAL.—The Inspector General of
 22 the Department of Transportation shall conduct a
 23 review concerning the Federal Aviation Administra-
 24 tion’s award and oversight of any contracts entered

1 into by the Administration to provide ADS-B serv-
2 ices for the national airspace system.

3 (2) CONTENTS.—The review shall include, at a
4 minimum—

5 (A) an examination of how the Administra-
6 tion manages program risks;

7 (B) an assessment of expected benefits at-
8 tributable to the deployment of ADS-B serv-
9 ices, including the Administration’s plans for
10 implementation of advanced operational proce-
11 dures and air-to-air applications, as well as the
12 extent to which ground radar will be retained;

13 (C) an assessment of the Administration’s
14 analysis of specific operational benefits, and
15 benefit/costs analyses of planned operational
16 benefits conducted by the Administration, for
17 ADS-B In and ADS-B Out avionics equipage
18 for airspace users;

19 (C) a determination of whether the Admin-
20 istration has established sufficient mechanisms
21 to ensure that all design, acquisition, operation,
22 and maintenance requirements have been met
23 by the contractor;

24 (D) an assessment of whether the Admin-
25 istration and any contractors are meeting cost,

1 schedule, and performance milestones, as meas-
2 ured against the original baseline of the Admin-
3 istration's program for providing ADS-B serv-
4 ices;

5 (E) an assessment of how security issues
6 are being addressed in the overall design and
7 implementation of the ADS-B system; and

8 (F) any other matters or aspects relating
9 to contract implementation and oversight that
10 the Inspector General determines merit atten-
11 tion.

12 (3) REPORTS TO CONGRESS.—The Inspector
13 General shall submit, periodically (and on at least an
14 annual basis), to the Committee on Transportation
15 and Infrastructure of the House of Representatives
16 and the Committee on Commerce, Science, and
17 Transportation of the Senate a report on the results
18 of the review conducted under this subsection.

19 (b) RULEMAKINGS.—

20 (1) ADS-B IN.—Not later than 1 year after
21 the date of enactment of this Act, the Administrator
22 of the Federal Aviation Administration shall initiate
23 a rulemaking proceeding to issue guidelines and reg-
24 ulations relating to ADS-B In technology that—

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

3 (B) subject to paragraph (2), require all
4 aircraft operating in capacity constrained air-
5 space, at capacity constrained airports, or in
6 any other airspace deemed appropriate by the
7 Administrator to be equipped with ADS-B In
8 technology by 2020; and

9 (C) identify—

10 (i) the type of avionics required of air-
11 craft for all classes of airspace;

12 (ii) the expected costs associated with
13 the avionics; and

14 (iii) the expected uses and benefits of
15 the avionics.

16 (2) READINESS VERIFICATION.—Before the Ad-
17 ministrator completes an ADS-B In equipage rule-
18 making proceeding or issues and interim or final
19 rule pursuant to paragraph (1), the Chief NextGen
20 Officer shall verify that—

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

23 (B) certification standards have been ap-
24 proved; and

1 (C) appropriate operational platforms
2 interface safely and efficiently.

3 (c) USE OF ADS-B TECHNOLOGY.—

4 (1) PLANS.—Not later than 18 months after
5 the date of enactment of this Act, the Administrator
6 shall develop, in consultation with appropriate em-
7 ployee and industry groups, a plan for the use of
8 ADS-B technology for surveillance and active air
9 traffic control.

10 (2) CONTENTS.—The plan shall—

11 (A) include provisions to test the use of
12 ADS-B technology for surveillance and active
13 air traffic control in specific regions of the
14 United States with the most congested airspace;

15 (B) identify the equipment required at air
16 traffic control facilities and the training re-
17 quired for air traffic controllers;

18 (C) identify procedures, to be developed in
19 consultation with appropriate employee and in-
20 dustry groups, to conduct air traffic manage-
21 ment in mixed equipage environments; and

22 (D) establish a policy in test regions re-
23 ferred to in subparagraph (A), in consultation
24 with appropriate employee and industry groups,
25 to provide incentives for equipage with ADS-B

1 technology, including giving priority to aircraft
2 equipped with such technology before the 2020
3 equipped deadline.

4 **SEC. 212. EXPERT REVIEW OF ENTERPRISE ARCHITECTURE**
5 **FOR NEXTGEN.**

6 (a) REVIEW.—The Administrator of the Federal
7 Aviation Administration shall enter into an arrangement
8 with the National Research Council to review the enter-
9 prise architecture for the NextGen.

10 (b) CONTENTS.—At a minimum, the review to be
11 conducted under subsection (a) shall—

12 (1) highlight the technical activities, including
13 human-system design, organizational design, and
14 other safety and human factor aspects of the system,
15 that will be necessary to successfully transition cur-
16 rent and planned modernization programs to the fu-
17 ture system envisioned by the Joint Planning and
18 Development Office of the Administration;

19 (2) assess technical, cost, and schedule risk for
20 the software development that will be necessary to
21 achieve the expected benefits from a highly auto-
22 mated air traffic management system and the impli-
23 cations for ongoing modernization projects; and

24 (3) determine how risks with automation efforts
25 for the NextGen can be mitigated based on the expe-

1 riences of other public or private entities in devel-
2 oping complex, software-intensive systems.

3 (c) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Administrator shall submit
5 to the Committee on Transportation and Infrastructure
6 of the House of Representatives and the Committee on
7 Commerce, Science, and Transportation of the Senate a
8 report containing the results of the review conducted pur-
9 suant to subsection (a).

10 **SEC. 213. ACCELERATION OF NEXTGEN TECHNOLOGIES.**

11 (a) AIRPORT PROCEDURES.—

12 (1) IN GENERAL.—Not later than 6 months
13 after the date of enactment of this Act, the Adminis-
14 trator of the Federal Aviation Administration shall
15 publish a report, after consultation with representa-
16 tives of appropriate Administration employee groups,
17 airport operators, air carriers, general aviation rep-
18 resentatives, flight path service providers, and air-
19 craft manufacturers that includes the following:

20 (A) RNP/RNAV OPERATIONS.—The re-
21 quired navigation performance and area naviga-
22 tion operations, including the procedures to be
23 developed, certified, and published and the air
24 traffic control operational changes, to maximize
25 the efficiency and capacity of NextGen commer-

1 cial operations at the 35 operational evolution
2 partnership airports identified by the Adminis-
3 tration.

4 (B) COORDINATION AND IMPLEMENTATION
5 ACTIVITIES.—A description of the activities and
6 operational changes and approvals required to
7 coordinate and utilize those procedures at those
8 airports.

9 (C) IMPLEMENTATION PLAN.—A plan for
10 implementing those procedures that estab-
11 lishes—

12 (i) clearly defined budget, schedule,
13 project organization, and leadership re-
14 quirements;

15 (ii) specific implementation and tran-
16 sition steps; and

17 (iii) baseline and performance metrics
18 for—

19 (I) measuring the Administra-
20 tion's progress in implementing the
21 plan, including the percentage utiliza-
22 tion of required navigation perform-
23 ance in the national airspace system;
24 and

1 (II) achieving measurable fuel
2 burn and carbon dioxide emissions re-
3 ductions compared to current per-
4 formance; and

5 (iv) expedited environmental review
6 procedures for timely environmental ap-
7 proval of area navigation and required
8 navigation performance that offer signifi-
9 cant efficiency improvements as deter-
10 mined by baseline and performance metrics
11 under clause (iii).

12 (D) ADDITIONAL PROCEDURES.—A proc-
13 ess for the identification, certification, and pub-
14 lication of additional required navigation per-
15 formance and area navigation procedures that
16 may be required at such airports in the future.

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

19 (A) 30 percent of the required procedures
20 not later than 18 months after the date of en-
21 actment of this Act;

22 (B) 60 percent of the procedures not later
23 than 36 months after the date of enactment of
24 this Act; and

1 (C) 100 percent of the procedures before
2 June 30, 2015.

3 (b) ESTABLISHMENT OF PRIORITIES.—The Adminis-
4 trator shall extend the charter of the Performance Based
5 Navigation Aviation Rulemaking Committee as necessary
6 to establish priorities for the development, certification,
7 publication, and implementation of the navigation per-
8 formance and area navigation procedures based on their
9 potential safety and efficiency benefits to other airports
10 in the national airspace system, including small and me-
11 dium hub airports.

12 (c) COORDINATED AND EXPEDITED REVIEW.—Navi-
13 gation performance and area navigation procedures devel-
14 oped, certified, published, and implemented under this sec-
15 tion shall be presumed to be covered by a categorical ex-
16 clusion (as defined in section 1508.4 of title 40, Code of
17 Federal Regulations) under chapter 3 of FAA Order
18 1050.1E unless the Administrator determines that ex-
19 traordinary circumstances exist with respect to the proce-
20 dure.

21 (d) DEPLOYMENT PLAN FOR NATIONWIDE DATA
22 COMMUNICATIONS SYSTEM.—Not later than 1 year after
23 the date of enactment of this Act, the Administrator shall
24 submit to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives a plan for implementation of a nationwide
3 data communications system. The plan shall include—

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

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

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

11 (e) IMPROVED PERFORMANCE STANDARDS.—

12 (1) ASSESSMENT OF WORK BEING PERFORMED
13 UNDER NEXTGEN IMPLEMENTATION PLAN.—The
14 Administrator shall clearly outline in the NextGen
15 Implementation Plan document of the Administra-
16 tion the work being performed under the plan to de-
17 termine—

18 (A) whether utilization of ADS-B, RNP,
19 and other technologies as part of NextGen im-
20 plementation will display the position of aircraft
21 more accurately and frequently so as to enable
22 a more efficient use of existing airspace and re-
23 sult in reduced consumption of aviation fuel
24 and aircraft engine emissions; and

1 (B) the feasibility of reducing aircraft sep-
2 aration standards in a safe manner as a result
3 of the implementation of such technologies.

4 (2) AIRCRAFT SEPARATION STANDARDS.—If the
5 Administrator determines that the standards re-
6 ferred to in paragraph (1)(B) can be reduced safely,
7 the Administrator shall include in the NextGen Im-
8 plementation Plan a timetable for implementation of
9 such reduced standards.

10 (f) THIRD-PARTY USAGE.—The Administration shall
11 establish a program under which the Administration will
12 use third parties in the development, testing, and mainte-
13 nance of flight procedures.

14 **SEC. 214. PERFORMANCE METRICS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Administrator of the
17 Federal Aviation Administration shall establish and begin
18 tracking national airspace system performance metrics, in-
19 cluding, at a minimum, metrics with respect to—

20 (1) actual arrival and departure rates per hour
21 measured against the currently published aircraft
22 arrival rate and aircraft departure rate for the 35
23 operational evolution partnership airports;

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

25 (3) fuel burned between key city pairs;

1 (4) operations using the advanced navigation
2 procedures, including performance based navigation
3 procedures;

4 (5) the average distance flown between key city
5 pairs;

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

8 (7) continuous climb or descent;

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

10 (9) flown versus filed flight times for key city
11 pairs;

12 (10) implementation of NextGen Implementa-
13 tion Plan, or any successor document, capabilities
14 designed to reduce emissions and fuel consumption;

15 (11) the Administration's unit cost of providing
16 air traffic control services; and

17 (12) runway safety, including runway incur-
18 sions, operational errors, and loss of standard sepa-
19 ration events.

20 (b) BASELINES.—The Administrator, in consultation
21 with aviation industry stakeholders, shall identify base-
22 lines for each of the metrics established under subsection
23 (a) and appropriate methods to measure deviations from
24 the baselines.

1 (c) PUBLICATION.—The Administrator shall make
2 data obtained under subsection (a) available to the public
3 in a searchable, sortable, and downloadable format
4 through the Web site of the Administration and other ap-
5 propriate media.

6 (d) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, the Administrator shall submit
8 to the Committee on Commerce, Science, and Transpor-
9 tation of the Senate and the Committee on Transportation
10 and Infrastructure of the House of Representatives a re-
11 port that contains—

12 (1) a description of the metrics that will be
13 used to measure the Administration’s progress in
14 implementing NextGen capabilities and operational
15 results;

16 (2) information on any additional metrics devel-
17 oped; and

18 (3) a process for holding the Administration ac-
19 countable for meeting or exceeding the metrics base-
20 lines identified in subsection (b).

21 **SEC. 215. CERTIFICATION STANDARDS AND RESOURCES.**

22 Not later than 180 days after the date of enactment
23 of this Act, the Administrator of the Federal Aviation Ad-
24 ministration shall develop a plan to accelerate and stream-

1 line the process for certification of NextGen technologies,
2 including—

3 (1) establishment of updated project plans and
4 timelines;

5 (2) identification of the specific activities need-
6 ed to certify NextGen technologies, including the es-
7 tablishment of NextGen technical requirements for
8 the manufacture of equipage, installation of equi-
9 page, airline operational procedures, pilot training
10 standards, air traffic control procedures, and air
11 traffic controller training;

12 (3) identification of staffing requirements for
13 the Air Certification Service and the Flight Stand-
14 ards Service, taking into consideration the leveraging
15 of assistance from third parties and designees;

16 (4) establishment of a program under which the
17 Administration will use third parties in the certifi-
18 cation process; and

19 (5) establishment of performance metrics to
20 measure the Administration's progress.

21 **SEC. 216. SURFACE SYSTEMS ACCELERATION.**

22 (a) IN GENERAL.—The Chief Operating Officer of
23 the Air Traffic Organization shall—

24 (1) evaluate the Airport Surface Detection
25 Equipment-Model X program for its potential con-

(3) accelerate implementation of the program referred to in paragraph (1); and

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

(2) develop a plan to utilize such a system at the 35 operational evolution partnership airports by September 30, 2012.

20 SEC. 217. INCLUSION OF STAKEHOLDERS IN AIR TRAFFIC
21 CONTROL MODERNIZATION PROJECTS.

(a) PROCESS FOR EMPLOYEE INCLUSION.—Notwithstanding any other law or agreement, the Administrator of the Federal Aviation Administration shall establish a process or processes for including qualified employees to

1 serve in a collaborative and expert capacity in the planning
2 and development of air traffic control modernization
3 projects, including NextGen.

4 (b) ADHERENCE TO DEADLINES.—Participants in
5 these processes shall adhere to all deadlines and mile-
6 stones established pursuant to this title.

7 (c) NO CHANGE IN EMPLOYEE STATUS.—Participa-
8 tion in these processes by an employee shall not—

9 (1) serve as a waiver of any bargaining obliga-
10 tions or rights;

11 (2) entitle the employee to any additional com-
12 pensation or benefits; or

13 (3) entitle the employee to prevent or unduly
14 delay the exercise of management prerogatives.

15 (d) WORKING GROUPS.—Except in extraordinary cir-
16 cumstances, the Administrator shall not pay overtime re-
17 lated to work group participation.

18 (e) REPORT.—Not later than 180 days after the date
19 of enactment of this Act, the Administrator shall report
20 to Committee on Transportation and Infrastructure of the
21 House of Representatives and the Committee on Com-
22 merce, Science, and Transportation of the Senate con-
23 cerning the disputes between participating employees and
24 Administration management that have led to delays to the
25 implementation of NextGen, including information on the

1 source of the dispute, the resulting length of delay, and
2 associated cost increases.

3 **SEC. 218. AIRSPACE REDESIGN.**

4 (a) FINDINGS.—Congress finds the following:

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

11 (2) The critical importance of airspace redesign
12 efforts is underscored by the fact that they are high-
13 lighted in strategic plans of the Administration, in-
14 cluding Flight Plan 2009–2013 and the NextGen
15 Implementation Plan.

16 (3) Funding cuts have led to delays and defer-
17 rals of critical capacity enhancing airspace redesign
18 efforts.

19 (4) Several new runways planned for the period
20 of fiscal years 2011 and 2012 will not provide esti-
21 mated capacity benefits without additional funds.

22 (b) NOISE IMPACTS OF NEW YORK/NEW JERSEY/
23 PHILADELPHIA METROPOLITAN AREA AIRSPACE REDE-
24 SIGN.—

1 (1) MONITORING.—The Administrator of the
2 Federal Aviation Administration, in conjunction with
3 the Port Authority of New York and New Jersey
4 and the Philadelphia International Airport, shall
5 monitor the noise impacts of the New York/New
6 Jersey/Philadelphia Metropolitan Area Airspace Re-
7 design.

8 (2) REPORT.—Not later than 1 year following
9 the first day of completion of the New York/New
10 Jersey/Philadelphia Metropolitan Area Airspace Re-
11 design, the Administrator shall submit to Congress
12 a report on the findings of the Administrator with
13 respect to monitoring conducted under paragraph
14 (1).

15 **SEC. 219. STUDY ON FEASIBILITY OF DEVELOPMENT OF A**
16 **PUBLIC INTERNET WEB-BASED RESOURCE**
17 **ON LOCATIONS OF POTENTIAL AVIATION OB-**
18 **STRUCTIONS.**

19 (a) STUDY.—The Administrator of the Federal Avia-
20 tion Administration shall carry out a study on the feasi-
21 bility of developing a publicly searchable, Internet Web-
22 based resource that provides information regarding the
23 height and latitudinal and longitudinal locations of guy-
24 wire and free-standing tower obstructions.

1 (b) CONSIDERATIONS.—In conducting the study, the
2 Administrator shall consult with affected industries and
3 appropriate Federal agencies.

4 (c) REPORT.—Not later than 1 year after the date
5 of enactment of this Act, the Administrator shall submit
6 a report to the appropriate committees of Congress on the
7 results of the study.

8 **SEC. 220. NEXTGEN RESEARCH AND DEVELOPMENT CEN-**
9 **TER OF EXCELLENCE.**

10 (a) IN GENERAL.—The Administrator of the Federal
11 Aviation Administration may enter into an agreement, on
12 a competitive basis, to assist the establishment of a center
13 of excellence for the research and development of NextGen
14 technologies.

15 (b) FUNCTIONS.—The Administrator shall ensure
16 that the center established under subsection (a)—

17 (1) leverages resources and partnerships, in-
18 cluding appropriate programs of the Administration,
19 to enhance the research and development of
20 NextGen technologies by academia and industry; and

21 (2) provides educational, technical, and analyt-
22 ical assistance to the Administration and other Fed-
23 eral departments and agencies with responsibilities
24 to research and develop NextGen technologies.

1 **SEC. 221. NEXTGEN PUBLIC-PRIVATE PARTNERSHIPS.**

2 (a) DEVELOPMENT OF PLAN.—Not later than 120
3 days after the date of enactment of this Act, the Adminis-
4 trator of the Federal Aviation Administration shall de-
5 velop a plan to expedite the equipage of general aviation
6 and commercial aircraft with NextGen technologies.

7 (b) CONTENTS.—At a minimum, the plan shall—

8 (1) be based on public-private partnership prin-
9 ciples; and

10 (2) leverage the use of private sector capital.

11 (c) REPORT.—Not later than 150 days after the date
12 of enactment of this Act, the Administrator shall submit
13 to Congress a report containing the plan.

14 **TITLE III—SAFETY**

15 **Subtitle A—General Provisions**

16 **SEC. 301. JUDICIAL REVIEW OF DENIAL OF AIRMAN CER-**
17 **TIFICATES.**

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

21 “(3) A person who is substantially affected by an
22 order of the Board under this subsection, or the Adminis-
23 trator if the Administrator decides that an order of the
24 Board will have a significant adverse impact on carrying
25 out this subtitle, may seek judicial review of the order
26 under section 46110. The Administrator shall be made a

1 party to the judicial review proceedings. The findings of
2 fact of the Board in any such case are conclusive if sup-
3 ported 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. 302. 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) IN GENERAL.—Notwithstanding any
14 other provision of law, the Administrator may
15 make available upon request, to a person seek-
16 ing to maintain the airworthiness or develop
17 product improvements of an aircraft, engine,
18 propeller, or appliance, engineering data in the
19 possession of the Administration relating to a
20 type certificate or a supplemental type certifi-
21 cate for such aircraft, engine, propeller, or ap-
22 pliance, without the consent of the owner of
23 record, if the Administrator determines that—

24 “(i) the certificate containing the re-
25 quested data has been inactive for 3 or

1 more years, except that the Administrator
2 may reduce this time if required to address
3 an unsafe condition associated with the
4 product;

5 “(ii) after using due diligence, the Ad-
6 ministrator is unable to find the owner of
7 record, or the owner of record’s heir, of the
8 type certificate or supplemental type cer-
9 tificate; and

10 “(iii) making such data available will
11 enhance aviation safety.

12 “(B) ENGINEERING DATA DEFINED.—In
13 this section, the term ‘engineering data’ as used
14 with respect to an aircraft, engine, propeller, or
15 appliance means type design drawing and speci-
16 fications for the entire aircraft, engine, pro-
17 peller, or appliance or change to the aircraft,
18 engine, propeller, or appliance, including the
19 original design data, and any associated sup-
20 plier data for individual parts or components
21 approved as part of the particular certificate for
22 the aircraft, engine, propeller, or appliance.

23 “(C) REQUIREMENT TO MAINTAIN DATA.—
24 The Administrator shall maintain engineering
25 data in the possession of the Administration re-

1 lating to a type certificate or a supplemental
2 type certificate that has been inactive for 3 or
3 more years.”.

4 **SEC. 303. DESIGN AND PRODUCTION ORGANIZATION CER-**
5 **TIFICATES.**

6 (a) IN GENERAL.—Section 44704(e) is amended to
7 read as follows:

8 “(e) DESIGN AND PRODUCTION ORGANIZATION CER-
9 TIFICATES.—

10 “(1) ISSUANCE.—Beginning January 1, 2013,
11 the Administrator may issue a certificate to a design
12 organization, production organization, or design and
13 production organization to authorize the organiza-
14 tion to certify compliance of aircraft, aircraft en-
15 gines, propellers, and appliances with the require-
16 ments and minimum standards prescribed under sec-
17 tion 44701(a). An organization holding a certificate
18 issued under this subsection shall be known as a cer-
19 tified design and production organization (in this
20 subsection referred to as a ‘CDPO’).

21 “(2) APPLICATIONS.—On receiving an applica-
22 tion for a CDPO certificate, the Administrator shall
23 examine and rate the organization submitting the
24 application, in accordance with regulations to be pre-
25 scribed by the Administrator, to determine whether

1 the organization has adequate engineering, design,
2 and production capabilities, standards, and safe-
3 guards to make certifications of compliance as de-
4 scribed in paragraph (1).

5 “(3) ISSUANCE OF CERTIFICATES BASED ON
6 CDPO FINDINGS.—The Administrator may rely on
7 certifications of compliance by a CDPO when mak-
8 ing determinations under this section.

9 “(4) PUBLIC SAFETY.—The Administrator shall
10 include in a CDPO certificate terms required in the
11 interest of safety.

12 “(5) NO EFFECT ON POWER OF REVOCATION.—
13 Nothing in this subsection affects the authority of
14 the Secretary of Transportation to revoke a certifi-
15 cate.”.

16 (b) APPLICABILITY.—Before January 1, 2013, the
17 Administrator of the Federal Aviation Administration may
18 continue to issue certificates under section 44704(e) of
19 title 49, United States Code, as in effect on the day before
20 the date of enactment of this Act.

21 (c) CLERICAL AMENDMENTS.—Chapter 447 is
22 amended—

23 (1) in the heading for section 44704 by striking
24 **“and design organization certificates”** and

1 inserting “, **and design and production or-**
2 **ganization certificates**”; and

3 (2) in the analysis for such chapter by striking
4 the item relating to section 44704 and inserting the
5 following:

“44704. Type certificates, production certificates, airworthiness certificates, and
design and production organization certificates.”.

6 **SEC. 304. AIRCRAFT CERTIFICATION PROCESS REVIEW AND**
7 **REFORM.**

8 (a) GENERAL.—The Administrator of the Federal
9 Aviation Administration, in consultation with representa-
10 tives of the aviation industry, shall conduct an assessment
11 of the certification and approval process under section
12 44704 of title 49, United States Code.

13 (b) CONTENTS.—In conducting the assessment, the
14 Administrator shall consider—

15 (1) the expected number of applications for
16 product certifications and approvals the Adminis-
17 trator will receive under section 44704 of such title
18 in the 1-year, 5-year, and 10-year periods following
19 the date of enactment of this Act;

20 (2) process reforms and improvements nec-
21 essary to allow the Administrator to review and ap-
22 prove the applications in a fair and timely fashion;

1 (3) the status of recommendations made in pre-
2 vious reports on the Administration’s certification
3 process;

4 (4) methods for enhancing the effective use of
5 delegation systems, including organizational designa-
6 tion authorization;

7 (5) methods for training the Administration’s
8 field office employees in the safety management sys-
9 tem and auditing; and

10 (6) the status of updating airworthiness re-
11 quirements, including implementing recommenda-
12 tions in the Administration’s report entitled “Part
13 23—Small Airplane Certification Process Study”
14 (OK–09–3468, dated July 2009).

15 (c) RECOMMENDATIONS.—In conducting the assess-
16 ment, the Administrator shall make recommendations to
17 improve efficiency and reduce costs through streamlining
18 and reengineering the certification process under section
19 44704 of such title to ensure that the Administrator can
20 conduct certifications and approvals under such section in
21 a manner that supports and enables the development of
22 new products and technologies and the global competitive-
23 ness of the United States aviation industry.

24 (d) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, the Administrator shall submit

1 to the Committee on Transportation and Infrastructure
2 of the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Senate a
4 report on the results of the assessment, together with an
5 explanation of how the Administrator will implement rec-
6 ommendations made under subsection (c) and measure the
7 effectiveness of the recommendations.

8 (e) IMPLEMENTATION OF RECOMMENDATIONS.—Not
9 later than 1 year after the date of enactment of this Act,
10 the Administrator shall begin to implement the rec-
11 ommendations made under subsection (c).

12 **SEC. 305. CONSISTENCY OF REGULATORY INTERPRETA-**
13 **TION.**

14 (a) ESTABLISHMENT OF ADVISORY PANEL.—Not
15 later than 90 days after the date of enactment of this Act,
16 the Administrator of the Federal Aviation Administration
17 shall establish an advisory panel comprised of both Gov-
18 ernment and industry representatives to—

19 (1) review the October 2010 report by the Gov-
20 ernment Accountability Office on certification and
21 approval processes (GAO–11–14); and

22 (2) develop recommendations to address the
23 findings in the report and other concerns raised by
24 interested parties, including representatives of the
25 aviation industry.

1 (b) MATTERS TO BE CONSIDERED.—The advisory
2 panel shall—

3 (1) determine the root causes of inconsistent in-
4 terpretation of regulations by the Administration’s
5 Flight Standards Service and Aircraft Certification
6 Service;

7 (2) develop recommendations to improve the
8 consistency of interpreting regulations by the Ad-
9 ministration’s Flight Standards Service and Aircraft
10 Certification Service; and

11 (3) develop recommendations to improve com-
12 munications between the Administration’s Flight
13 Standards Service and Aircraft Certification Service
14 and applicants and certificate and approval holders
15 for the identification and resolution of potentially
16 adverse issues in an expeditious and fair manner.

17 (c) REPORT.—Not later than 6 months after the date
18 of enactment of this Act, the Administrator shall transmit
19 to the Committee on Transportation and Infrastructure
20 of the House of Representatives and the Committee on
21 Commerce, Science, and Transportation of the Senate a
22 report on the findings of the advisory panel, together with
23 an explanation of how the Administrator will implement
24 the recommendations of the advisory panel and measure
25 the effectiveness of the recommendations.

1 **SEC. 306. RUNWAY SAFETY.**

2 (a) STRATEGIC RUNWAY SAFETY PLAN.—

3 (1) IN GENERAL.—Not later than 6 months
4 after the date of enactment of this Act, the Adminis-
5 trator of the Federal Aviation Administration shall
6 develop and submit to Congress a report containing
7 a strategic runway safety plan.

8 (2) CONTENTS OF PLAN.—The strategic run-
9 way safety plan—

10 (A) shall include, at a minimum—

11 (i) goals to improve runway safety;

12 (ii) near and long term actions de-
13 signed to reduce the severity, number, and
14 rate of runway incursions, losses of stand-
15 ard separation, and operational errors;

16 (iii) time frames and resources needed
17 for the actions described in clause (ii);

18 (iv) a continuous evaluative process to
19 track performance toward the goals re-
20 ferred to in clause (i); and

21 (v) a review of every commercial serv-
22 ice airport (as defined in section 47102 of
23 title 49, United States Code) in the United
24 States and proposed action to improve air-
25 port lighting, provide better signs, and im-
26 prove runway and taxiway markings; and

1 (B) shall address the increased runway
2 safety risk associated with the expected in-
3 creased volume of air traffic.

4 (b) PROCESS.—Not later than 6 months after the
5 date of enactment of this Act, the Administrator shall de-
6 velop a process for tracking and investigating operational
7 errors, losses of standard separation, and runway incur-
8 sions that includes procedures for—

9 (1) identifying who is responsible for tracking
10 operational errors, losses of standard separation,
11 and runway incursions, including a process for lower
12 level employees to report to higher supervisory levels
13 and for frontline managers to receive the informa-
14 tion in a timely manner;

15 (2) conducting periodic random audits of the
16 oversight process; and

17 (3) ensuring proper accountability.

18 (c) PLAN FOR INSTALLATION AND DEPLOYMENT OF
19 SYSTEMS TO PROVIDE ALERTS OF POTENTIAL RUNWAY
20 INCURSIONS.—Not later than December 31, 2011, the Ad-
21 ministrator shall submit to Congress a report containing
22 a plan for the installation and deployment of systems the
23 Administrator is installing to alert controllers or flight
24 crewmembers, or both, of potential runway incursions.
25 The plan shall be integrated into the annual NextGen Im-

1 plementation Plan document of the Administration or any
2 successor document.

3 **SEC. 307. IMPROVED PILOT LICENSES.**

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

10 (b) REQUIREMENTS.—Improved pilot licenses issued
11 under subsection (a) shall—

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

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

16 (3) be capable of accommodating a digital pho-
17 tograph, a biometric identifier, and any other unique
18 identifier that the Administrator considers nec-
19 essary.

20 (c) TAMPERING.—To the extent practical, the Admin-
21 istrator shall develop methods to determine or reveal
22 whether any component or security feature of a license
23 issued under subsection (a) has been tampered with, al-
24 tered, or counterfeited.

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

4 (e) REPORT.—

5 (1) IN GENERAL.—Not later than 1 year after
6 the date of enactment of this Act, and annually
7 thereafter, the Administrator shall submit to the
8 Committee on Transportation and Infrastructure of
9 the House of Representatives and the Committee on
10 Commerce, Science, and Transportation of the Sen-
11 ate a report on the issuance of improved pilot li-
12 censes under this section.

13 (2) EXPIRATION.—The Administrator shall not
14 be required to submit annual reports under this sub-
15 section after the date on which the Administrator
16 begins issuing improved pilot licenses under this sec-
17 tion or December 31, 2015, whichever occurs first.

18 **SEC. 308. FLIGHT STANDARDS EVALUATION PROGRAM.**

19 (a) IN GENERAL.—Not later than 180 days after the
20 date of enactment of this Act, the Administrator of the
21 Federal Aviation Administration shall modify the Flight
22 Standards Evaluation Program—

23 (1) to include periodic and random reviews as
24 part of the Administration’s oversight of air carriers;
25 and

1 (2) to prohibit an individual from participating
2 in a review or audit of an office with responsibility
3 for an air carrier under the program if the indi-
4 vidual, at any time in the 5-year period preceding
5 the date of the review or audit, had responsibility for
6 inspecting, or overseeing the inspection of, the oper-
7 ations of that carrier.

8 (b) ANNUAL REPORT.—Not later than 1 year after
9 the date of enactment of this Act, and annually thereafter,
10 the Administrator shall submit to the Committee on Com-
11 merce, Science, and Transportation of the Senate and the
12 Committee on Transportation and Infrastructure of the
13 House of Representatives a report on the Flight Stand-
14 ards Evaluation Program, including the Administrator’s
15 findings and recommendations with respect to the pro-
16 gram.

17 (c) FLIGHT STANDARDS EVALUATION PROGRAM DE-
18 FINED.—In this section, the term “Flight Standards Eval-
19 uation Program” means the program established by the
20 Federal Aviation Administration in FS 1100.1B CHG3,
21 including any subsequent revisions thereto.

22 **SEC. 309. COCKPIT SMOKE.**

23 (a) STUDY.—The Comptroller General shall conduct
24 a study on the effectiveness of oversight activities of the
25 Federal Aviation Administration relating to the use of new

1 technologies to prevent or mitigate the effects of dense,
2 continuous smoke in the cockpit of a commercial aircraft.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General shall
5 submit to Congress a report on the results of the study.

6 **SEC. 310. SAFETY OF AIR AMBULANCE OPERATIONS.**

7 (a) IN GENERAL.—Chapter 447 is amended by add-
8 ing at the end the following:

9 **“§ 44730. Helicopter air ambulance operations**

10 “(a) COMPLIANCE REGULATIONS.—

11 “(1) IN GENERAL.—Except as provided in para-
12 graph (2), not later than 6 months after the date of
13 enactment of this section, part 135 certificate hold-
14 ers providing air ambulance services shall comply,
15 whenever medical personnel are onboard the aircraft,
16 with regulations pertaining to weather minimums
17 and flight and duty time under part 135.

18 “(2) EXCEPTION.—If a certificate holder de-
19 scribed in paragraph (1) is operating, or carrying
20 out training, under instrument flight rules, the
21 weather reporting requirement at the destination
22 shall not apply until such time as the Administrator
23 of the Federal Aviation Administration determines
24 that portable, reliable, and accurate ground-based

1 weather measuring and reporting systems are avail-
2 able.

3 “(b) RULEMAKING.—The Administrator shall con-
4 duct a rulemaking proceeding to improve the safety of
5 flight crewmembers, medical personnel, and passengers
6 onboard helicopters providing air ambulance services
7 under part 135.

8 “(c) MATTERS TO BE ADDRESSED.—In conducting
9 the rulemaking proceeding under subsection (b), the Ad-
10 ministrator shall address the following:

11 “(1) Flight request and dispatch procedures, in-
12 cluding performance-based flight dispatch proce-
13 dures.

14 “(2) Pilot training standards, including—

15 “(A) mandatory training requirements, in-
16 cluding a minimum time for completing the
17 training requirements;

18 “(B) training subject areas, such as com-
19 munications procedures and appropriate tech-
20 nology use; and

21 “(C) establishment of training standards
22 in—

23 “(i) crew resource management;

24 “(ii) flight risk evaluation;

1 “(iii) preventing controlled flight into
2 terrain;

3 “(iv) recovery from inadvertent flight
4 into instrument meteorological conditions;

5 “(v) operational control of the pilot in
6 command; and

7 “(vi) use of flight simulation training
8 devices and line-oriented flight training.

9 “(3) Safety-enhancing technology and equip-
10 ment, including—

11 “(A) helicopter terrain awareness and
12 warning systems;

13 “(B) radar altimeters;

14 “(C) devices that perform the function of
15 flight data recorders and cockpit voice record-
16 ers, to the extent feasible; and

17 “(D) safety equipment that should be worn
18 or used by flight crewmembers and medical per-
19 sonnel on a flight, including the possible use of
20 shoulder harnesses, helmets, seatbelts, and fire
21 resistant clothing to enhance crash surviv-
22 ability.

23 “(4) Such other matters as the Administrator
24 considers appropriate.

1 “(d) MINIMUM REQUIREMENTS.—In issuing a final
2 rule under subsection (b), the Administrator, at a min-
3 imum, shall provide for the following:

4 “(1) FLIGHT RISK EVALUATION PROGRAM.—
5 The Administrator shall ensure that a part 135 cer-
6 tificate holder providing helicopter air ambulance
7 services—

8 “(A) establishes a flight risk evaluation
9 program, based on FAA Notice 8000.301
10 issued by the Administration on August 1,
11 2005, including any updates thereto;

12 “(B) as part of the flight risk evaluation
13 program, develops a checklist for use by pilots
14 in determining whether a flight request should
15 be accepted; and

16 “(C) requires the pilots of the certificate
17 holder to use the checklist.

18 “(2) OPERATIONAL CONTROL CENTER.—The
19 Administrator shall ensure that a part 135 certifi-
20 cate holder providing helicopter air ambulance serv-
21 ices using 10 or more helicopters has an operational
22 control center that meets such requirements as the
23 Administrator may prescribe.

24 “(e) RULEMAKING.—The Administrator shall—

1 “(1) not later than 180 days after the date of
2 enactment of this section, issue a notice of proposed
3 rulemaking under subsection (b); and

4 “(2) not later than 16 months after the last
5 day of the comment period on the proposed rule,
6 issue a final rule.

7 “(f) DEFINITIONS.—In this section, the following
8 definitions apply:

9 “(1) PART 135.—The term ‘part 135’ means
10 part 135 of title 14, Code of Federal Regulations.

11 “(2) PART 135 CERTIFICATE HOLDER.—The
12 term ‘part 135 certificate holder’ means a person
13 holding a certificate issued under part 135.

14 **“§ 44731. Collection of data on helicopter air ambu-**
15 **lance operations**

16 “(a) IN GENERAL.—The Administrator of the Fed-
17 eral Aviation Administration shall require a part 135 cer-
18 tificate holder providing helicopter air ambulance services
19 to submit to the Administrator, not later than 1 year after
20 the date of enactment of this section, and annually there-
21 after, a report containing, at a minimum, the following
22 data:

23 “(1) The number of helicopters that the certifi-
24 cate holder uses to provide helicopter air ambulance
25 services and the base locations of the helicopters.

1 “(2) The number of flights and hours flown, by
2 registration number, during which helicopters oper-
3 ated by the certificate holder were providing heli-
4 copter air ambulance services.

5 “(3) The number of flight requests for a heli-
6 copter providing air ambulance services that were
7 accepted or declined by the certificate holder and the
8 type of each such flight request (such as scene re-
9 sponse, interfacility transport, organ transport, or
10 ferry or repositioning flight).

11 “(4) The number of accidents, if any, involving
12 helicopters operated by the certificate holder while
13 providing air ambulance services and a description
14 of the accidents.

15 “(5) The number of flights and hours flown
16 under instrument flight rules by helicopters operated
17 by the certificate holder while providing air ambu-
18 lance services.

19 “(6) The time of day of each flight flown by
20 helicopters operated by the certificate holder while
21 providing air ambulance services.

22 “(7) The number of incidents, if any, in which
23 a helicopter was not directly dispatched and arrived
24 to transport patients but was not utilized for patient
25 transport.

1 “(b) REPORTING PERIOD.—Data contained in a re-
2 port submitted by a part 135 certificate holder under sub-
3 section (a) shall relate to such reporting period as the Ad-
4 ministrator determines appropriate.

5 “(c) DATABASE.—Not later than 6 months after the
6 date of enactment of this section, the Administrator shall
7 develop a method to collect and store the data collected
8 under subsection (a), including a method to protect the
9 confidentiality of any trade secret or proprietary informa-
10 tion provided in response to this section.

11 “(d) REPORT TO CONGRESS.—Not later than 24
12 months after the date of enactment of this section, and
13 annually thereafter, the Administrator shall submit to the
14 Committee on Transportation and Infrastructure of the
15 House of Representatives and the Committee on Com-
16 merce, Science, and Transportation of the Senate a report
17 containing a summary of the data collected under sub-
18 section (a).

19 “(e) PART 135 CERTIFICATE HOLDER DEFINED.—
20 In this section, the term ‘part 135 certificate holder’
21 means a person holding a certificate issued under part 135
22 of title 14, Code of Federal Regulations.”.

23 (b) AUTHORIZED EXPENDITURES.—Section
24 106(k)(2)(C) (as redesignated by this Act) is amended by
25 inserting before the period the following: “and the develop-

1 ment and maintenance of helicopter approach proce-
 2 dures”.

3 (c) CLERICAL AMENDMENT.—The analysis for chap-
 4 ter 447 is amended by adding at the end the following:

“444730. Helicopter air ambulance operations.

“444731. Collection of data on helicopter air ambulance operations.”.

5 **SEC. 311. OFF-AIRPORT, LOW-ALTITUDE AIRCRAFT WEATH-**
 6 **ER OBSERVATION TECHNOLOGY.**

7 (a) STUDY.—The Administrator of the Federal Avia-
 8 tion Administration shall conduct a review of off-airport,
 9 low-altitude aircraft weather observation technologies.

10 (b) SPECIFIC REVIEW.—The review shall include, at
 11 a minimum, an examination of off-airport, low-altitude
 12 weather reporting needs, an assessment of technical alter-
 13 natives (including automated weather observation sta-
 14 tions), an investment analysis, and recommendations for
 15 improving weather reporting.

16 (c) REPORT.—Not later than 1 year after the date
 17 of enactment of this Act, the Administrator shall submit
 18 to Congress a report containing the results of the review.

19 **SEC. 312. FEASIBILITY OF REQUIRING HELICOPTER PILOTS**
 20 **TO USE NIGHT VISION GOGGLES.**

21 (a) STUDY.—The Administrator of the Federal Avia-
 22 tion Administration shall carry out a study on the feasi-
 23 bility of requiring pilots of helicopters providing air ambu-
 24 lance services under part 135 of title 14, Code of Federal

1 Regulations, to use night vision goggles during nighttime
2 operations.

3 (b) CONSIDERATIONS.—In conducting the study, the
4 Administrator shall consult with owners and operators of
5 helicopters providing air ambulance services under such
6 part 135 and aviation safety professionals to determine
7 the benefits, financial considerations, and risks associated
8 with requiring the use of night vision goggles.

9 (c) REPORT TO CONGRESS.—Not later than 1 year
10 after the date of enactment of this Act, the Administrator
11 shall submit to the Committee on Transportation and In-
12 frastructure of the House of Representatives and the Com-
13 mittee on Commerce, Science, and Transportation of the
14 Senate a report on the results of the study.

15 **SEC. 313. PROHIBITION ON PERSONAL USE OF ELEC-**
16 **TRONIC DEVICES ON FLIGHT DECK.**

17 (a) IN GENERAL.—Chapter 447 (as amended by this
18 Act) is further amended by adding at the end the fol-
19 lowing:

20 **“§ 44732. Prohibition on personal use of electronic**
21 **devices on flight deck**

22 “(a) IN GENERAL.—It is unlawful for a flight crew-
23 member of an aircraft used to provide air transportation
24 under part 121 of title 14, Code of Federal Regulations,
25 to use a personal wireless communications device or laptop

1 computer while at the flight crewmember's duty station
2 on the flight deck of such an aircraft while the aircraft
3 is being operated.

4 “(b) EXCEPTIONS.—Subsection (a) shall not apply to
5 the use of a personal wireless communications device or
6 laptop computer for a purpose directly related to operation
7 of the aircraft, or for emergency, safety-related, or em-
8 ployment-related communications, in accordance with pro-
9 cedures established by the air carrier and the Adminis-
10 trator of the Federal Aviation Administration.

11 “(c) ENFORCEMENT.—In addition to the penalties
12 provided under section 46301 applicable to any violation
13 of this section, the Administrator of the Federal Aviation
14 Administration may enforce compliance with this section
15 under section 44709 by amending, modifying, suspending,
16 or revoking a certificate under this chapter.

17 “(d) PERSONAL WIRELESS COMMUNICATIONS DE-
18 VICE DEFINED.—In this section, the term ‘personal wire-
19 less communications device’ means a device through which
20 personal wireless services (as defined in section
21 332(c)(7)(C)(i) of the Communications Act of 1934 (47
22 U.S.C. 332(c)(7)(C)(i))) are transmitted.”.

23 (b) PENALTY.—Section 44711(a) is amended—

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

1 (2) by striking “title.” in paragraph (9) and in-
2 serting “title; or”; and

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

4 “(10) violate section 44732 or any regulation
5 issued thereunder.”.

6 (c) CONFORMING AMENDMENT.—The analysis for
7 chapter 447 (as amended by this Act) is further amended
8 by adding at the end the following:

 “44732. Prohibition on personal use of electronic devices on flight deck.”.

9 (d) REGULATIONS.—Not later than 90 days after the
10 date of enactment of this Act, the Administrator of the
11 Federal Aviation Administration shall initiate a rule-
12 making procedure for regulations to carry out section
13 44732 of title 49, United States Code, and shall issue a
14 final rule thereunder not later than 2 years after the date
15 of enactment of this Act.

16 (e) STUDY.—

17 (1) IN GENERAL.—The Administrator of the
18 Federal Aviation Administration shall review rel-
19 evant air carrier data and carry out a study—

20 (A) to identify common sources of distrac-
21 tion for the flight crewmembers on the flight
22 deck of a commercial aircraft; and

23 (B) to determine the safety impacts of
24 such distractions.

1 (2) REPORT.—Not later than 1 year after the
2 date of enactment of this Act, the Administrator
3 shall submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Transportation and Infrastructure of
6 the House of Representatives a report that con-
7 tains—

8 (A) the findings of the study conducted
9 under paragraph (1); and

10 (B) recommendations regarding how to re-
11 duce distractions for flight crewmembers on the
12 flight deck of a commercial aircraft.

13 **SEC. 314. NONCERTIFICATED MAINTENANCE PROVIDERS.**

14 (a) REGULATIONS.—Not later than 3 years after the
15 date of enactment of this Act, the Administrator of the
16 Federal Aviation Administration shall issue regulations re-
17 quiring that covered work on an aircraft used to provide
18 air transportation under part 121 of title 14, Code of Fed-
19 eral Regulations, be performed by persons in accordance
20 with subsection (b).

21 (b) PERSONS AUTHORIZED TO PERFORM CERTAIN
22 WORK.—A person may perform covered work on aircraft
23 used to provide air transportation under part 121 of title
24 14, Code of Federal Regulations, only if the person is em-
25 ployed by—

1 (1) a part 121 air carrier;

2 (2) a part 145 repair station or a person au-
3 thorized under section 43.17 of title 14, Code of
4 Federal Regulations; or

5 (3) subject to subsection (c), a person that—

6 (A) provides contract maintenance work-
7 ers, services, or maintenance functions to a part
8 145 repair station or part 121 air carrier; and

9 (B) meets the requirements of the part
10 121 air carrier or the part 145 repair station.

11 (c) TERMS AND CONDITIONS.—Covered work per-
12 formed by a person who is employed by a person described
13 in subsection (b)(3) shall be subject to the following terms
14 and conditions:

15 (1) The part 121 air carrier or the part 145 re-
16 pair station shall be directly in charge of the covered
17 work being performed.

18 (2) The covered work shall be carried out in ac-
19 cordance with the part 121 air carrier’s maintenance
20 manual.

21 (d) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) COVERED WORK.—The term “covered
24 work” means a required inspection item, as defined
25 by the Administrator.

1 (2) PART 121 AIR CARRIER.—The term “part
2 121 air carrier” means an air carrier that holds a
3 certificate issued under part 121 of title 14, Code of
4 Federal Regulations.

5 (3) PART 145 REPAIR STATION.—The term
6 “part 145 repair station” means a repair station
7 that holds a certificate issued under part 145 of title
8 14, Code of Federal Regulations.

9 **SEC. 315. INSPECTION OF FOREIGN REPAIR STATIONS.**

10 (a) IN GENERAL.—Chapter 447 (as amended by this
11 Act) is further amended by adding at the end the fol-
12 lowing:

13 **“§ 44733. Inspection of foreign repair stations**

14 “(a) IN GENERAL.—Not later than 1 year after the
15 date of enactment of this section, the Administrator of the
16 Federal Aviation Administration shall establish and imple-
17 ment a safety assessment system for each part 145 repair
18 station based on the type, scope, and complexity of work
19 being performed by the repair station, which shall—

20 “(1) ensure that repair stations outside the
21 United States are subject to appropriate inspections
22 that are based on identified risks and consistent
23 with United States requirements;

24 “(2) accept consideration of inspection results
25 and findings submitted by foreign civil aviation au-

1 thorities operating under a maintenance safety or
2 maintenance implementation agreement with the
3 United States in meeting the requirements of the
4 safety assessment system; and

5 “(3) require all maintenance safety or mainte-
6 nance implementation agreements with the United
7 States to provide an opportunity for the Federal
8 Aviation Administration to conduct independent in-
9 spections of covered part 145 repair stations when
10 safety concerns warrant such inspections.

11 “(b) NOTICE TO CONGRESS OF NEGOTIATIONS.—The
12 Administrator shall notify the Committee on Commerce,
13 Science, and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives on or before the 30th day after initi-
16 ating formal negotiations with a foreign aviation authority
17 or other appropriate foreign government agency on a new
18 maintenance safety or maintenance implementation agree-
19 ment.

20 “(c) ANNUAL REPORT.—Not later than 1 year after
21 the date of enactment of this section, and annually there-
22 after, the Administrator shall publish a report on the Ad-
23 ministration’s oversight of part 145 repair stations and
24 implementation of the safety assessment system required
25 by subsection (a), which shall—

1 “(1) describe in detail any improvements in the
2 Federal Aviation Administration’s ability to identify
3 and track where part 121 air carrier repair work is
4 performed;

5 “(2) include a staffing model to determine the
6 best placement of inspectors and the number of in-
7 spectors needed for the oversight and implementa-
8 tion;

9 “(3) describe the training provided to inspectors
10 with respect to the oversight and implementation;

11 “(4) include an assessment of the quality of
12 monitoring and surveillance by the Federal Aviation
13 Administration of work provided by its inspectors
14 and the inspectors of foreign authorities operating
15 under a maintenance safety or maintenance imple-
16 mentation agreement with the United States; and

17 “(5) specify the number of sample inspections
18 performed by Federal Aviation Administration in-
19 spectors at each repair station that is covered by a
20 maintenance safety or maintenance implementation
21 agreement with the United States.

22 “(d) ALCOHOL AND CONTROLLED SUBSTANCE TEST-
23 ING PROGRAM REQUIREMENTS.—

24 “(1) IN GENERAL.—The Secretary of State and
25 the Secretary of Transportation shall request, joint-

1 ly, the governments of foreign countries that are
2 members of the International Civil Aviation Organi-
3 zation to establish international standards for alco-
4 hol and controlled substances testing of persons that
5 perform safety-sensitive maintenance functions on
6 commercial air carrier aircraft.

7 “(2) APPLICATION TO PART 121 AIRCRAFT
8 WORK.—Not later than 1 year after the date of en-
9 actment of this section, the Administrator shall pro-
10 mulgate a proposed rule requiring that all part 145
11 repair station employees responsible for safety-sen-
12 sitive maintenance functions on part 121 air carrier
13 aircraft are subject to an alcohol and controlled sub-
14 stances testing program that is determined accept-
15 able by the Administrator and is consistent with the
16 applicable laws of the country in which the repair
17 station is located.

18 “(e) INSPECTIONS.—The Administrator shall require
19 part 145 repair stations to be inspected as frequently as
20 determined warranted by the safety assessment system re-
21 quired by subsection (a), regardless of where the station
22 is located, and in a manner consistent with United States
23 obligations under international agreements.

24 “(f) DEFINITIONS.—In this section, the following
25 definitions apply:

1 “(1) PART 121 AIR CARRIER.—The term ‘part
2 121 air carrier’ means an air carrier that holds a
3 certificate issued under part 121 of title 14, Code of
4 Federal Regulations.

5 “(2) PART 145 REPAIR STATION.—The term
6 ‘part 145 repair station’ means a repair station that
7 holds a certificate issued under part 145 of title 14,
8 Code of Federal Regulations.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 chapter 447 (as amended by this Act) is further amended
11 by adding at the end the following:

“44733. Inspection of foreign repair stations.”.

12 **SEC. 316. SUNSET OF LINE CHECK.**

13 Section 44729(h) is amended by adding at the end
14 the following:

15 “(4) SUNSET OF LINE CHECK.—Paragraph (2)
16 shall cease to be effective following the one-year pe-
17 riod beginning on the date of enactment of the FAA
18 Reauthorization and Reform Act of 2011 unless the
19 Secretary certifies that the requirements of para-
20 graph (2) are necessary to ensure safety.”.

21 **Subtitle B—Unmanned Aircraft** 22 **Systems**

23 **SEC. 321. DEFINITIONS.**

24 In this subtitle, the following definitions apply:

1 (1) CERTIFICATE OF WAIVER; CERTIFICATE OF
2 AUTHORIZATION.—The term “certificate of waiver”
3 or “certificate of authorization” means a Federal
4 Aviation Administration grant of approval for a spe-
5 cific flight operation.

6 (2) SENSE AND AVOID CAPABILITY.—The term
7 “sense and avoid capability” means the capability of
8 an unmanned aircraft to remain a safe distance
9 from and to avoid collisions with other airborne air-
10 craft.

11 (3) PUBLIC UNMANNED AIRCRAFT SYSTEM.—
12 The term “public unmanned aircraft system” means
13 an unmanned aircraft system that meets the quali-
14 fications and conditions required for operation of a
15 public aircraft, as defined by section 40102 of title
16 49, United States Code.

17 (4) SMALL UNMANNED AIRCRAFT.—The term
18 “small unmanned aircraft” means an unmanned air-
19 craft weighing less than 55 pounds.

20 (5) TEST RANGE.—The term “test range”
21 means a defined geographic area where research and
22 development are conducted.

23 (6) UNMANNED AIRCRAFT.—The term “un-
24 manned aircraft” means an aircraft that is operated

1 without the possibility of direct human intervention
2 from within or on the aircraft.

3 (7) UNMANNED AIRCRAFT SYSTEM.—The term
4 “unmanned aircraft system” means an unmanned
5 aircraft and associated elements (including commu-
6 nication links and the components that control the
7 unmanned aircraft) that are required for the pilot in
8 command to operate safely and efficiently in the na-
9 tional airspace system.

10 **SEC. 322. CIVIL UNMANNED AIRCRAFT SYSTEMS INTEGRA-**
11 **TION PLAN.**

12 (a) INTEGRATION PLAN.—

13 (1) COMPREHENSIVE PLAN.—Not later than
14 270 days after the date of enactment of this Act, the
15 Secretary of Transportation, in consultation with
16 representatives of the aviation industry, Federal
17 agencies that employ unmanned aircraft systems
18 technology in the national airspace system, and the
19 unmanned aircraft systems industry, shall develop a
20 comprehensive plan to safely integrate civil un-
21 manned aircraft systems into the national airspace
22 system.

23 (2) MINIMUM REQUIREMENTS.—In developing
24 the plan under paragraph (1), the Secretary shall, at
25 a minimum—

1 (A) review technologies and research that
2 will assist in facilitating the safe integration of
3 civil unmanned aircraft systems into the na-
4 tional airspace system;

5 (B) provide recommendations or projec-
6 tions for the rulemaking to be conducted under
7 subsection (b)—

8 (i) to define the acceptable standards
9 for operations and certification of civil un-
10 manned aircraft systems;

11 (ii) to ensure that civil unmanned air-
12 craft systems include a sense and avoid ca-
13 pability, if necessary for safety purposes;

14 (iii) to develop standards and require-
15 ments for unmanned aircraft systems sense
16 and avoid performance; and

17 (iv) to develop standards and require-
18 ments for the operator and pilot of a com-
19 mercial unmanned aircraft system, includ-
20 ing standards and requirements for reg-
21 istration and licensing;

22 (C) recommend how best to enhance the
23 technologies and subsystems necessary to pro-
24 vide for the safe and routine operations of com-

1 mercial unmanned aircraft systems in the na-
2 tional airspace system; and

3 (D) recommend how a phased-in approach
4 for the integration of civil unmanned aircraft
5 systems into the national airspace system can
6 best be achieved and a timeline upon which
7 such a phase-in shall occur.

8 (3) DEADLINE.—The plan to be developed
9 under paragraph (1) shall provide for the safe inte-
10 gration of civil unmanned aircraft systems into the
11 national airspace system not later than September
12 30, 2015.

13 (4) REPORT TO CONGRESS.—The Secretary
14 shall submit to Congress—

15 (A) not later than 1 year after the date of
16 enactment of this Act, a copy of the plan devel-
17 oped under paragraph (1); and

18 (B) annually thereafter, a report on the ac-
19 tivities of the Secretary under this section.

20 (b) RULEMAKING.—Not later than 18 months after
21 the date on which the integration plan is submitted to
22 Congress under subsection (a)(4), the Administrator of
23 the Federal Aviation Administration shall publish in the
24 Federal Register a notice of proposed rulemaking to im-
25 plement the recommendations of the integration plan.

1 **SEC. 323. SPECIAL RULES FOR CERTAIN UNMANNED AIR-**
2 **CRAFT SYSTEMS.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall determine if certain unmanned aircraft sys-
6 tems may operate safely in the national airspace system.
7 The Secretary may make such determination before com-
8 pletion of the plan and rulemaking required by section 322
9 of this Act or the guidance required by section 324 of this
10 Act.

11 (b) ASSESSMENT OF UNMANNED AIRCRAFT SYS-
12 TEMS.—In making the determination under subsection
13 (a), the Secretary shall determine, at a minimum—

14 (1) which types of unmanned aircraft systems,
15 if any, as a result of their size, weight, speed, oper-
16 ational capability, proximity to airports and popu-
17 lation areas, and operation within visual line-of-sight
18 do not create a hazard to users of the national air-
19 space system or the public or pose a threat to na-
20 tional security; and

21 (2) whether a certificate of waiver, certificate of
22 authorization, or airworthiness certification under
23 section 44704 of title 49, United States Code, is re-
24 quired for the operation of unmanned aircraft sys-
25 tems identified under paragraph (1).

1 (c) REQUIREMENTS FOR SAFE OPERATION.—If the
2 Secretary determines under this section that certain un-
3 manned aircraft systems may operate safely in the na-
4 tional airspace system, the Secretary shall establish re-
5 quirements for the safe operation of such aircraft systems
6 in the national airspace system.

7 **SEC. 324. PUBLIC UNMANNED AIRCRAFT SYSTEMS.**

8 (a) GUIDANCE.—Not later than 270 days after the
9 date of enactment of this Act, the Secretary of Transpor-
10 tation shall issue guidance regarding the operation of pub-
11 lic unmanned aircraft systems to—

12 (1) expedite the issuance of a certificate of au-
13 thorization process;

14 (2) provide for a collaborative process with pub-
15 lic agencies to allow for an incremental expansion of
16 access to the national airspace system as technology
17 matures, as the necessary safety analysis and data
18 become available, and until standards are completed
19 and technology issues are resolved;

20 (3) facilitate the capability of public agencies to
21 develop and use test ranges, subject to operating re-
22 strictions required by the Federal Aviation Adminis-
23 tration, to test and operate unmanned aircraft sys-
24 tems; and

1 (4) provide guidance on a public entity's re-
2 sponsibility when operating an unmanned aircraft
3 without a civil airworthiness certificate issued by the
4 Federal Aviation Administration.

5 (b) STANDARDS FOR OPERATION AND CERTIFI-
6 CATION.—Not later than December 31, 2015, the Sec-
7 retary shall develop and implement operational and certifi-
8 cation requirements for operational procedures for public
9 unmanned aircraft systems in the national airspace sys-
10 tem.

11 (c) AGREEMENTS WITH GOVERNMENT AGENCIES.—

12 (1) IN GENERAL.—Not later than 90 days after
13 the date of enactment of this Act, the Secretary
14 shall enter into agreements with appropriate govern-
15 ment agencies to simplify the process for issuing cer-
16 tificates of waiver or authorization with respect to
17 applications seeking authorization to operate public
18 unmanned aircraft systems in the national airspace
19 system.

20 (2) CONTENTS.—The agreements shall—

21 (A) with respect to an application de-
22 scribed in paragraph (1)—

23 (i) provide for an expedited review of
24 the application;

1 (ii) require a decision by the Adminis-
2 trator on approval or disapproval within 60
3 business days of the date of submission of
4 the application; and

5 (iii) allow for an expedited appeal if
6 the application is disapproved;

7 (B) allow for a one-time approval of simi-
8 lar operations carried out during a fixed period
9 of time; and

10 (C) allow a government public safety agen-
11 cy to operate unmanned aircraft weighing 4.4
12 pounds or less, within the line of sight of the
13 operator, less than 400 feet above the ground
14 during daylight conditions, within Class G air-
15 space, outside of 5 statute miles from any air-
16 port, heliport, seaplane base or spaceport, or
17 any location with aviation activities.

18 **SEC. 325. SAFETY STUDIES.**

19 The Administrator of the Federal Aviation Adminis-
20 tration shall carry out all safety studies necessary to sup-
21 port the integration of unmanned aircraft systems into the
22 national airspace system.

23 **SEC. 326. UNMANNED AIRCRAFT SYSTEMS TEST RANGES.**

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

1 Federal Aviation Administration shall establish a program
2 to integrate unmanned aircraft systems into the national
3 airspace system at not fewer than 4 test ranges.

4 (b) PROGRAM REQUIREMENTS.—In establishing the
5 program under subsection (a), the Administrator shall—

6 (1) safely designate nonexclusionary airspace
7 for integrated manned and unmanned flight oper-
8 ations in the national airspace system;

9 (2) develop certification standards and air traf-
10 fic requirements for unmanned flight operations at
11 test ranges;

12 (3) coordinate with and leverage the resources
13 of the National Aeronautics and Space Administra-
14 tion and the Department of Defense;

15 (4) address both civil and public unmanned air-
16 craft systems;

17 (5) ensure that the program is coordinated with
18 the Next Generation Air Transportation System;
19 and

20 (6) provide for verification of the safety of un-
21 manned aircraft systems and related navigation pro-
22 cedures before integration into the national airspace
23 system.

1 (c) TEST RANGE LOCATIONS.—In determining the
2 location of the 4 test ranges of the program under sub-
3 section (a), the Administrator shall—

4 (1) take into consideration geographic and cli-
5 matic diversity; and

6 (2) after consulting with the Administrator of
7 the National Aeronautics and Space Administration
8 and the Secretary of the Air Force, take into consid-
9 eration the location of available research radars.

10 **Subtitle C—Safety and Protections**

11 **SEC. 331. POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT** 12 **STANDARDS INSPECTORS.**

13 (a) IN GENERAL.—Section 44711 is amended by
14 adding at the end the following:

15 “(d) POSTEMPLOYMENT RESTRICTIONS FOR FLIGHT
16 STANDARDS INSPECTORS.—

17 “(1) PROHIBITION.—A person holding an oper-
18 ating certificate issued under title 14, Code of Fed-
19 eral Regulations, may not knowingly employ, or
20 make a contractual arrangement that permits, an in-
21 dividual to act as an agent or representative of the
22 certificate holder in any matter before the Federal
23 Aviation Administration if the individual, in the pre-
24 ceding 2-year period—

1 “(A) served as, or was responsible for over-
2 sight of, a flight standards inspector of the Ad-
3 ministration; and

4 “(B) had responsibility to inspect, or over-
5 see inspection of, the operations of the certifi-
6 cate holder.

7 “(2) WRITTEN AND ORAL COMMUNICATIONS.—
8 For purposes of paragraph (1), an individual shall
9 be considered to be acting as an agent or representa-
10 tive of a certificate holder in a matter before the Ad-
11 ministration if the individual makes any written or
12 oral communication on behalf of the certificate hold-
13 er to the Administration (or any of its officers or
14 employees) in connection with a particular matter,
15 whether or not involving a specific party and without
16 regard to whether the individual has participated in,
17 or had responsibility for, the particular matter while
18 serving as a flight standards inspector of the Admin-
19 istration.”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall not apply to an individual employed by
22 a certificate holder as of the date of enactment of this
23 Act.

1 **SEC. 332. REVIEW OF AIR TRANSPORTATION OVERSIGHT**
2 **SYSTEM DATABASE.**

3 (a) **REVIEWS.**—The Administrator of the Federal
4 Aviation Administration shall establish a process by which
5 the air transportation oversight system database of the
6 Administration is reviewed by regional teams of employees
7 of the Administration, including at least one employee on
8 each team representing aviation safety inspectors, on a
9 monthly basis to ensure that—

10 (1) any trends in regulatory compliance are
11 identified; and

12 (2) appropriate corrective actions are taken in
13 accordance with Administration regulations, advisory
14 directives, policies, and procedures.

15 (b) **MONTHLY TEAM REPORTS.**—

16 (1) **IN GENERAL.**—A regional team of employ-
17 ees conducting a monthly review of the air transpor-
18 tation oversight system database under subsection
19 (a) shall submit to the Administrator, the Associate
20 Administrator for Aviation Safety, and the Director
21 of Flight Standards Service a report each month on
22 the results of the review.

23 (2) **CONTENTS.**—A report submitted under
24 paragraph (1) shall identify—

1 (A) any trends in regulatory compliance
2 discovered by the team of employees in con-
3 ducting the monthly review; and

4 (B) any corrective actions taken or pro-
5 posed to be taken in response to the trends.

6 (c) BIENNIAL REPORTS TO CONGRESS.—The Ad-
7 ministrator, on a biennial basis, shall submit to the Com-
8 mittee on Transportation and Infrastructure of the House
9 of Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report on the
11 results of the reviews of the air transportation oversight
12 system database conducted under this section, including
13 copies of reports received under subsection (b).

14 **SEC. 333. IMPROVED VOLUNTARY DISCLOSURE REPORTING**
15 **SYSTEM.**

16 (a) VOLUNTARY DISCLOSURE REPORTING PROGRAM
17 DEFINED.—In this section, the term “Voluntary Dis-
18 closure Reporting Program” means the program established
19 by the Federal Aviation Administration through Advisory
20 Circular 00–58A, dated September 8, 2006, including any
21 subsequent revisions thereto.

22 (b) VERIFICATION.—The Administrator of the Fed-
23 eral Aviation Administration shall modify the Voluntary
24 Disclosure Reporting Program to require inspectors to—

1 (1) verify that air carriers are implementing
2 comprehensive solutions to correct the underlying
3 causes of the violations voluntarily disclosed by such
4 air carriers; and

5 (2) confirm, before approving a final report of
6 a violation, that a violation with the same root
7 causes, has not been previously discovered by an in-
8 spector or self-disclosed by the air carrier.

9 (c) SUPERVISORY REVIEW OF VOLUNTARY SELF-DIS-
10 CLOSURES.—The Administrator shall establish a process
11 by which voluntary self-disclosures received from air car-
12 riers are reviewed and approved by a supervisor after the
13 initial review by an inspector.

14 (d) INSPECTOR GENERAL STUDY.—

15 (1) IN GENERAL.—The Inspector General of
16 the Department of Transportation shall conduct a
17 study of the Voluntary Disclosure Reporting Pro-
18 gram.

19 (2) REVIEW.—In conducting the study, the In-
20 spector General shall examine, at a minimum, if the
21 Administration—

22 (A) conducts comprehensive reviews of vol-
23 untary disclosure reports before closing a vol-
24 untary disclosure report under the provisions of
25 the program;

1 (B) evaluates the effectiveness of corrective
2 actions taken by air carriers; and

3 (C) effectively prevents abuse of the vol-
4 untary disclosure reporting program through its
5 secondary review of self-disclosures before they
6 are accepted and closed by the Administration.

7 (3) REPORT.—Not later than 1 year after the
8 date of enactment of this Act, the Inspector General
9 shall submit to the Committee on Transportation
10 and Infrastructure of the House of Representatives
11 and Committee on Commerce, Science, and Trans-
12 portation of the Senate a report on the results of the
13 study conducted under this section.

14 **SEC. 334. AVIATION WHISTLEBLOWER INVESTIGATION OF-**
15 **FICE.**

16 Section 106 (as amended by this Act) is further
17 amended by adding at the end the following:

18 “(t) AVIATION SAFETY WHISTLEBLOWER INVES-
19 TIGATION OFFICE.—

20 “(1) ESTABLISHMENT.—There is established in
21 the Federal Aviation Administration (in this section
22 referred to as the ‘Agency’) an Aviation Safety
23 Whistleblower Investigation Office (in this sub-
24 section referred to as the ‘Office’).

25 “(2) DIRECTOR.—

1 “(A) APPOINTMENT.—The head of the Of-
2 fice shall be the Director, who shall be ap-
3 pointed by the Secretary of Transportation.

4 “(B) QUALIFICATIONS.—The Director
5 shall have a demonstrated ability in investiga-
6 tions and knowledge of or experience in avia-
7 tion.

8 “(C) TERM.—The Director shall be ap-
9 pointed for a term of 5 years.

10 “(D) VACANCY.—Any individual appointed
11 to fill a vacancy in the position of the Director
12 occurring before the expiration of the term for
13 which the individual’s predecessor was ap-
14 pointed shall be appointed for the remainder of
15 that term.

16 “(3) COMPLAINTS AND INVESTIGATIONS.—

17 “(A) AUTHORITY OF DIRECTOR.—The Di-
18 rector shall—

19 “(i) receive complaints and informa-
20 tion submitted by employees of persons
21 holding certificates issued under title 14,
22 Code of Federal Regulations, and employ-
23 ees of the Agency concerning the possible
24 existence of an activity relating to a viola-
25 tion of an order, regulation, or standard of

1 the Agency or any other provision of Fed-
2 eral law relating to aviation safety;

3 “(ii) assess complaints and informa-
4 tion submitted under clause (i) and deter-
5 mine whether a substantial likelihood ex-
6 ists that a violation of an order, regulation,
7 or standard of the Agency or any other
8 provision of Federal law relating to avia-
9 tion safety has occurred; and

10 “(iii) based on findings of the assess-
11 ment conducted under clause (ii), make
12 recommendations to the Administrator in
13 writing for further investigation or correc-
14 tive actions.

15 “(B) DISCLOSURE OF IDENTITIES.—The
16 Director shall not disclose the identity of an in-
17 dividual who submits a complaint or informa-
18 tion under subparagraph (A)(i) unless—

19 “(i) the individual consents to the dis-
20 closure in writing; or

21 “(ii) the Director determines, in the
22 course of an investigation, that the disclo-
23 sure is required by regulation, statute, or
24 court order, or is otherwise unavoidable, in
25 which case the Director shall provide the

1 individual reasonable advanced notice of
2 the disclosure.

3 “(C) INDEPENDENCE OF DIRECTOR.—The
4 Secretary, the Administrator, or any officer or
5 employee of the Agency may not prevent or pro-
6 hibit the Director from initiating, carrying out,
7 or completing any assessment of a complaint or
8 information submitted under subparagraph
9 (A)(i) or from reporting to Congress on any
10 such assessment.

11 “(D) ACCESS TO INFORMATION.—In con-
12 ducting an assessment of a complaint or infor-
13 mation submitted under subparagraph (A)(i),
14 the Director shall have access to all records, re-
15 ports, audits, reviews, documents, papers, rec-
16 ommendations, and other material necessary to
17 determine whether a substantial likelihood ex-
18 ists that a violation of an order, regulation, or
19 standard of the Agency or any other provision
20 of Federal law relating to aviation safety may
21 have occurred.

22 “(4) RESPONSES TO RECOMMENDATIONS.—Not
23 later than 60 days after the date on which the Ad-
24 ministrator receives a report with respect to an in-
25 vestigation, the Administrator shall respond to a rec-

ommendation made by the Director under subparagraph (A)(iii) in writing and retain records related to any further investigations or corrective actions taken in response to the recommendation.

“(5) INCIDENT REPORTS.—If the Director determines there is a substantial likelihood that a violation of an order, regulation, or standard of the Agency or any other provision of Federal law relating to aviation safety has occurred that requires immediate corrective action, the Director shall report the potential violation expeditiously to the Administrator and the Inspector General of the Department of Transportation.

“(6) REPORTING OF CRIMINAL VIOLATIONS TO INSPECTOR GENERAL.—If the Director has reasonable grounds to believe that there has been a violation of Federal criminal law, the Director shall report the violation expeditiously to the Inspector General.

“(7) ANNUAL REPORTS TO CONGRESS.—Not later than October 1 of each year, the Director shall submit to Congress a report containing—

“(A) information on the number of submissions of complaints and information received by

1 the Director under paragraph (3)(A)(i) in the
2 preceding 12-month period;

3 “(B) summaries of those submissions;

4 “(C) summaries of further investigations
5 and corrective actions recommended in response
6 to the submissions; and

7 “(D) summaries of the responses of the
8 Administrator to such recommendations.”.

9 **SEC. 335. DUTY PERIODS AND FLIGHT TIME LIMITATIONS**

10 **APPLICABLE TO FLIGHT CREWMEMBERS.**

11 (a) RULEMAKING ON APPLICABILITY OF PART 121
12 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
13 91 OPERATIONS.—Not later than 180 days after the date
14 of enactment of this Act, the Administrator of the Federal
15 Aviation Administration shall initiate a rulemaking pro-
16 ceeding, if such a proceeding has not already been initi-
17 ated, to require a flight crewmember who is employed by
18 an air carrier conducting operations under part 121 of
19 title 14, Code of Federal Regulations, and who accepts
20 an additional assignment for flying under part 91 of such
21 title from the air carrier or from any other air carrier con-
22 ducting operations under part 121 or 135 of such title,
23 to apply the period of the additional assignment (regard-
24 less of whether the assignment is performed by the flight
25 crewmember before or after an assignment to fly under

1 part 121 of such title) toward any limitation applicable
2 to the flight crewmember relating to duty periods or flight
3 times under part 121 of such title.

4 (b) RULEMAKING ON APPLICABILITY OF PART 135
5 DUTY PERIODS AND FLIGHT TIME LIMITATIONS TO PART
6 91 OPERATIONS.—Not later than 1 year after the date
7 of enactment of this Act, the Administrator shall initiate
8 a rulemaking proceeding to require a flight crewmember
9 who is employed by an air carrier conducting operations
10 under part 135 of title 14, Code of Federal Regulations,
11 and who accepts an additional assignment for flying under
12 part 91 of such title from the air carrier or any other air
13 carrier conducting operations under part 121 or 135 of
14 such title, to apply the period of the additional assignment
15 (regardless of whether the assignment is performed by the
16 flight crewmember before or after an assignment to fly
17 under part 135 of such title) toward any limitation appli-
18 cable to the flight crewmember relating to duty periods
19 or flight times under part 135 of such title.

20 (c) SEPARATE RULEMAKING PROCEEDINGS RE-
21 QUIRED.—The rulemaking proceeding required under sub-
22 section (b) shall be separate from the rulemaking pro-
23 ceeding required under subsection (a).

1 **SEC. 336. CERTAIN EXISTING FLIGHT TIME LIMITATIONS**
2 **AND REST REQUIREMENTS.**

3 (a) IN GENERAL.—Notwithstanding any interpreta-
4 tion issued by the Administrator of the Federal Aviation
5 Administration, the requirements regarding sections 263
6 and 267(d) of part 135 of title 14, Code of Federal Regu-
7 lations, for part 135 certificate holders providing air am-
8 bulance services and pilots and flight crewmembers of all-
9 cargo aircraft regarding certain flight times and rest peri-
10 ods shall remain in effect as such requirements were in
11 effect on January 1, 2011.

12 (b) RESTRICTION ON REGULATIONS.—The Adminis-
13 trator may not issue, finalize, or implement a rule regard-
14 ing sections 263 and 267(d) of part 135 of title 14, Code
15 of Federal Regulations, as proposed in docket No. FAA-
16 2010–1259, Interpretations of Rest Requirements, pub-
17 lished in the Federal Register on December 23, 2010, or
18 any similar rule regarding such sections for part 135 cer-
19 tificate holders providing air ambulance services and pilots
20 and flight crewmembers of all-cargo aircraft.

21 **SEC. 337. DISCLOSURE AND USE OF INFORMATION.**

22 (a) IN GENERAL.—Chapter 447 (as amended by this
23 Act) is further amended by adding at the end the fol-
24 lowing:

1 **“§ 44734. Disclosure and use of information**

2 “(a) IN GENERAL.—Notwithstanding any other pro-
3 vision of law, and except as provided in this section, the
4 following reports and data shall not be subject to discovery
5 or subpoena or admitted into evidence in a Federal or
6 State court proceeding or considered for other purposes
7 in any such proceeding:

8 “(1) A report developed under the Aviation
9 Safety Action Program.

10 “(2) Data produced or collected under the
11 Flight Operational Quality Assurance Program.

12 “(3) A report developed under the Line Oper-
13 ations Safety Audit Program.

14 “(4) Hazard identification, risk assessment,
15 risk control, and safety assurance data produced or
16 collected for purposes of—

17 “(A) assessing and improving aviation
18 safety; or

19 “(B) developing and implementing a safety
20 management system acceptable to the Adminis-
21 trator.

22 “(5) Reports, analyses, and directed studies
23 based in whole or in part on reports or data de-
24 scribed in paragraphs (1) through (4), including
25 those prepared under the Aviation Safety Informa-
26 tion Analysis and Sharing Program.

1 “(b) PROTECTION OF VOLUNTARILY SUBMITTED IN-
2 FORMATION.—Any report or data described in subsection
3 (a) that is voluntarily provided to the Federal Aviation Ad-
4 ministration shall be considered to be voluntarily sub-
5 mitted information within the meaning of section 40123,
6 and shall not be disclosed to the public pursuant to section
7 552(b)(3)(B) of title 5.

8 “(c) FAA REPORTS.—Notwithstanding any other
9 provision of this section, the Administrator of the Federal
10 Aviation Administration may release documents to the
11 public that include summaries, aggregations, or statistical
12 analyses based on reports or data described in subsection
13 (a).

14 “(d) SAFETY RECOMMENDATIONS.—Nothing in this
15 section shall be construed to prevent the National Trans-
16 portation Safety Board, in connection with an ongoing ac-
17 cident investigation, from referring to relevant information
18 contained in reports or data described in subsection (a)
19 in making safety recommendations.

20 “(e) WAIVER.—Subsection (a) shall not apply with
21 respect to a report developed, or data produced or col-
22 lected, by or on behalf of a person if that person waives
23 the privileges provided under subsection (a). A waiver
24 under this subsection shall be made in writing or occa-

1 sioned by the person’s own use of the information in pre-
 2 senting a claim or defense.”.

3 (b) CLERICAL AMENDMENT.—The analysis for such
 4 chapter (as amended by this Act) is further amended by
 5 adding at the end the following:

“44734. Disclosure and use of information.”.

6 **SEC. 338. LIABILITY PROTECTION FOR PERSONS IMPLE-**
 7 **MENTING SAFETY MANAGEMENT SYSTEMS.**

8 (a) IN GENERAL.—Chapter 447 (as amended by this
 9 Act) is further amended by adding at the end the fol-
 10 lowing:

11 **“§ 44735. Liability protection for persons imple-**
 12 **menting safety management systems**

13 “(a) PERSONS IMPLEMENTING SAFETY MANAGE-
 14 MENT SYSTEMS.—

15 “(1) IN GENERAL.—Notwithstanding any other
 16 provision of law, a person that is required by the
 17 Administrator of the Federal Aviation Administra-
 18 tion to implement a safety management system may
 19 not be held liable for damages in connection with a
 20 claim filed in a State or Federal court (including a
 21 claim for compensatory, punitive, contributory, or in-
 22 demnity damages) relating to the person’s prepara-
 23 tion or implementation of, or an event or occurrence
 24 contemplated by, the safety management system.

1 “(2) LIMITATION.—Nothing in this section
2 shall relieve a person from liability for damages re-
3 sulting from the person’s own willful or reckless acts
4 or omissions as demonstrated by clear and con-
5 vincing evidence.

6 “(b) ACCOUNTABLE EXECUTIVES.—

7 “(1) IN GENERAL.—Notwithstanding any other
8 provision of law, a person who is employed by a per-
9 son described in subsection (a) and who is respon-
10 sible for performing the functions of an accountable
11 executive pursuant to a safety management system
12 required by the Administrator—

13 “(A) shall be deemed to be acting in the
14 person’s official capacity as an officer or em-
15 ployee of the person described in subsection (a)
16 when performing such functions; and

17 “(B) except as provided in paragraph (2),
18 may not be held personally liable for damages
19 in connection with a claim filed in a State or
20 Federal court (including a claim for compen-
21 satory, punitive, contributory, or indemnity
22 damages) relating to the person’s responsibil-
23 ities pursuant to the safety management sys-
24 tem.

1 “(2) LIMITATION.—Nothing in this subsection
 2 shall relieve a person performing the functions of an
 3 accountable executive pursuant to a safety manage-
 4 ment system from personal liability for damages re-
 5 sulting from the person’s willful or reckless acts or
 6 omissions as demonstrated by clear and convincing
 7 evidence.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
 9 chapter (as amended by this Act) is further amended by
 10 adding at the end the following:

“44735. Liability protection for persons implementing safety management sys-
 tems.”.

11 **TITLE IV—AIR SERVICE**
 12 **IMPROVEMENTS**
 13 **Subtitle A—Essential Air Service**

14 **SEC. 401. ESSENTIAL AIR SERVICE MARKETING.**

15 Section 41733(c)(1) is amended—

16 (1) by redesignating subparagraph (E) as sub-
 17 paragraph (F);

18 (2) by striking “and” at the end of subpara-
 19 graph (D); and

20 (3) by inserting after subparagraph (D) the fol-
 21 lowing:

22 “(E) whether the air carrier has included a
 23 plan in its proposal to market its services to the
 24 community; and”.

1 **SEC. 402. NOTICE TO COMMUNITIES PRIOR TO TERMI-**
2 **NATION OF ELIGIBILITY FOR SUBSIDIZED ES-**
3 **SENTIAL AIR SERVICE.**

4 Section 41733 is amended by adding at the end the
5 following:

6 “(f) NOTICE TO COMMUNITIES PRIOR TO TERMI-
7 NATION OF ELIGIBILITY.—

8 “(1) IN GENERAL.—The Secretary shall notify
9 each community receiving basic essential air service
10 for which compensation is being paid under this sub-
11 chapter on or before the 45th day before issuing any
12 final decision to end the payment of such compensa-
13 tion due to a determination by the Secretary that
14 providing such service requires a rate of subsidy per
15 passenger in excess of the subsidy cap.

16 “(2) PROCEDURES TO AVOID TERMINATION.—
17 The Secretary shall establish, by order, procedures
18 by which each community notified of an impending
19 loss of subsidy under paragraph (1) may work di-
20 rectly with an air carrier to ensure that the air car-
21 rier is able to submit a proposal to the Secretary to
22 provide essential air service to such community for
23 an amount of compensation that would not exceed
24 the subsidy cap.

1 “(3) ASSISTANCE PROVIDED.—The Secretary
2 shall provide, by order, to each community notified
3 under paragraph (1) information regarding—

4 “(A) the procedures established pursuant
5 to paragraph (2); and

6 “(B) the maximum amount of compensa-
7 tion that could be provided under this sub-
8 chapter to an air carrier serving such commu-
9 nity that would comply with the subsidy cap.

10 “(4) SUBSIDY CAP DEFINED.—In this sub-
11 section, the term ‘subsidy cap’ means the subsidy
12 cap established by section 332 of Public Law 106–
13 69 (113 Stat. 1022).”.

14 **SEC. 403. ESSENTIAL AIR SERVICE CONTRACT GUIDELINES.**

15 (a) COMPENSATION GUIDELINES.—Section
16 41737(a)(1) is amended—

17 (1) by striking “and” at the end of subpara-
18 graph (B);

19 (2) in subparagraph (C) by striking the period
20 at the end and inserting a semicolon; and

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

22 “(D) include provisions under which the Sec-
23 retary may encourage an air carrier to improve air
24 service for which compensation is being paid under
25 this subchapter by incorporating financial incentives

1 in an essential air service contract based on specified
2 performance goals, including goals related to improv-
3 ing on-time performance, reducing the number of
4 flight cancellations, establishing convenient connec-
5 tions to flights providing service beyond hub air-
6 ports, and increasing marketing efforts; and

7 “(E) include provisions under which the Sec-
8 retary may execute a long-term essential air service
9 contract to encourage an air carrier to provide air
10 service to an eligible place if it would be in the pub-
11 lic interest to do so.”.

12 (b) DEADLINE FOR ISSUANCE OF REVISED GUID-
13 ANCE.—Not later than 18 months after the date of enact-
14 ment of this Act, the Secretary of Transportation shall
15 issue revised guidelines governing the rate of compensa-
16 tion payable under subchapter II of chapter 417 of title
17 49, United States Code, that incorporate the amendments
18 made by this section.

19 (c) REPORT.—Not later than 2 years after the date
20 of issuance of revised guidelines pursuant to subsection
21 (b), the Secretary shall submit to the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Commerce, Science,
24 and Transportation of the Senate a report on the extent
25 to which the revised guidelines have been implemented and

1 the impact, if any, such implementation has had on air
2 carrier performance and community satisfaction with air
3 service for which compensation is being paid under sub-
4 chapter II of chapter 417 of title 49, United States Code.

5 **SEC. 404. ESSENTIAL AIR SERVICE REFORM.**

6 (a) AUTHORIZATION.—Section 41742(a)(1) is
7 amended—

8 (1) by striking “the sum of \$50,000,000 is”
9 and inserting “the following sums are”; and

10 (2) by striking “subchapter for each fiscal
11 year.” and inserting “subchapter:

12 “(A) \$50,000,000 for each fiscal year
13 through fiscal year 2013.

14 “(B) The amount necessary, as determined
15 by the Secretary, to carry out the essential air
16 service program in Alaska and Hawaii for fiscal
17 year 2014 and each fiscal year thereafter.”.

18 (b) ADDITIONAL FUNDS.—Section 41742(a)(2) is
19 amended by striking “there is authorized to be appro-
20 priated \$77,000,000 for each fiscal year” and inserting
21 “there is authorized to be appropriated out of the Airport
22 and Airway Trust Fund established under section 9502
23 of the Internal Revenue Code of 1986 \$97,500,000 for
24 fiscal year 2011, \$60,000,000 for fiscal year 2012, and
25 \$30,000,000 for fiscal year 2013”.

1 (c) ADMINISTERING PROGRAM WITHIN AVAILABLE
2 FUNDING.—Section 41742(b) is amended to read as fol-
3 lows:

4 “(b) ADMINISTERING PROGRAM WITHIN AVAILABLE
5 FUNDING.—Notwithstanding any other provision of law,
6 the Secretary is authorized to take such actions as may
7 be necessary to administer the essential air service pro-
8 gram under this subchapter within the amount of funding
9 made available for the program.”.

10 **SEC. 405. SMALL COMMUNITY AIR SERVICE.**

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

12 (1) by striking “and” at the end of subpara-
13 graph (D);

14 (2) in subparagraph (E) by striking “fashion.”
15 and inserting “fashion; and”; and

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

17 “(F) multiple communities cooperate to
18 submit a regional or multistate application to
19 consolidate air service into one regional air-
20 port.”.

21 (b) AUTHORITY TO MAKE AGREEMENTS.—Section
22 41743(e) is amended to read as follows:

23 “(e) AUTHORITY TO MAKE AGREEMENTS.—Subject
24 to the availability of amounts made available under section

1 41742(a)(4)(A), the Secretary may make agreements to
 2 provide assistance under this section.”.

3 **SEC. 406. ADJUSTMENTS TO COMPENSATION FOR SIGNIFI-**
 4 **CANTLY INCREASED COSTS.**

5 (a) EMERGENCY ACROSS-THE-BOARD ADJUST-
 6 MENT.—Subject to the availability of funds, the Secretary
 7 of Transportation may increase the rates of compensation
 8 payable to air carriers under subchapter II of chapter 417
 9 of title 49, United States Code, to compensate such car-
 10 riers for increased aviation fuel costs without regard to
 11 any agreement or requirement relating to the renegoti-
 12 ation of contracts or any notice requirement under section
 13 41734 of such title.

14 (b) EXPEDITED PROCESS FOR ADJUSTMENTS TO IN-
 15 DIVIDUAL CONTRACTS.—

16 (1) IN GENERAL.—Section 41734(d) is amend-
 17 ed by striking “continue to pay” and all that follows
 18 through “compensation sufficient” and inserting
 19 “provide the carrier with compensation sufficient”.

20 (2) EFFECTIVE DATE.—The amendment made
 21 by paragraph (1) shall apply to compensation to air
 22 carriers for air service provided after the 30th day
 23 following the date of enactment of this Act.

24 (c) SUBSIDY CAP.—Subject to the availability of
 25 funds, the Secretary may waive, on a case-by-case basis,

1 the subsidy-per-passenger cap established by section 332
 2 of Public Law 106–69 (113 Stat. 1022). A waiver issued
 3 under this subsection shall remain in effect for a limited
 4 period of time, as determined by the Secretary.

5 **SEC. 407. REPEAL OF EAS LOCAL PARTICIPATION PRO-**
 6 **GRAM.**

7 Section 41747, and the item relating to section
 8 41747 in the analysis for chapter 417, are repealed.

9 **SEC. 408. SUNSET OF ESSENTIAL AIR SERVICE PROGRAM.**

10 (a) IN GENERAL.—Subchapter II of chapter 417 is
 11 amended by adding at the end the following:

12 **“§ 41749. Sunset**

13 “(a) IN GENERAL.—Except as provided in subsection
 14 (b), the authority of the Secretary of Transportation to
 15 carry out the essential air service program under this sub-
 16 chapter shall sunset on October 1, 2013.

17 “(b) ALASKA AND HAWAII.—The Secretary may con-
 18 tinue to carry out the essential air service program under
 19 this subchapter in Alaska and Hawaii following the sunset
 20 date specified in subsection (a).”.

21 (b) CONFORMING AMENDMENT.—The analysis for
 22 chapter 417 is amended by inserting after the item relat-
 23 ing to section 41748 the following:

“41749. Sunset.”.

1 **Subtitle B—Passenger Air Service**
2 **Improvements**

3 **SEC. 421. SMOKING PROHIBITION.**

4 (a) IN GENERAL.—Section 41706 is amended—

5 (1) in the section heading by striking “**sched-**
6 **uled**” and inserting “**passenger**”; and

7 (2) by striking subsections (a) and (b) and in-
8 serting the following:

9 “(a) SMOKING PROHIBITION IN INTERSTATE AND
10 INTRASTATE AIR TRANSPORTATION.—An individual may
11 not smoke—

12 “(1) in an aircraft in scheduled passenger inter-
13 state or intrastate air transportation; or

14 “(2) in an aircraft in nonscheduled passenger
15 interstate or intrastate air transportation, if a flight
16 attendant is a required crewmember on the aircraft
17 (as determined by the Administrator of the Federal
18 Aviation Administration).

19 “(b) SMOKING PROHIBITION IN FOREIGN AIR
20 TRANSPORTATION.—The Secretary of Transportation
21 shall require all air carriers and foreign air carriers to pro-
22 hibit smoking—

23 “(1) in an aircraft in scheduled passenger for-
24 eign air transportation; and

1 “(2) in an aircraft in nonscheduled passenger
2 foreign air transportation, if a flight attendant is a
3 required crewmember on the aircraft (as determined
4 by the Administrator or a foreign government).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 417 is amended by striking the item relating to section
7 41706 and inserting the following:

“41706. Prohibitions against smoking on passenger flights.”.

8 **SEC. 422. MONTHLY AIR CARRIER REPORTS.**

9 (a) IN GENERAL.—Section 41708 is amended by
10 adding at the end the following:

11 “(c) DIVERTED AND CANCELLED FLIGHTS.—

12 “(1) MONTHLY REPORTS.—The Secretary shall
13 require an air carrier referred to in paragraph (2)
14 to file with the Secretary a monthly report on each
15 flight of the air carrier that is diverted from its
16 scheduled destination to another airport and each
17 flight of the air carrier that departs the gate at the
18 airport at which the flight originates but is cancelled
19 before wheels-off time.

20 “(2) APPLICABILITY.—An air carrier that is re-
21 quired to file a monthly airline service quality per-
22 formance report pursuant to part 234 of title 14,
23 Code of Federal Regulations, shall be subject to the
24 requirement of paragraph (1).

1 “(3) CONTENTS.—A monthly report filed by an
2 air carrier under paragraph (1) shall include, at a
3 minimum, the following information:

4 “(A) For a diverted flight—

5 “(i) the flight number of the diverted
6 flight;

7 “(ii) the scheduled destination of the
8 flight;

9 “(iii) the date and time of the flight;

10 “(iv) the airport to which the flight
11 was diverted;

12 “(v) wheels-on time at the diverted
13 airport;

14 “(vi) the time, if any, passengers
15 deplaned the aircraft at the diverted air-
16 port; and

17 “(vii) if the flight arrives at the sched-
18 uled destination airport—

19 “(I) the gate-departure time at
20 the diverted airport;

21 “(II) the wheels-off time at the
22 diverted airport;

23 “(III) the wheels-on time at the
24 scheduled arrival airport; and

1 “(IV) the gate-arrival time at the
2 scheduled arrival airport.

3 “(B) For flights cancelled after gate de-
4 parture—

5 “(i) the flight number of the cancelled
6 flight;

7 “(ii) the scheduled origin and destina-
8 tion airports of the cancelled flight;

9 “(iii) the date and time of the can-
10 celled flight;

11 “(iv) the gate-departure time of the
12 cancelled flight; and

13 “(v) the time the aircraft returned to
14 the gate.

15 “(4) PUBLICATION.—The Secretary shall com-
16 pile the information provided in the monthly reports
17 filed pursuant to paragraph (1) in a single monthly
18 report and publish such report on the Internet Web
19 site of the Department of Transportation.”.

20 (b) EFFECTIVE DATE.—Beginning not later than 90
21 days after the date of enactment of this Act, the Secretary
22 of Transportation shall require monthly reports pursuant
23 to the amendment made by subsection (a).

1 **SEC. 423. FLIGHT OPERATIONS AT RONALD REAGAN WASH-**
2 **INGTON NATIONAL AIRPORT.**

3 (a) BEYOND-PERIMETER EXEMPTIONS.—Section
4 41718(a) is amended—

5 (1) by striking “Secretary” the first place it ap-
6 pears and inserting “Secretary of Transportation”;
7 and

8 (2) by striking “24” and inserting “34”.

9 (b) LIMITATIONS.—Section 41718(c)(2) is amended
10 by striking “3 operations” and inserting “5 operations”.

11 (c) SLOTS.—Section 41718(c) is amended—

12 (1) by redesignating paragraphs (3) and (4) as
13 paragraphs (4) and (5), respectively; and

14 (2) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) SLOTS.—The Secretary shall reduce the
17 hourly air carrier slot quota for Ronald Reagan
18 Washington National Airport under section
19 93.123(a) of title 14, Code of Federal Regulations,
20 by a total of 10 slots that are available for alloca-
21 tion. Such reductions shall be taken in the 6:00
22 a.m., 10:00 p.m., or 11:00 p.m. hours, as deter-
23 mined by the Secretary, in order to grant exemp-
24 tions under subsection (a).”.

25 (d) SCHEDULING PRIORITY.—Section 41718 is
26 amended—

1 (1) by redesignating subsections (e) and (f) as
2 subsections (f) and (g), respectively; and

3 (2) by inserting after subsection (d) the fol-
4 lowing:

5 “(e) SCHEDULING PRIORITY.—Operations conducted
6 by new entrant air carriers and limited incumbent air car-
7 riers shall be provided a scheduling priority over oper-
8 ations conducted by other air carriers granted exemptions
9 pursuant to this section, with the highest scheduling pri-
10 ority provided to beyond-perimeter operations conducted
11 by the new entrant air carriers and limited incumbent air
12 carriers.”.

13 **SEC. 424. MUSICAL INSTRUMENTS.**

14 (a) IN GENERAL.—Subchapter I of chapter 417 is
15 amended by adding at the end the following:

16 **“§ 41724. Musical instruments**

17 “(a) IN GENERAL.—

18 “(1) SMALL INSTRUMENTS AS CARRY-ON BAG-
19 GAGE.—An air carrier providing air transportation
20 shall permit a passenger to carry a violin, guitar, or
21 other musical instrument in the aircraft cabin if—

22 “(A) the instrument can be stowed safely
23 in a suitable baggage compartment in the air-
24 craft cabin or under a passenger seat, in ac-
25 cordance with the requirements for carriage of

1 carry-on baggage or cargo established by the
2 Administrator; and

3 “(B) there is space for such stowage at the
4 time the passenger boards the aircraft.

5 “(2) LARGER INSTRUMENTS AS CARRY-ON BAG-
6 GAGE.—An air carrier providing air transportation
7 shall permit a passenger to carry a musical instru-
8 ment that is too large to meet the requirements of
9 paragraph (1) in the aircraft cabin if—

10 “(A) the instrument is contained in a case
11 or covered so as to avoid injury to other pas-
12 sengers;

13 “(B) the weight of the instrument, includ-
14 ing the case or covering, does not exceed 165
15 pounds or the applicable weight restrictions for
16 the aircraft;

17 “(C) the instrument can be stowed in ac-
18 cordance with the requirements for carriage of
19 carry-on baggage or cargo established by the
20 Administrator;

21 “(D) neither the instrument nor the case
22 contains any object not otherwise permitted to
23 be carried in an aircraft cabin because of a law
24 or regulation of the United States; and

1 “(E) the passenger wishing to carry the in-
2 strument in the aircraft cabin has purchased an
3 additional seat to accommodate the instrument.

4 “(3) LARGE INSTRUMENTS AS CHECKED BAG-
5 GAGE.—An air carrier shall transport as baggage a
6 musical instrument that is the property of a pas-
7 senger traveling in air transportation that may not
8 be carried in the aircraft cabin if—

9 “(A) the sum of the length, width, and
10 height measured in inches of the outside linear
11 dimensions of the instrument (including the
12 case) does not exceed 150 inches or the applica-
13 ble size restrictions for the aircraft;

14 “(B) the weight of the instrument does not
15 exceed 165 pounds or the applicable weight re-
16 strictions for the aircraft; and

17 “(C) the instrument can be stowed in ac-
18 cordance with the requirements for carriage of
19 carry-on baggage or cargo established by the
20 Administrator.

21 “(b) REGULATIONS.—Not later than 2 years after
22 the date of enactment of this section, the Secretary shall
23 issue final regulations to carry out subsection (a).

1 “(c) **EFFECTIVE DATE.**—The requirements of this
 2 section shall become effective on the date of issuance of
 3 the final regulations under subsection (b).”.

4 (b) **CONFORMING AMENDMENT.**—The analysis for
 5 such subchapter is amended by adding at the end the fol-
 6 lowing:

“41724. Musical instruments.”.

7 **SEC. 425. PASSENGER AIR SERVICE IMPROVEMENTS.**

8 (a) **IN GENERAL.**—Subtitle VII is amended by insert-
 9 ing after chapter 421 the following:

10 **“CHAPTER 423—PASSENGER AIR SERVICE**
 11 **IMPROVEMENTS**

“Sec.

“42301. Emergency contingency plans.

“42302. Consumer complaints.

“42303. Use of insecticides in passenger aircraft.

12 **“§ 42301. Emergency contingency plans**

13 “(a) **SUBMISSION OF AIR CARRIER AND AIRPORT**
 14 **PLANS.**—Not later than 90 days after the date of enact-
 15 ment of this section, each of the following air carriers and
 16 airport operators shall submit to the Secretary of Trans-
 17 portation for review and approval an emergency contin-
 18 gency plan in accordance with the requirements of this
 19 section:

20 “(1) An air carrier providing covered air trans-
 21 portation at a large hub or medium hub airport.

1 “(2) An operator of a large hub or medium hub
2 airport.

3 “(3) An operator of an airport used by an air
4 carrier described in paragraph (1) for diversions.

5 “(b) AIR CARRIER PLANS.—

6 “(1) PLANS FOR INDIVIDUAL AIRPORTS.—An
7 air carrier shall submit an emergency contingency
8 plan under subsection (a) for—

9 “(A) each large hub and medium hub air-
10 port at which the carrier provides covered air
11 transportation; and

12 “(B) each large hub and medium hub air-
13 port at which the carrier has flights for which
14 the carrier has primary responsibility for inven-
15 tory control.

16 “(2) CONTENTS.—An emergency contingency
17 plan submitted by an air carrier for an airport under
18 subsection (a) shall contain a description of how the
19 carrier will—

20 “(A) provide food, potable water, restroom
21 facilities, and access to medical treatment for
22 passengers onboard an aircraft at the airport
23 that is on the ground for an extended period of
24 time without access to the terminal;

1 “(B) allow passengers to deplane following
2 excessive tarmac delays; and

3 “(C) share facilities and make gates avail-
4 able at the airport in an emergency.

5 “(c) AIRPORT PLANS.—An emergency contingency
6 plan submitted by an airport operator under subsection
7 (a) shall contain a description of how the operator, to the
8 maximum extent practicable, will—

9 “(1) provide for the deplanement of passengers
10 following excessive tarmac delays;

11 “(2) provide for the sharing of facilities and
12 make gates available at the airport in an emergency;
13 and

14 “(3) provide a sterile area following excessive
15 tarmac delays for passengers who have not yet
16 cleared United States Customs and Border Protec-
17 tion.

18 “(d) UPDATES.—

19 “(1) AIR CARRIERS.—An air carrier shall up-
20 date the emergency contingency plan submitted by
21 the carrier under subsection (a) every 3 years and
22 submit the update to the Secretary for review and
23 approval.

24 “(2) AIRPORTS.—An airport operator shall up-
25 date the emergency contingency plan submitted by

1 the operator under subsection (a) every 5 years and
2 submit the update to the Secretary for review and
3 approval.

4 “(e) APPROVAL.—

5 “(1) IN GENERAL.—Not later than 60 days
6 after the date of the receipt of an emergency contin-
7 gency plan submitted under subsection (a) or an up-
8 date submitted under subsection (d), the Secretary
9 shall review and approve or, if necessary, require
10 modifications to the plan or update to ensure that
11 the plan or update will effectively address emer-
12 gencies and provide for the health and safety of pas-
13 sengers.

14 “(2) FAILURE TO APPROVE OR REQUIRE MODI-
15 FICATIONS.—If the Secretary fails to approve or re-
16 quire modifications to a plan or update under para-
17 graph (1) within the timeframe specified in that
18 paragraph, the plan or update shall be deemed to be
19 approved.

20 “(3) ADHERENCE REQUIRED.—An air carrier
21 or airport operator shall adhere to an emergency
22 contingency plan of the carrier or operator approved
23 under this section.

24 “(f) MINIMUM STANDARDS.—The Secretary may es-
25 tablish, as necessary or desirable, minimum standards for

1 elements in an emergency contingency plan required to be
2 submitted under this section.

3 “(g) PUBLIC ACCESS.—An air carrier or airport op-
4 erator required to submit an emergency contingency plan
5 under this section shall ensure public access to the plan
6 after its approval under this section on the Internet Web
7 site of the carrier or operator or by such other means as
8 determined by the Secretary.

9 “(h) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) COVERED AIR TRANSPORTATION.—The
12 term ‘covered air transportation’ means scheduled or
13 public charter passenger air transportation provided
14 by an air carrier that operates an aircraft that as
15 originally designed has a passenger capacity of 30 or
16 more seats.

17 “(2) TARMAC DELAY.—The term ‘tarmac delay’
18 means the period during which passengers are on
19 board an aircraft on the tarmac—

20 “(A) awaiting takeoff after the aircraft
21 doors have been closed or after passengers have
22 been boarded if the passengers have not been
23 advised they are free to deplane; or

24 “(B) awaiting deplaning after the aircraft
25 has landed.

1 **“§ 42302. Consumer complaints**

2 “(a) IN GENERAL.—The Secretary of Transportation
3 shall establish a consumer complaints toll-free hotline tele-
4 phone number for the use of passengers in air transpor-
5 tation and shall take actions to notify the public of—

6 “(1) that telephone number; and

7 “(2) the Internet Web site of the Aviation Con-
8 sumer Protection Division of the Department of
9 Transportation.

10 “(b) NOTICE TO PASSENGERS ON THE INTERNET.—
11 An air carrier or foreign air carrier providing scheduled
12 air transportation using any aircraft that as originally de-
13 signed has a passenger capacity of 30 or more passenger
14 seats shall include on the Internet Web site of the car-
15 rier—

16 “(1) the hotline telephone number established
17 under subsection (a);

18 “(2) the email address, telephone number, and
19 mailing address of the air carrier for the submission
20 of complaints by passengers about air travel service
21 problems; and

22 “(3) the Internet Web site and mailing address
23 of the Aviation Consumer Protection Division of the
24 Department of Transportation for the submission of
25 complaints by passengers about air travel service
26 problems.

1 “(c) NOTICE TO PASSENGERS ON BOARDING DOCU-
2 MENTATION.—An air carrier or foreign air carrier pro-
3 viding scheduled air transportation using any aircraft that
4 as originally designed has a passenger capacity of 30 or
5 more passenger seats shall include the hotline telephone
6 number established under subsection (a) on—

7 “(1) prominently displayed signs of the carrier
8 at the airport ticket counters in the United States
9 where the air carrier operates; and

10 “(2) any electronic confirmation of the pur-
11 chase of a passenger ticket for air transportation
12 issued by the air carrier.

13 **“§ 42303. Use of insecticides in passenger aircraft**

14 “(a) INFORMATION TO BE PROVIDED ON THE
15 INTERNET.—The Secretary of Transportation shall estab-
16 lish, and make available to the general public, an Internet
17 Web site that contains a listing of countries that may re-
18 quire an air carrier or foreign air carrier to treat an air-
19 craft passenger cabin with insecticides prior to a flight in
20 foreign air transportation to that country or to apply an
21 aerosol insecticide in an aircraft cabin used for such a
22 flight when the cabin is occupied with passengers.

23 “(b) REQUIRED DISCLOSURES.—An air carrier, for-
24 eign air carrier, or ticket agent selling, in the United
25 States, a ticket for a flight in foreign air transportation

1 to a country listed on the Internet Web site established
 2 under subsection (a) shall refer the purchaser of the ticket
 3 to the Internet Web site established under subsection (a)
 4 for additional information.”.

5 (b) PENALTIES.—Section 46301 is amended in sub-
 6 sections (a)(1)(A) and (c)(1)(A) by inserting “chapter
 7 423,” after “chapter 421,”.

8 (c) APPLICABILITY OF REQUIREMENTS.—Except as
 9 otherwise provided, the requirements of chapter 423 of
 10 title 49, United States Code, as added by this section,
 11 shall begin to apply 60 days after the date of enactment
 12 of this Act.

13 (d) CLERICAL AMENDMENT.—The analysis for sub-
 14 title VII is amended by inserting after the item relating
 15 to chapter 421 the following:

“423. Passenger Air Service Improvements 42301”.

16 **SEC. 426. AIRFARES FOR MEMBERS OF THE ARMED**
 17 **FORCES.**

18 (a) FINDINGS.—Congress finds that—

19 (1) the Armed Forces is comprised of approxi-
 20 mately 1,450,000 members who are stationed on ac-
 21 tive duty at more than 6,000 military bases in 146
 22 different countries;

23 (2) the United States is indebted to the mem-
 24 bers of the Armed Forces, many of whom are in

1 grave danger due to their engagement in, or expo-
2 sure to, combat;

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

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

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

16 (b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) all United States commercial air carriers
19 should seek to lend their support with flexible, gen-
20 erous policies applicable to members of the Armed
21 Forces who are traveling on leave or liberty at their
22 own expense; and

23 (2) each United States air carrier, for all mem-
24 bers of the Armed Forces who have been granted

1 leave or liberty and who are traveling by air at their
2 own expense, should—

3 (A) seek to provide reduced air fares that
4 are comparable to the lowest airfare for ticketed
5 flights and that eliminate to the maximum ex-
6 tent possible advance purchase requirements;

7 (B) seek to eliminate change fees or
8 charges and any penalties;

9 (C) seek to eliminate or reduce baggage
10 and excess weight fees;

11 (D) offer flexible terms that allow members
12 to purchase, modify, or cancel tickets without
13 time restrictions, and to waive fees (including
14 baggage fees), ancillary costs, or penalties; and

15 (E) seek to take proactive measures to en-
16 sure that all airline employees, particularly
17 those who issue tickets and respond to members
18 of the Armed Forces and their family members,
19 are trained in the policies of the airline aimed
20 at benefitting members of the Armed Forces
21 who are on leave.

22 **SEC. 427. REVIEW OF AIR CARRIER FLIGHT DELAYS, CAN-**
23 **CELLATIONS, AND ASSOCIATED CAUSES.**

24 (a) REVIEW.—The Inspector General of the Depart-
25 ment of Transportation shall conduct a review regarding

1 air carrier flight delays, cancellations, and associated
2 causes to update its 2000 report numbered CR–2000–112
3 and titled “Audit of Air Carrier Flight Delays and Can-
4 cellations”.

5 (b) ASSESSMENTS.—In conducting the review under
6 subsection (a), the Inspector General shall assess—

7 (1) the need for an update on delay and can-
8 cellation statistics, including with respect to the
9 number of chronically delayed flights and taxi-in and
10 taxi-out times;

11 (2) air carriers’ scheduling practices;

12 (3) the need for a reexamination of capacity
13 benchmarks at the Nation’s busiest airports;

14 (4) the impact of flight delays and cancellations
15 on air travelers, including recommendations for pro-
16 grams that could be implemented to address the im-
17 pact of flight delays on air travelers;

18 (5) the effect that limited air carrier service op-
19 tions on routes have on the frequency of delays and
20 cancellations on such routes;

21 (6) the effect of the rules and regulations of the
22 Department of Transportation on the decisions of
23 air carriers to delay or cancel flights; and

24 (7) the impact of flight delays and cancellations
25 on the airline industry.

1 (c) REPORT.—Not later than 1 year after the date
2 of enactment of this Act, the Inspector General shall sub-
3 mit to the Committee on Transportation and Infrastruc-
4 ture of the House of Representatives and the Committee
5 on Commerce, Science, and Transportation of the Senate
6 a report on the results of the review conducted under this
7 section, including the assessments described in subsection
8 (b).

9 **SEC. 428. DENIED BOARDING COMPENSATION.**

10 (a) EVALUATION OF DENIED BOARDING COMPENSA-
11 TION.—Not later than 6 months after the date of enact-
12 ment of this Act, and every 2 years thereafter, the Sec-
13 retary of Transportation shall evaluate the amount pro-
14 vided by air carriers for denied boarding compensation.

15 (b) ADJUSTMENT OF AMOUNT.—If, upon completing
16 an evaluation required under subsection (a), the Secretary
17 determines that the amount provided for denied boarding
18 compensation should be adjusted, the Secretary shall issue
19 a regulation to adjust such compensation.

20 **SEC. 429. COMPENSATION FOR DELAYED BAGGAGE.**

21 (a) STUDY.—The Comptroller General shall conduct
22 a study to—

23 (1) examine delays in the delivery of checked
24 baggage to passengers of air carriers; and

1 (2) assess the options for and examine the im-
2 pact of establishing minimum standards to com-
3 pensate a passenger in the case of an unreasonable
4 delay in the delivery of checked baggage.

5 (b) CONSIDERATION.—In conducting the study, the
6 Comptroller General shall take into account the additional
7 fees for checked baggage that are imposed by many air
8 carriers and how the additional fees should improve an
9 air carrier's baggage performance.

10 (c) REPORT.—Not later than 180 days after the date
11 of enactment of this Act, the Comptroller General shall
12 transmit to Congress a report on the results of the study.

13 **SEC. 430. SCHEDULE REDUCTION.**

14 (a) IN GENERAL.—If the Administrator of the Fed-
15 eral Aviation Administration determines that—

16 (1) the aircraft operations of air carriers during
17 any hour at an airport exceed the hourly maximum
18 departure and arrival rate established by the Admin-
19 istrator for such operations; and

20 (2) the operations in excess of the maximum
21 departure and arrival rate for such hour at such air-
22 port are likely to have a significant adverse effect on
23 the safe and efficient use of navigable airspace,
24 the Administrator shall convene a meeting of such carriers
25 to reduce pursuant to section 41722 of title 49, United

1 States Code, on a voluntary basis, the number of such op-
2 erations so as not to exceed the maximum departure and
3 arrival rate.

4 (b) NO AGREEMENT.—If the air carriers partici-
5 pating in a meeting with respect to an airport under sub-
6 section (a) are not able to agree to a reduction in the num-
7 ber of flights to and from the airport so as not to exceed
8 the maximum departure and arrival rate, the Adminis-
9 trator shall take such action as is necessary to ensure such
10 reduction is implemented.

11 **SEC. 431. DOT AIRLINE CONSUMER COMPLAINT INVESTIGA-**
12 **TIONS.**

13 The Secretary of Transportation may investigate con-
14 sumer complaints regarding—

15 (1) flight cancellations;

16 (2) compliance with Federal regulations con-
17 cerning overbooking seats on flights;

18 (3) lost, damaged, or delayed baggage, and dif-
19 ficulties with related airline claims procedures;

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

22 (5) incorrect or incomplete information about
23 fares, discount fare conditions and availability, over-
24 charges, and fare increases;

- 1 (6) the rights of passengers who hold frequent
2 flyer miles or equivalent redeemable awards earned
3 through customer-loyalty programs; and
4 (7) deceptive or misleading advertising.

5 **SEC. 432. STUDY OF OPERATORS REGULATED UNDER PART**
6 **135.**

7 (a) **STUDY REQUIRED.**—The Administrator of the
8 Federal Aviation Administration, in consultation with in-
9 terested parties, shall conduct a study of operators regu-
10 lated under part 135 of title 14, Code of Federal Regula-
11 tions.

12 (b) **CONTENTS.**—In conducting the study under sub-
13 section (a), the Administrator shall analyze the part 135
14 fleet in the United States, which shall include analysis
15 of—

- 16 (1) the size and type of aircraft in the fleet;
17 (2) the equipment utilized by the fleet;
18 (3) the hours flown each year by the fleet;
19 (4) the utilization rates with respect to the
20 fleet;
21 (5) the safety record of various categories of
22 use and aircraft types with respect to the fleet,
23 through a review of the database of the National
24 Transportation Safety Board;
25 (6) the sales revenues of the fleet; and

1 (7) the number of passengers and airports
2 served by the fleet.

3 (c) REPORT.—

4 (1) INITIAL REPORT.—Not later than 18
5 months after the date of enactment of this Act, the
6 Administrator shall submit to the Committee on
7 Transportation and Infrastructure of the House of
8 Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report
10 on the results of the study conducted under sub-
11 section (a).

12 (2) UPDATES.—Not later than 3 years after the
13 date of the submission of the report required under
14 paragraph (1), and every 2 years thereafter, the Ad-
15 ministrator shall update the report required under
16 that paragraph and submit the updated report to
17 the committees specified in that paragraph.

18 **SEC. 433. USE OF CELL PHONES ON PASSENGER AIRCRAFT.**

19 (a) CELL PHONE STUDY.—Not later than 120 days
20 after the date of enactment of this Act, the Administrator
21 of the Federal Aviation Administration shall conduct a
22 study on the impact of the use of cell phones for voice
23 communications in an aircraft during a flight in scheduled
24 passenger air transportation where currently permitted by
25 foreign governments in foreign air transportation.

1 (b) CONTENTS.—The study shall include—

2 (1) a review of foreign government and air car-
3 rier policies on the use of cell phones during flight;

4 (2) a review of the extent to which passengers
5 use cell phones for voice communications during
6 flight; and

7 (3) a summary of any impacts of cell phone use
8 during flight on safety, the quality of the flight expe-
9 rience of passengers, and flight attendants.

10 (c) COMMENT PERIOD.—Not later than 180 days
11 after the date of enactment of this Act, the Administrator
12 shall publish in the Federal Register the results of the
13 study and allow 60 days for public comment.

14 (d) CELL PHONE REPORT.—Not later than 270 days
15 after the date of enactment of this Act, the Administrator
16 shall submit to the Committee on Transportation and In-
17 frastructure of the House of Representatives and the Com-
18 mittee on Commerce, Science, and Transportation of the
19 Senate a report on the results of the study.

20 **TITLE V—ENVIRONMENTAL** 21 **STREAMLINING**

22 **SEC. 501. OVERFLIGHTS OF NATIONAL PARKS.**

23 (a) GENERAL REQUIREMENTS.—Section
24 40128(a)(1)(C) is amended by inserting “or voluntary
25 agreement under subsection (b)(7)” before “for the park”.

1 (b) EXEMPTION FOR NATIONAL PARKS WITH 50 OR
2 FEWER FLIGHTS EACH YEAR.—Section 40128(a) is
3 amended by adding at the end the following:

4 “(5) EXEMPTION FOR NATIONAL PARKS WITH
5 50 OR FEWER FLIGHTS EACH YEAR.—

6 “(A) IN GENERAL.—Notwithstanding para-
7 graph (1), a national park that has 50 or fewer
8 commercial air tour operations over the park
9 each year shall be exempt from the require-
10 ments of this section, except as provided in sub-
11 paragraph (B).

12 “(B) WITHDRAWAL OF EXEMPTION.—If
13 the Director determines that an air tour man-
14 agement plan or voluntary agreement is nec-
15 essary to protect park resources and values or
16 park visitor use and enjoyment, the Director
17 shall withdraw the exemption of a park under
18 subparagraph (A).

19 “(C) LIST OF PARKS.—

20 “(i) IN GENERAL.—The Director and
21 Administrator shall jointly publish a list
22 each year of national parks that are cov-
23 ered by the exemption provided under this
24 paragraph.

1 “(ii) NOTIFICATION OF WITHDRAWAL
2 OF EXEMPTION.—The Director shall in-
3 form the Administrator, in writing, of each
4 determination to withdraw an exemption
5 under subparagraph (B).

6 “(D) ANNUAL REPORT.—A commercial air
7 tour operator conducting commercial air tour
8 operations over a national park that is exempt
9 from the requirements of this section shall sub-
10 mit to the Administrator and the Director a re-
11 port each year that includes the number of
12 commercial air tour operations the operator
13 conducted during the preceding one-year period
14 over such park.”.

15 (c) AIR TOUR MANAGEMENT PLANS.—Section
16 40128(b) is amended by adding at the end the following:

17 “(7) VOLUNTARY AGREEMENTS.—

18 “(A) IN GENERAL.—As an alternative to
19 an air tour management plan, the Director and
20 the Administrator may enter into a voluntary
21 agreement with a commercial air tour operator
22 (including a new entrant commercial air tour
23 operator and an operator that has interim oper-
24 ating authority) that has applied to conduct
25 commercial air tour operations over a national

1 park to manage commercial air tour operations
2 over such national park.

3 “(B) PARK PROTECTION.—A voluntary
4 agreement under this paragraph with respect to
5 commercial air tour operations over a national
6 park shall address the management issues nec-
7 essary to protect the resources of such park and
8 visitor use of such park without compromising
9 aviation safety or the air traffic control system
10 and may—

11 “(i) include provisions such as those
12 described in subparagraphs (B) through
13 (E) of paragraph (3);

14 “(ii) include provisions to ensure the
15 stability of, and compliance with, the vol-
16 untary agreement; and

17 “(iii) provide for fees for such oper-
18 ations.

19 “(C) PUBLIC.—The Director and the Ad-
20 ministrator shall provide an opportunity for
21 public review of a proposed voluntary agree-
22 ment under this paragraph and shall consult
23 with any Indian tribe whose tribal lands are, or
24 may be, flown over by a commercial air tour op-
25 erator under a voluntary agreement under this

1 paragraph. After such opportunity for public re-
2 view and consultation, the voluntary agreement
3 may be implemented without further adminis-
4 trative or environmental process beyond that
5 described in this subsection.

6 “(D) TERMINATION.—

7 “(i) IN GENERAL.—A voluntary agree-
8 ment under this paragraph may be termi-
9 nated at any time at the discretion of—

10 “(I) the Director, if the Director
11 determines that the agreement is not
12 adequately protecting park resources
13 or visitor experiences; or

14 “(II) the Administrator, if the
15 Administrator determines that the
16 agreement is adversely affecting avia-
17 tion safety or the national aviation
18 system.

19 “(ii) EFFECT OF TERMINATION.—If a
20 voluntary agreement with respect to a na-
21 tional park is terminated under this sub-
22 paragraph, the operators shall conform to
23 the requirements for interim operating au-
24 thority under subsection (c) until an air

1 tour management plan for the park is in
2 effect.”.

3 (d) INTERIM OPERATING AUTHORITY.—Section
4 40128(c) is amended—

5 (1) by striking paragraph (2)(I) and inserting
6 the following:

7 “(I) may allow for modifications of the in-
8 terim operating authority without further envi-
9 ronmental review beyond that described in this
10 subsection, if—

11 “(i) adequate information regarding
12 the existing and proposed operations of the
13 operator under the interim operating au-
14 thority is provided to the Administrator
15 and the Director;

16 “(ii) the Administrator determines
17 that there would be no adverse impact on
18 aviation safety or the air traffic control
19 system; and

20 “(iii) the Director agrees with the
21 modification, based on the professional ex-
22 pertise of the Director regarding the pro-
23 tection of the resources, values, and visitor
24 use and enjoyment of the park.”; and

1 (2) in paragraph (3)(A) by striking “if the Ad-
2 ministrator determines” and all that follows through
3 the period at the end and inserting “without further
4 environmental process beyond that described in this
5 paragraph, if—

6 “(i) adequate information on the pro-
7 posed operations of the operator is pro-
8 vided to the Administrator and the Direc-
9 tor by the operator making the request;

10 “(ii) the Administrator agrees that
11 there would be no adverse impact on avia-
12 tion safety or the air traffic control sys-
13 tem; and

14 “(iii) the Director agrees, based on
15 the Director’s professional expertise re-
16 garding the protection of park resources
17 and values and visitor use and enjoy-
18 ment.”.

19 (e) OPERATOR REPORTS.—Section 40128 is amend-
20 ed—

21 (1) by redesignating subsections (d), (e), and
22 (f) as subsections (e), (f), and (g), respectively; and

23 (2) by inserting after subsection (c) the fol-
24 lowing:

1 “(d) COMMERCIAL AIR TOUR OPERATOR RE-
2 PORTS.—

3 “(1) REPORT.—Each commercial air tour oper-
4 ator conducting a commercial air tour operation over
5 a national park under interim operating authority
6 granted under subsection (c) or in accordance with
7 an air tour management plan or voluntary agree-
8 ment under subsection (b) shall submit to the Ad-
9 ministrator and the Director a report regarding the
10 number of commercial air tour operations over each
11 national park that are conducted by the operator
12 and such other information as the Administrator
13 and Director may request in order to facilitate ad-
14 ministering the provisions of this section.

15 “(2) REPORT SUBMISSION.—Not later than 90
16 days after the date of enactment of the FAA Reau-
17 thorization and Reform Act of 2011, the Adminis-
18 trator and the Director shall jointly issue an initial
19 request for reports under this subsection. The re-
20 ports shall be submitted to the Administrator and
21 the Director with a frequency and in a format pre-
22 scribed by the Administrator and the Director.”.

23 **SEC. 502. STATE BLOCK GRANT PROGRAM.**

24 (a) GENERAL REQUIREMENTS.—Section 47128(a) is
25 amended—

1 (1) in the first sentence by striking “prescribe
2 regulations” and inserting “issue guidance”; and

3 (2) in the second sentence by striking “regula-
4 tions” and inserting “guidance”.

5 (b) APPLICATIONS AND SELECTION.—Section
6 47128(b)(4) is amended by inserting before the semicolon
7 the following: “, including the National Environmental
8 Policy Act of 1969 (42 U.S.C. 4321 et seq.), State and
9 local environmental policy acts, Executive orders, agency
10 regulations and guidance, and other Federal environ-
11 mental requirements”.

12 (c) ENVIRONMENTAL ANALYSIS AND COORDINATION
13 REQUIREMENTS.—Section 47128 is amended by adding at
14 the end the following:

15 “(d) ENVIRONMENTAL ANALYSIS AND COORDINA-
16 TION REQUIREMENTS.—A Federal agency, other than the
17 Federal Aviation Administration, that is responsible for
18 issuing an approval, license, or permit to ensure compli-
19 ance with a Federal environmental requirement applicable
20 to a project or activity to be carried out by a State using
21 amounts from a block grant made under this section
22 shall—

23 “(1) coordinate and consult with the State;

1 “(2) use the environmental analysis prepared by
2 the State for the project or activity if such analysis
3 is adequate; and

4 “(3) as necessary, consult with the State to de-
5 scribe the supplemental analysis the State must pro-
6 vide to meet applicable Federal requirements.”.

7 **SEC. 503. NEXTGEN ENVIRONMENTAL EFFICIENCY**
8 **PROJECTS STREAMLINING.**

9 (a) AVIATION PROJECT REVIEW PROCESS.—Section
10 47171(a) is amended in the matter preceding paragraph
11 (1) by striking “and aviation security projects” and insert-
12 ing “aviation security projects, and NextGen environ-
13 mental efficiency projects”.

14 (b) AVIATION PROJECTS SUBJECT TO A STREAM-
15 LINED ENVIRONMENTAL REVIEW PROCESS.—Section
16 47171(b) is amended—

17 (1) by amending paragraph (1) to read as fol-
18 lows:

19 “(1) AIRPORT CAPACITY ENHANCEMENT
20 PROJECTS AT CONGESTED AIRPORTS AND CERTAIN
21 NEXTGEN ENVIRONMENTAL EFFICIENCY
22 PROJECTS.—The following projects shall be subject
23 to the coordinated and expedited environmental re-
24 view process requirements set forth in this section:

1 “(A) An airport capacity enhancement
2 project at a congested airport.

3 “(B) A NextGen environmental efficiency
4 project at an Operational Evolution Partnership
5 airport or any congested airport.”; and
6 (2) in paragraph (2)—

7 (A) in the heading by striking “AND AVIA-
8 TION SECURITY PROJECTS” and inserting
9 “PROJECTS, AVIATION SECURITY PROJECTS,
10 AND ANY NEXTGEN ENVIRONMENTAL EFFI-
11 CIENCY PROJECTS”;

12 (B) in subparagraph (A) by striking “or
13 aviation security project” and inserting “, an
14 aviation security project, or any NextGen envi-
15 ronmental efficiency project”; and

16 (C) in subparagraph (B) by striking “or
17 aviation security project” and inserting “, avia-
18 tion security project, or NextGen environmental
19 efficiency project”.

20 (c) HIGH PRIORITY FOR ENVIRONMENTAL RE-
21 VIEWS.—Section 47171(c)(1) is amended by striking “an
22 airport capacity enhancement project at a congested air-
23 port” and inserting “a project described in subsection
24 (b)(1)”.

1 (d) IDENTIFICATION OF JURISDICTIONAL AGEN-
2 CIES.—Section 47171(d) is amended by striking “each
3 airport capacity enhancement project at a congested air-
4 port” and inserting “a project described in subsection
5 (b)(1)”.

6 (e) LEAD AGENCY RESPONSIBILITY.—Section
7 47171(h) is amended by striking “airport capacity en-
8 hancement projects at congested airports” and inserting
9 “projects described in subsection (b)(1)”.

10 (f) ALTERNATIVES ANALYSIS.—Section 47171(k) is
11 amended by striking “an airport capacity enhancement
12 project at a congested airport” and inserting “a project
13 described in subsection (b)(1)”.

14 (g) DEFINITIONS.—Section 47171 is amended by
15 adding at the end the following:

16 “(n) DEFINITIONS.—In this section, the following
17 definitions apply:

18 “(1) CONGESTED AIRPORT.—The term ‘con-
19 gested airport’ means an airport that accounted for
20 at least one percent of all delayed aircraft operations
21 in the United States in the most recent year for
22 which data is available and an airport listed in table
23 1 of the Federal Aviation Administration’s Airport
24 Capacity Benchmark Report 2004.

1 “(2) NEXTGEN ENVIRONMENTAL EFFICIENCY
2 PROJECT.—The term ‘NextGen environmental effi-
3 ciency project’ means a Next Generation Air Trans-
4 portation System aviation project that—

5 “(A) develops and certifies performance-
6 based navigation procedures; or

7 “(B) develops other environmental mitiga-
8 tion projects the Secretary may designate as fa-
9 cilitating a reduction in noise, fuel consumption,
10 or emissions from air traffic operations.

11 “(3) PERFORMANCE-BASED NAVIGATION.—The
12 term ‘performance-based navigation’ means a frame-
13 work for defining performance requirements in navi-
14 gation specifications that—

15 “(A) can be applied to an air traffic route,
16 instrument procedure, or defined airspace; or

17 “(B) provides a basis for the design and
18 implementation of automated flight paths, air-
19 space design, and obstacle clearance.”.

20 **SEC. 504. AIRPORT FUNDING OF SPECIAL STUDIES OR RE-**
21 **VIEWS.**

22 Section 47173(a) is amended by striking “services of
23 consultants in order to” and all that follows through the
24 period at the end and inserting “services of consultants—

1 “(1) to facilitate the timely processing, review,
2 and completion of environmental activities associated
3 with an airport development project;

4 “(2) to conduct special environmental studies
5 related to an airport project funded with Federal
6 funds;

7 “(3) to conduct special studies or reviews to
8 support approved noise compatibility measures de-
9 scribed in part 150 of title 14, Code of Federal Reg-
10 ulations;

11 “(4) to conduct special studies or reviews to
12 support environmental mitigation in a record of deci-
13 sion or finding of no significant impact by the Fed-
14 eral Aviation Administration; and

15 “(5) to facilitate the timely processing, review,
16 and completion of environmental activities associated
17 with new or amended flight procedures, including
18 performance-based navigation procedures, such as
19 required navigation performance procedures and
20 area navigation procedures.”.

21 **SEC. 505. NOISE COMPATIBILITY PROGRAMS.**

22 Section 47504(a)(2) is amended—

23 (1) by striking “and” after the semicolon in
24 subparagraph (D);

1 (2) by striking “operations.” in subparagraph
2 (E) and inserting “operations; and”; and

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

4 “(F) conducting comprehensive land use plan-
5 ning (including master plans, traffic studies, envi-
6 ronmental evaluation, and economic and feasibility
7 studies), jointly with neighboring local jurisdictions
8 undertaking community redevelopment in an area in
9 which land or other property interests have been ac-
10 quired by the operator pursuant to this section, to
11 encourage and enhance redevelopment opportunities
12 that reflect zoning and uses that will prevent the in-
13 troduction of additional incompatible uses and en-
14 hance redevelopment potential.”.

15 **SEC. 506. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT**
16 **PROCEDURES.**

17 Section 47504 is amended by adding at the end the
18 following:

19 “(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCE-
20 DURES.—

21 “(1) IN GENERAL.—In accordance with sub-
22 section (c)(1), the Secretary may make a grant to an
23 airport operator to assist in completing environ-
24 mental review and assessment activities for pro-
25 posals to implement flight procedures at such airport

1 that have been approved as part of an airport noise
2 compatibility program under subsection (b).

3 “(2) ADDITIONAL STAFF.—The Administrator
4 may accept funds from an airport operator, includ-
5 ing funds provided to the operator under paragraph
6 (1), to hire additional staff or obtain the services of
7 consultants in order to facilitate the timely proc-
8 essing, review, and completion of environmental ac-
9 tivities associated with proposals to implement flight
10 procedures at such airport that have been approved
11 as part of an airport noise compatibility program
12 under subsection (b).

13 “(3) RECEIPTS CREDITED AS OFFSETTING COL-
14 LECTIONS.—Notwithstanding section 3302 of title
15 31, any funds accepted under this section—

16 “(A) shall be credited as offsetting collec-
17 tions to the account that finances the activities
18 and services for which the funds are accepted;

19 “(B) shall be available for expenditure only
20 to pay the costs of activities and services for
21 which the funds are accepted; and

22 “(C) shall remain available until ex-
23 pended.”.

1 **SEC. 507. DETERMINATION OF FAIR MARKET VALUE OF**
2 **RESIDENTIAL PROPERTIES.**

3 Section 47504 (as amended by this Act) is further
4 amended by adding at the end the following:

5 “(f) DETERMINATION OF FAIR MARKET VALUE OF
6 RESIDENTIAL PROPERTIES.—In approving a project to
7 acquire residential real property using financial assistance
8 made available under this section or chapter 471, the Sec-
9 retary shall ensure that the appraisal of the property to
10 be acquired disregards any decrease or increase in the fair
11 market value of the real property caused by the project
12 for which the property is to be acquired, or by the likeli-
13 hood that the property would be acquired for the project,
14 other than that due to physical deterioration within the
15 reasonable control of the owner.”.

16 **SEC. 508. PROHIBITION ON OPERATING CERTAIN AIRCRAFT**
17 **WEIGHING 75,000 POUNDS OR LESS NOT COM-**
18 **PLYING WITH STAGE 3 NOISE LEVELS.**

19 (a) IN GENERAL.—Subchapter II of chapter 475 is
20 amended by adding at the end the following:

21 **“§ 47534. Prohibition on operating certain aircraft**
22 **weighing 75,000 pounds or less not com-**
23 **plying with stage 3 noise levels**

24 “(a) PROHIBITION.—Except as otherwise provided by
25 this section, after December 31, 2016, a person may not
26 operate a civil subsonic jet airplane with a maximum

1 weight of 75,000 pounds or less, and for which an air-
2 worthiness certificate (other than an experimental certifi-
3 cate) has been issued, to or from an airport in the United
4 States unless the Secretary of Transportation finds that
5 the aircraft complies with stage 3 noise levels.

6 “(b) AIRCRAFT OPERATIONS OUTSIDE 48 CONTIG-
7 UOUS STATES.—Subsection (a) shall not apply to aircraft
8 operated only outside the 48 contiguous States.

9 “(c) TEMPORARY OPERATIONS.—The Secretary may
10 allow temporary operation of an aircraft otherwise prohib-
11 ited from operation under subsection (a) to or from an
12 airport in the contiguous United States by granting a spe-
13 cial flight authorization for one or more of the following
14 circumstances:

15 “(1) To sell, lease, or use the aircraft outside
16 the 48 contiguous States.

17 “(2) To scrap the aircraft.

18 “(3) To obtain modifications to the aircraft to
19 meet stage 3 noise levels.

20 “(4) To perform scheduled heavy maintenance
21 or significant modifications on the aircraft at a
22 maintenance facility located in the contiguous 48
23 States.

1 “(5) To deliver the aircraft to an operator leas-
2 ing the aircraft from the owner or return the air-
3 craft to the lessor.

4 “(6) To prepare, park, or store the aircraft in
5 anticipation of any of the activities described in
6 paragraphs (1) through (5).

7 “(7) To provide transport of persons and goods
8 in the relief of an emergency situation.

9 “(8) To divert the aircraft to an alternative air-
10 port in the 48 contiguous States on account of
11 weather, mechanical, fuel, air traffic control, or
12 other safety reasons while conducting a flight in
13 order to perform any of the activities described in
14 paragraphs (1) through (7).

15 “(d) REGULATIONS.—The Secretary may prescribe
16 such regulations or other guidance as may be necessary
17 for the implementation of this section.

18 “(e) STATUTORY CONSTRUCTION.—

19 “(1) AIP GRANT ASSURANCES.—Noncompliance
20 with subsection (a) shall not be construed as a viola-
21 tion of section 47107 or any regulations prescribed
22 thereunder.

23 “(2) PENDING APPLICATIONS.—Nothing in this
24 section may be construed as interfering with, nul-
25 lifying, or otherwise affecting determinations made

1 by the Federal Aviation Administration, or to be
 2 made by the Administration, with respect to applica-
 3 tions under part 161 of title 14, Code of Federal
 4 Regulations, that were pending on the date of enact-
 5 ment of this section.”.

6 (b) CONFORMING AMENDMENTS.—

7 (1) Section 47531 is amended—

8 (A) in the section heading by striking “**for**
 9 **violating sections 47528–47530**”; and

10 (B) by striking “47529, or 47530” and in-
 11 serting “47529, 47530, or 47534”.

12 (2) Section 47532 is amended by inserting “or
 13 47534” after “47528–47531”.

14 (3) The analysis for subchapter II of chapter
 15 475 is amended—

16 (A) by striking the item relating to section
 17 47531 and inserting the following:

“47531. Penalties.”; and

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

“47534. Prohibition on operating certain aircraft weighing 75,000 pounds or
 less not complying with stage 3 noise levels.”.

19 **SEC. 509. AIRCRAFT DEPARTURE QUEUE MANAGEMENT**
 20 **PILOT PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Transportation
 22 shall carry out a pilot program at not more than 5 public-
 23 use airports under which the Federal Aviation Administra-

1 tion shall use funds made available under section 48101(a)
2 to test air traffic flow management tools, methodologies,
3 and procedures that will allow air traffic controllers of the
4 Administration to better manage the flow of aircraft on
5 the ground and reduce the length of ground holds and
6 idling time for aircraft.

7 (b) SELECTION CRITERIA.—In selecting from among
8 airports at which to conduct the pilot program, the Sec-
9 retary shall give priority consideration to airports at which
10 improvements in ground control efficiencies are likely to
11 achieve the greatest fuel savings or air quality or other
12 environmental benefits, as measured by the amount of re-
13 duced fuel, reduced emissions, or other environmental ben-
14 efits per dollar of funds expended under the pilot program.

15 (c) MAXIMUM AMOUNT.—Not more than a total of
16 \$2,500,000 may be expended under the pilot program at
17 any single public-use airport.

18 **SEC. 510. HIGH PERFORMANCE, SUSTAINABLE, AND COST-**
19 **EFFECTIVE AIR TRAFFIC CONTROL FACILI-**
20 **TIES.**

21 The Administrator of the Federal Aviation Adminis-
22 tration may implement, to the extent practicable, sustain-
23 able practices for the incorporation of energy-efficient de-
24 sign, equipment, systems, and other measures in the con-
25 struction and major renovation of air traffic control facili-

1 ties of the Administration in order to reduce energy con-
2 sumption at, improve the environmental performance of,
3 and reduce the cost of maintenance for such facilities.

4 **SEC. 511. SENSE OF CONGRESS.**

5 It is the sense of Congress that—

6 (1) the European Union directive extending the
7 European Union’s emissions trading proposal to
8 international civil aviation without working through
9 the International Civil Aviation Organization (in this
10 section referred to as the “ICAO”) in a consensus-
11 based fashion is inconsistent with the Convention on
12 International Civil Aviation, completed in Chicago on
13 December 7, 1944 (TIAS 1591; commonly known as
14 the “Chicago Convention”), and other relevant air
15 services agreements and antithetical to building
16 international cooperation to address effectively the
17 problem of greenhouse gas emissions by aircraft en-
18 gaged in international civil aviation;

19 (2) the European Union and its member states
20 should instead work with other contracting states of
21 ICAO to develop a consensual approach to address-
22 ing aircraft greenhouse gas emissions through
23 ICAO; and

24 (3) officials the United States Government, and
25 particularly the Secretary of Transportation and the

1 Administrator of the Federal Aviation Administra-
2 tion, should use all political, diplomatic, and legal
3 tools at the disposal of the United States to ensure
4 that the European Union's emissions trading scheme
5 is not applied to aircraft registered by the United
6 States or the operators of those aircraft, including
7 the mandates that United States carriers provide
8 emissions data to and purchase emissions allowances
9 from or surrender emissions allowances to the Euro-
10 pean Union Member States.

11 **SEC. 512. AVIATION NOISE COMPLAINTS.**

12 (a) TELEPHONE NUMBER POSTING.—Not later than
13 90 days after the date of enactment of this Act, each
14 owner or operator of a large hub airport (as defined in
15 section 40102(a) of title 49, United States Code) shall
16 publish on an Internet Web site of the airport a telephone
17 number to receive aviation noise complaints related to the
18 airport.

19 (b) SUMMARIES AND REPORTS.—Not later than 15
20 months after the date of enactment of this Act, and annu-
21 ally thereafter, an owner or operator that receives noise
22 complaints from 25 individuals during the preceding year
23 under subsection (a) shall submit to the Administrator of
24 the Federal Aviation Administration a report regarding
25 the number of complaints received and a summary regard-

1 ing the nature of such complaints. The Administrator
2 shall make such information available to the public by
3 electronic means.

4 **TITLE VI—FAA EMPLOYEES AND** 5 **ORGANIZATION**

6 **SEC. 601. FEDERAL AVIATION ADMINISTRATION PER-** 7 **SONNEL MANAGEMENT SYSTEM.**

8 Section 40122(a) is amended—

9 (1) by redesignating paragraphs (3) and (4) as
10 paragraphs (4) and (5), respectively; and

11 (2) by striking paragraph (2) and inserting the
12 following:

13 “(2) DISPUTE RESOLUTION.—

14 “(A) MEDIATION.—If the Administrator
15 does not reach an agreement under paragraph
16 (1) or the provisions referred to in subsection
17 (g)(2)(C) with the exclusive bargaining rep-
18 resentative of the employees, the Administrator
19 and the bargaining representative—

20 “(i) shall use the services of the Fed-
21 eral Mediation and Conciliation Service to
22 attempt to reach such agreement in ac-
23 cordance with part 1425 of title 29, Code
24 of Federal Regulations (as in effect on the

1 date of enactment of the FAA Reauthor-
2 ization and Reform Act of 2011); or

3 “(ii) may by mutual agreement adopt
4 alternative procedures for the resolution of
5 disputes or impasses arising in the negotia-
6 tion of the collective-bargaining agreement.

7 “(B) MID-TERM BARGAINING.—If the serv-
8 ices of the Federal Mediation and Conciliation
9 Service under subparagraph (A)(i) do not lead
10 to the resolution of issues in controversy arising
11 from the negotiation of a mid-term collective-
12 bargaining agreement, the Federal Service Im-
13 passes Panel shall assist the parties in resolving
14 the impasse in accordance with section 7119 of
15 title 5.

16 “(C) BINDING ARBITRATION FOR TERM
17 BARGAINING.—

18 “(i) ASSISTANCE FROM FEDERAL
19 SERVICE IMPASSES PANEL.—If the services
20 of the Federal Mediation and Conciliation
21 Service under subparagraph (A)(i) do not
22 lead to the resolution of issues in con-
23 troversy arising from the negotiation of a
24 term collective-bargaining agreement, the
25 Administrator and the exclusive bargaining

1 representative of the employees (in this
2 subparagraph referred to as the ‘parties’)
3 shall submit their issues in controversy to
4 the Federal Service Impasses Panel. The
5 Panel shall assist the parties in resolving
6 the impasse by asserting jurisdiction and
7 ordering binding arbitration by a private
8 arbitration board consisting of 3 members.

9 “(ii) APPOINTMENT OF ARBITRATION
10 BOARD.—The Executive Director of the
11 Panel shall provide for the appointment of
12 the 3 members of a private arbitration
13 board under clause (i) by requesting the
14 Director of the Federal Mediation and
15 Conciliation Service to prepare a list of not
16 less than 15 names of arbitrators with
17 Federal sector experience and by providing
18 the list to the parties. Not later than 10
19 days after receiving the list, the parties
20 shall each select one person from the list.
21 The 2 arbitrators selected by the parties
22 shall then select a third person from the
23 list not later than 7 days after being se-
24 lected. If either of the parties fails to select
25 a person or if the 2 arbitrators are unable

1 to agree on the third person in 7 days, the
2 parties shall make the selection by alter-
3 nately striking names on the list until one
4 arbitrator remains.

5 “(iii) FRAMING ISSUES IN CON-
6 TROVERSY.—If the parties do not agree on
7 the framing of the issues to be submitted
8 for arbitration, the arbitration board shall
9 frame the issues.

10 “(iv) HEARINGS.—The arbitration
11 board shall give the parties a full and fair
12 hearing, including an opportunity to
13 present evidence in support of their claims
14 and an opportunity to present their case in
15 person, by counsel, or by other representa-
16 tive as they may elect.

17 “(v) DECISIONS.—The arbitration
18 board shall render its decision within 90
19 days after the date of its appointment. De-
20 cisions of the arbitration board shall be
21 conclusive and binding upon the parties.

22 “(vi) MATTERS FOR CONSIDER-
23 ATION.—The arbitration board shall take
24 into consideration such factors as—

1 “(I) the effect of its arbitration
2 decisions on the Federal Aviation Ad-
3 ministration’s ability to attract and
4 retain a qualified workforce;

5 “(II) the effect of its arbitration
6 decisions on the Federal Aviation Ad-
7 ministration’s budget;

8 “(III) the effect of its arbitration
9 decisions on other Federal Aviation
10 Administration employees; and

11 “(IV) any other factors whose
12 consideration would assist the board
13 in fashioning a fair and equitable
14 award.

15 “(vii) COSTS.—The parties shall share
16 costs of the arbitration equally.

17 “(3) RATIFICATION OF AGREEMENTS.—Upon
18 reaching a voluntary agreement or at the conclusion
19 of the binding arbitration under paragraph (2)(C),
20 the final agreement, except for those matters de-
21 cided by an arbitration board, shall be subject to
22 ratification by the exclusive bargaining representa-
23 tive of the employees, if so requested by the bar-
24 gaining representative, and the final agreement shall
25 be subject to approval by the head of the agency in

1 accordance with the provisions referred to in sub-
2 section (g)(2)(C).”.

3 **SEC. 602. PRESIDENTIAL RANK AWARD PROGRAM.**

4 Section 40122(g)(2) is amended—

5 (1) in subparagraph (G) by striking “and”
6 after the semicolon;

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

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

10 “(I) subsections (b), (c), and (d) of section
11 4507 (relating to Meritorious Executive or Dis-
12 tinguished Executive rank awards) and sub-
13 sections (b) and (c) of section 4507a (relating
14 to Meritorious Senior Professional or Distin-
15 guished Senior Professional rank awards), ex-
16 cept that—

17 “(i) for purposes of applying such
18 provisions to the personnel management
19 system—

20 “(I) the term ‘agency’ means the
21 Department of Transportation;

22 “(II) the term ‘senior executive’
23 means a Federal Aviation Administra-
24 tion executive;

1 “(III) the term ‘career appointee’
2 means a Federal Aviation Administra-
3 tion career executive; and

4 “(IV) the term ‘senior career em-
5 ployee’ means a Federal Aviation Ad-
6 ministration career senior profes-
7 sional;

8 “(ii) receipt by a career appointee or
9 a senior career employee of the rank of
10 Meritorious Executive or Meritorious Sen-
11 ior Professional entitles the individual to a
12 lump-sum payment of an amount equal to
13 20 percent of annual basic pay, which shall
14 be in addition to the basic pay paid under
15 the Federal Aviation Administration Exec-
16 utive Compensation Plan; and

17 “(iii) receipt by a career appointee or
18 a senior career employee of the rank of
19 Distinguished Executive or Distinguished
20 Senior Professional entitles the individual
21 to a lump-sum payment of an amount
22 equal to 35 percent of annual basic pay,
23 which shall be in addition to the basic pay
24 paid under the Federal Aviation Adminis-
25 tration Executive Compensation Plan.”.

1 **SEC. 603. FAA TECHNICAL TRAINING AND STAFFING.**

2 (a) STUDY.—

3 (1) IN GENERAL.—The Administrator of the
4 Federal Aviation Administration shall conduct a
5 study to assess the adequacy of the Administrator’s
6 technical training strategy and improvement plan for
7 airway transportation systems specialists (in this
8 section referred to as “FAA systems specialists”).

9 (2) CONTENTS.—The study shall include—

10 (A) a review of the current technical train-
11 ing strategy and improvement plan for FAA
12 systems specialists;

13 (B) recommendations to improve the tech-
14 nical training strategy and improvement plan
15 needed by FAA systems specialists to be pro-
16 ficient in the maintenance of the latest tech-
17 nologies;

18 (C) a description of actions that the Ad-
19 ministration has undertaken to ensure that
20 FAA systems specialists receive up-to-date
21 training on the latest technologies; and

22 (D) a recommendation regarding the most
23 cost-effective approach to provide training to
24 FAA systems specialists.

25 (3) REPORT.—Not later than 1 year after the
26 date of enactment of this Act, the Administrator

1 shall submit to the Committee on Transportation
2 and Infrastructure of the House of Representatives
3 and the Committee on Commerce, Science, and
4 Transportation of the Senate a report on the results
5 of the study.

6 (b) WORKLOAD OF SYSTEMS SPECIALISTS.—

7 (1) STUDY BY NATIONAL ACADEMY OF
8 SCIENCES.—Not later than 90 days after the date of
9 enactment of this Act, the Administrator of the Fed-
10 eral Aviation Administration shall make appropriate
11 arrangements for the National Academy of Sciences
12 to conduct a study of the assumptions and methods
13 used by the Federal Aviation Administration to esti-
14 mate staffing needs for FAA systems specialists to
15 ensure proper maintenance and certification of the
16 national airspace system in the most cost effective
17 manner.

18 (2) CONSULTATION.—In conducting the study,
19 the National Academy of Sciences shall interview in-
20 terested parties, including labor, government, and
21 industry representatives.

22 (3) REPORT.—Not later than 1 year after the
23 initiation of the arrangements under paragraph (1),
24 the National Academy of Sciences shall submit to
25 Congress a report on the results of the study.

1 **SEC. 604. SAFETY CRITICAL STAFFING.**

2 (a) IN GENERAL.—Not later than October 1, 2011,
3 the Administrator of the Federal Aviation Administration
4 shall implement, to the extent practicable and in a cost-
5 effective manner, the staffing model for aviation safety in-
6 spectors developed pursuant to the National Academy of
7 Sciences study entitled “Staffing Standards for Aviation
8 Safety Inspectors”. In doing so, the Administrator shall
9 consult with interested persons, including aviation safety
10 inspectors.

11 (b) REPORT.—Not later than October 1 of each fiscal
12 year beginning after September 30, 2011, the Adminis-
13 trator shall submit to the Committee on Transportation
14 and Infrastructure of the House of Representatives and
15 the Committee on Commerce, Science, and Transportation
16 of the Senate, the staffing model described in subsection
17 (a).

18 (c) SAFETY CRITICAL POSITIONS DEFINED.—In this
19 section, the term “safety critical positions” means—

20 (1) aviation safety inspectors, safety technical
21 specialists, and operational support positions in the
22 Flight Standards Service (as such terms are used in
23 the Administration’s fiscal year 2011 congressional
24 budget justification); and

25 (2) manufacturing safety inspectors, pilots, en-
26 gineers, chief scientific and technical advisors, safety

1 technical specialists, and operational support posi-
2 tions in the Aircraft Certification Service (as such
3 terms are used in the Administration’s fiscal year
4 2011 congressional budget justification).

5 **SEC. 605. FAA AIR TRAFFIC CONTROLLER STAFFING.**

6 (a) STUDY BY NATIONAL ACADEMY OF SCIENCES.—
7 Not later than 90 days after the date of enactment of this
8 Act, the Administrator of the Federal Aviation Adminis-
9 tration shall enter into appropriate arrangements with the
10 National Academy of Sciences to conduct a study of the
11 air traffic controller standards used by the Federal Avia-
12 tion Administration (in this section referred to as the
13 “FAA”) to estimate staffing needs for FAA air traffic
14 controllers to ensure the safe operation of the national air-
15 space system in the most cost effective manner.

16 (b) CONSULTATION.—In conducting the study, the
17 National Academy of Sciences shall interview interested
18 parties, including employee, Government, and industry
19 representatives.

20 (c) CONTENTS.—The study shall include—

21 (1) an examination of representative informa-
22 tion on productivity, human factors, traffic activity,
23 and improved technology and equipment used in air
24 traffic control;

1 (2) an examination of recent National Academy
2 of Sciences reviews of the complexity model per-
3 formed by MITRE Corporation that support the
4 staffing standards models for the en route air traffic
5 control environment; and

6 (3) consideration of the Administration’s cur-
7 rent and estimated budgets and the most cost-effec-
8 tive staffing model to best leverage available fund-
9 ing.

10 (d) REPORT.—Not later than 2 years after the date
11 of enactment of this Act, the National Academy of
12 Sciences shall submit to the Committee on Transportation
13 and Infrastructure of the House of Representatives and
14 the Committee on Commerce, Science, and Transportation
15 of the Senate a report on the results of the study.

16 **SEC. 606. AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-**
17 **TION TRAINING.**

18 Section 44506 is amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e); and

21 (2) by inserting after subsection (c) the fol-
22 lowing:

23 “(d) AIR TRAFFIC CONTROL SPECIALIST QUALIFICA-
24 TION TRAINING.—

1 “(1) APPOINTMENT OF AIR TRAFFIC CONTROL
2 SPECIALISTS.—The Administrator is authorized to
3 appoint a qualified air traffic control specialist can-
4 didate for placement in an airport traffic control fa-
5 cility if the candidate has—

6 “(A) received a control tower operator cer-
7 tification (referred to in this subsection as a
8 ‘CTO’ certificate); and

9 “(B) satisfied all other applicable qualifica-
10 tion requirements for an air traffic control spe-
11 cialist position.

12 “(2) COMPENSATION AND BENEFITS.—An indi-
13 vidual appointed under paragraph (1) shall receive
14 the same compensation and benefits, and be treated
15 in the same manner as, any other individual ap-
16 pointed as a developmental air traffic controller.

17 “(3) REPORT.—Not later than 18 months after
18 the date of enactment of the FAA Reauthorization
19 and Reform Act of 2011, the Administrator shall
20 submit to Congress a report that evaluates the effec-
21 tiveness of the air traffic control specialist qualifica-
22 tion training provided pursuant to this section, in-
23 cluding the graduation rates of candidates who re-
24 ceived a CTO certificate and are working in airport
25 traffic control facilities.

1 “(4) ADDITIONAL APPOINTMENTS.—If the Ad-
2 ministrator determines that air traffic control spe-
3 cialists appointed pursuant to this subsection are
4 more successful in carrying out the duties of an air
5 traffic controller than air traffic control specialists
6 hired from the general public without any such cer-
7 tification, the Administrator shall increase the num-
8 ber of appointments of candidates who possess such
9 certification.

10 “(5) REIMBURSEMENT FOR TRAVEL EXPENSES
11 ASSOCIATED WITH CERTIFICATIONS.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (B), the Administrator may accept reim-
14 bursement from an educational entity that pro-
15 vides training to an air traffic control specialist
16 candidate to cover reasonable travel expenses of
17 the Administrator associated with issuing cer-
18 tifications to such candidates.

19 “(B) TREATMENT OF REIMBURSE-
20 MENTS.—Notwithstanding section 3302 of title
21 31, any reimbursement authorized to be col-
22 lected under subparagraph (A) shall—

23 “(i) be credited as offsetting collec-
24 tions to the account that finances the ac-

1 activities and services for which the reim-
2 bursement is accepted;

3 “(ii) be available for expenditure only
4 to pay the costs of activities and services
5 for which the reimbursement is accepted,
6 including all costs associated with col-
7 lecting such reimbursement; and

8 “(iii) remain available until ex-
9 pended.”.

10 **SEC. 607. ASSESSMENT OF TRAINING PROGRAMS FOR AIR**
11 **TRAFFIC CONTROLLERS.**

12 (a) STUDY.—The Administrator of the Federal Avia-
13 tion Administration shall conduct a study to assess the
14 adequacy of training programs for air traffic controllers,
15 including the Administrator’s technical training strategy
16 and improvement plan for air traffic controllers.

17 (b) CONTENTS.—The study shall include—

18 (1) a review of the current training system for
19 air traffic controllers, including the technical train-
20 ing strategy and improvement plan;

21 (2) an analysis of the competencies required of
22 air traffic controllers for successful performance in
23 the current and future projected air traffic control
24 environment;

1 (3) an analysis of the competencies projected to
2 be required of air traffic controllers as the Federal
3 Aviation Administration transitions to the Next Gen-
4 eration Air Transportation System;

5 (4) an analysis of various training approaches
6 available to satisfy the controller competencies iden-
7 tified under paragraphs (2) and (3);

8 (5) recommendations to improve the current
9 training system for air traffic controllers, including
10 the technical training strategy and improvement
11 plan; and

12 (6) the most cost-effective approach to provide
13 training to air traffic controllers.

14 (c) REPORT.—Not later than 180 days after the date
15 of enactment of this Act, the Administrator shall submit
16 to the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee on
18 Commerce, Science, and Transportation of the Senate a
19 report on the results of the study.

20 **SEC. 608. COLLEGIATE TRAINING INITIATIVE STUDY.**

21 (a) STUDY.—The Comptroller General shall conduct
22 a study on training options for graduates of the Collegiate
23 Training Initiative program (in this section referred to as
24 “CTI” programs) conducted under section 44506(c) of
25 title 49, United States Code.

1 (b) CONTENTS.—The study shall analyze the impact
2 of providing as an alternative to the current training pro-
3 vided at the Mike Monroney Aeronautical Center of the
4 Federal Aviation Administration a new controller orienta-
5 tion session at the Mike Monroney Aeronautical Center
6 for graduates of CTI programs followed by on-the-job
7 training for newly hired air traffic controllers who are
8 graduates of CTI programs and shall include an analysis
9 of—

10 (1) the cost effectiveness of such an alternative
11 training approach; and

12 (2) the effect that such an alternative training
13 approach would have on the overall quality of train-
14 ing received by graduates of CTI programs.

15 (c) REPORT.—Not later than 180 days after the date
16 of enactment of this Act, the Comptroller General shall
17 submit to the Committee on Transportation and Infra-
18 structure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report on the results of the study.

21 **SEC. 609. FAA FACILITY CONDITIONS.**

22 (a) STUDY.—The Comptroller General shall conduct
23 a study of—

24 (1) the conditions of a sampling of Federal
25 Aviation Administration facilities across the United

1 States, including offices, towers, centers, and ter-
2 minal radar air control;

3 (2) reports from employees of the Administra-
4 tion relating to respiratory ailments and other health
5 conditions resulting from exposure to mold, asbestos,
6 poor air quality, radiation, and facility-related haz-
7 ards in facilities of the Administration;

8 (3) conditions of such facilities that could inter-
9 fere with such employees' ability to effectively and
10 safely perform their duties;

11 (4) the ability of managers and supervisors of
12 such employees to promptly document and seek re-
13 mediation for unsafe facility conditions;

14 (5) whether employees of the Administration
15 who report facility-related illnesses are treated ap-
16 propriately;

17 (6) utilization of scientifically approved remedi-
18 ation techniques to mitigate hazardous conditions in
19 accordance with applicable State and local regula-
20 tions and Occupational Safety and Health Adminis-
21 tration practices by the Administration; and

22 (7) resources allocated to facility maintenance
23 and renovation by the Administration.

24 (b) FACILITY CONDITION INDICES.—The Comp-
25 troller General shall review the facility condition indices

1 of the Administration for inclusion in the recommenda-
2 tions under subsection (c).

3 (c) RECOMMENDATIONS.—Based on the results of the
4 study and review of facility condition indices under sub-
5 section (a), the Comptroller General shall make such rec-
6 ommendations as the Comptroller General considers nec-
7 essary to—

8 (1) prioritize those facilities needing the most
9 immediate attention based on risks to employee
10 health and safety;

11 (2) ensure that the Administration is using sci-
12 entifically approved remediation techniques in all fa-
13 cilities; and

14 (3) assist the Administration in making pro-
15 grammatic changes so that aging facilities do not de-
16 teriorate to unsafe levels.

17 (d) REPORT.—Not later than 1 year after the date
18 of enactment of this Act, the Comptroller General shall
19 submit to the Administrator, the Committee on Com-
20 merce, Science, and Transportation of the Senate, and the
21 Committee on Transportation and Infrastructure of the
22 House of Representatives a report on results of the study,
23 including the recommendations under subsection (c).

1 **SEC. 610. FRONTLINE MANAGER STAFFING.**

2 (a) STUDY.—Not later than 45 days after the date
3 of enactment of this Act, the Administrator of the Federal
4 Aviation Administration shall commission an independent
5 study on frontline manager staffing requirements in air
6 traffic control facilities.

7 (b) CONSIDERATIONS.—In conducting the study, the
8 Administrator may take into consideration—

9 (1) the managerial tasks expected to be per-
10 formed by frontline managers, including employee
11 development, management, and counseling;

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

15 (3) coverage requirements in relation to traffic
16 demand;

17 (4) facility type;

18 (5) complexity of traffic and managerial respon-
19 sibilities;

20 (6) proficiency and training requirements; and

21 (7) such other factors as the Administrator con-
22 siders appropriate.

23 (c) PARTICIPATION.—The Administrator shall ensure
24 the participation of frontline managers who currently work
25 in safety-related operational areas of the Administration.

1 (d) DETERMINATIONS.—The Administrator shall
2 transmit any determinations made as a result of the study
3 to the heads of the appropriate lines of business within
4 the Administration, including the Chief Operating Officer
5 of the Air Traffic Organization.

6 (e) REPORT.—Not later than 9 months after the date
7 of enactment of this Act, the Administrator shall submit
8 to the Committee on Commerce, Science, and Transpor-
9 tation of the Senate and the Committee on Transportation
10 and Infrastructure of the House of Representatives a re-
11 port on the results of the study and a description of any
12 determinations submitted to the Chief Operating Officer
13 under subsection (c).

14 (f) DEFINITION.—In this section, the term “frontline
15 manager” means first-level, operational supervisors and
16 managers who work in safety-related operational areas of
17 the Administration.

18 **TITLE VII—AVIATION**

19 **INSURANCE**

20 **SEC. 701. GENERAL AUTHORITY.**

21 (a) EXTENSION OF POLICIES.—Section 44302(f)(1)
22 is amended by striking “shall extend through” and all that
23 follows through “the termination date” and inserting
24 “shall extend through September 30, 2013, and may ex-
25 tend through December 31, 2013, the termination date”.

1 (b) SUCCESSOR PROGRAM.—Section 44302(f) is
2 amended by adding at the end the following:

3 “(3) SUCCESSOR PROGRAM.—

4 “(A) IN GENERAL.—After December 31,
5 2021, coverage for the risks specified in a policy
6 that has been extended under paragraph (1)
7 shall be provided in an airline industry spon-
8 sored risk retention or other risk-sharing ar-
9 rangement approved by the Secretary.

10 “(B) TRANSFER OF PREMIUMS.—

11 “(i) IN GENERAL.—On December 31,
12 2021, and except as provided in clause (ii),
13 premiums collected by the Secretary from
14 the airline industry after September 22,
15 2001, for any policy under this subsection,
16 and interest earned thereon, as determined
17 by the Secretary, shall be transferred to an
18 airline industry sponsored risk retention or
19 other risk-sharing arrangement approved
20 by the Secretary.

21 “(ii) DETERMINATION OF AMOUNT
22 TRANSFERRED.—The amount transferred
23 pursuant to clause (i) shall be less—

24 “(I) the amount of any claims
25 paid out on such policies from Sep-

1 tember 22, 2001, through December
2 31, 2021;

3 “(II) the amount of any claims
4 pending under such policies as of De-
5 cember 31, 2021; and

6 “(III) the cost, as determined by
7 the Secretary, of administering the
8 provision of insurance policies under
9 this chapter from September 22,
10 2001, through December 31, 2021.”.

11 **SEC. 702. EXTENSION OF AUTHORITY TO LIMIT THIRD-**
12 **PARTY LIABILITY OF AIR CARRIERS ARISING**
13 **OUT OF ACTS OF TERRORISM.**

14 The first sentence of section 44303(b) is amended by
15 striking “ending on” and all that follows through “the
16 Secretary may certify” and inserting “ending on Decem-
17 ber 31, 2013, the Secretary may certify”.

18 **SEC. 703. CLARIFICATION OF REINSURANCE AUTHORITY.**

19 The second sentence of section 44304 is amended by
20 striking “the carrier” and inserting “any insurance car-
21 rier”.

22 **SEC. 704. USE OF INDEPENDENT CLAIMS ADJUSTERS.**

23 The second sentence of section 44308(c)(1) is amend-
24 ed by striking “agent” and inserting “agent, or a claims
25 adjuster who is independent of the underwriting agent,”.

1 **TITLE VIII—MISCELLANEOUS**

2 **SEC. 801. DISCLOSURE OF DATA TO FEDERAL AGENCIES IN**
3 **INTEREST OF NATIONAL SECURITY.**

4 Section 40119(b) is amended by adding at the end
5 the following:

6 “(4) Section 552a of title 5 shall not apply to disclo-
7 sures that the Administrator may make from the systems
8 of records of the Administration to any Federal law en-
9 forcement, intelligence, protective service, immigration, or
10 national security official in order to assist the official re-
11 ceiving the information in the performance of official du-
12 ties.”.

13 **SEC. 802. FAA AUTHORITY TO CONDUCT CRIMINAL HIS-**
14 **TORY RECORD CHECKS.**

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

17 **“§ 40130. FAA authority to conduct criminal history**
18 **record checks**

19 “(a) CRIMINAL HISTORY BACKGROUND CHECKS.—

20 “(1) ACCESS TO INFORMATION.—The Adminis-
21 trator of the Federal Aviation Administration, for
22 certification purposes of the Administration only, is
23 authorized—

24 “(A) to conduct, in accordance with the es-
25 tablished request process, a criminal history

1 background check of an airman in the criminal
2 repositories of the Federal Bureau of Investiga-
3 tion and States by submitting positive identi-
4 fication of the airman to a fingerprint-based re-
5 pository in compliance with section 217 of the
6 National Crime Prevention and Privacy Com-
7 pact Act of 1998 (42 U.S.C. 14616); and

8 “(B) to receive relevant criminal history
9 record information regarding the airman
10 checked.

11 “(2) RELEASE OF INFORMATION.—In accessing
12 a repository referred to in paragraph (1), the Ad-
13 ministrator shall be subject to the conditions and
14 procedures established by the Department of Justice
15 or the State, as appropriate, for other governmental
16 agencies conducting background checks for non-
17 criminal justice purposes.

18 “(3) LIMITATION.—The Administrator may not
19 use the authority under paragraph (1) to conduct
20 criminal investigations.

21 “(4) REIMBURSEMENT.—The Administrator
22 may collect reimbursement to process the finger-
23 print-based checks under this subsection, to be used
24 for expenses incurred, including Federal Bureau of
25 Investigation fees, in providing these services.

1 “(b) DESIGNATED EMPLOYEES.—The Administrator
2 shall designate, by order, employees of the Federal Avia-
3 tion Administration to carry out the authority described
4 in subsection (a).”.

5 (b) CLERICAL AMENDMENT.—The analysis for chap-
6 ter 401 is amended by adding at the end the following:

“40130. FAA authority to conduct criminal history record checks.”.

7 **SEC. 803. CIVIL PENALTIES TECHNICAL AMENDMENTS.**

8 Section 46301 is amended—

9 (1) in subsection (a)(1)(A) by inserting “chap-
10 ter 451,” before “section 47107(b)”;

11 (2) in subsection (a)(5)(A)(i)—

12 (A) by striking “or chapter 449” and in-
13 serting “chapter 449”; and

14 (B) by inserting after “44909)” the fol-
15 lowing: “, or chapter 451”;

16 (3) in subsection (d)(2)—

17 (A) by inserting after “44723)” the fol-
18 lowing: “, chapter 451 (except section 45107)”;

19 (B) by inserting after “44909),” the fol-
20 lowing: “section 45107,”;

21 (C) by striking “46302” and inserting
22 “section 46302”; and

23 (D) by striking “46303” and inserting
24 “section 46303”; and

25 (4) in subsection (f)(1)(A)(i)—

1 (A) by striking “or chapter 449” and in-
2 serting “chapter 449”; and

3 (B) by inserting after “44909)” the fol-
4 lowing: “, or chapter 451”.

5 **SEC. 804. REALIGNMENT AND CONSOLIDATION OF FAA**
6 **SERVICES AND FACILITIES.**

7 (a) IN GENERAL.—Chapter 445 (as amended by this
8 Act) is further amended by adding at the end the following
9 new section:

10 **“§ 44519. Realignment and consolidation of FAA serv-**
11 **ices and facilities**

12 “(a) PURPOSE.—The purpose of this section is to es-
13 tablish a fair process that will result in the realignment
14 and consolidation of FAA services and facilities to help
15 reduce capital, operating, maintenance, and administrative
16 costs and facilitate Next Generation Air Transportation
17 System air traffic control modernization efforts without
18 adversely affecting safety.

19 “(b) GENERAL AUTHORITY.—Subject to the require-
20 ments of this section, the Administrator of the Federal
21 Aviation Administration shall realign and consolidate FAA
22 services and facilities pursuant to recommendations made
23 by the Aviation Facilities and Services Board established
24 under subsection (g).

25 “(c) ADMINISTRATOR’S RECOMMENDATIONS.—

1 “(1) PROPOSED CRITERIA.—

2 “(A) IN GENERAL.—The Administrator
3 shall develop proposed criteria for use by the
4 Administrator in making recommendations for
5 the realignment and consolidation of FAA serv-
6 ices and facilities under this section.

7 “(B) PUBLICATION; TRANSMITTAL TO CON-
8 GRESS.—Not later than 30 days after the date
9 of enactment of this section, the Administrator
10 shall publish the proposed criteria in the Fed-
11 eral Register and transmit the proposed criteria
12 to the congressional committees of interest.

13 “(C) NOTICE AND COMMENT.—The Ad-
14 ministrator shall provide an opportunity for
15 public comment on the proposed criteria for a
16 period of at least 30 days and shall include no-
17 tice of that opportunity in the Federal Register.

18 “(2) FINAL CRITERIA.—

19 “(A) IN GENERAL.—The Administrator
20 shall establish final criteria based on the pro-
21 posed criteria developed under paragraph (1).

22 “(B) PUBLICATION; TRANSMITTAL TO CON-
23 GRESS.—Not later than 90 days after the date
24 of enactment of this section, the Administrator
25 shall publish the final criteria in the Federal

1 Register and transmit the final criteria to the
2 congressional committees of interest.

3 “(3) RECOMMENDATIONS.—

4 “(A) IN GENERAL.—The Administrator
5 shall make recommendations for the realign-
6 ment and consolidation of FAA services and fa-
7 cilities under this section based on the final cri-
8 teria established under paragraph (2).

9 “(B) CONTENTS.—The recommendations
10 shall consist of a list of FAA services and facili-
11 ties for realignment and consolidation, together
12 with a justification for each service and facility
13 included on the list.

14 “(C) PUBLICATION; TRANSMITTAL TO
15 BOARD AND CONGRESS.—Not later than 120
16 days after the date of enactment of this section,
17 the Administrator shall publish the rec-
18 ommendations in the Federal Register and
19 transmit the recommendations to the Board
20 and the congressional committees of interest.

21 “(D) INFORMATION.—The Administrator
22 shall make available to the Board and the
23 Comptroller General all information used by the
24 Administrator in establishing the recommenda-
25 tions.

1 “(E) ADDITIONAL RECOMMENDATIONS.—

2 The Administrator is authorized to make addi-
3 tional recommendations under this paragraph
4 every 2 years.

5 “(d) BOARD’S REVIEW AND RECOMMENDATIONS.—

6 “(1) PUBLIC HEARINGS.—Not later than 30
7 days after the date of receipt of the Administrator’s
8 recommendations under subsection (c), the Board
9 shall conduct public hearings on the recommenda-
10 tions.

11 “(2) BOARD’S RECOMMENDATIONS.—

12 “(A) REPORT TO CONGRESS.—Based on
13 the Board’s review and analysis of the Adminis-
14 trator’s recommendations and any public com-
15 ments received under paragraph (1), the Board
16 shall develop a report containing the Board’s
17 findings and conclusions concerning the Admin-
18 istrator’s recommendations, together with the
19 Board’s recommendations for realignment and
20 consolidation of FAA services and facilities. The
21 Board shall explain and justify in the report
22 any recommendation made by the Board that
23 differs from a recommendation made by the Ad-
24 ministrator.

1 “(B) PUBLICATION IN FEDERAL REG-
2 ISTER; TRANSMITTAL TO CONGRESS.—Not later
3 than 60 days after the date of receipt of the
4 Administrator’s recommendations under sub-
5 section (c), the Board shall publish the report
6 in the Federal Register and transmit the report
7 to the congressional committees of interest.

8 “(3) ASSISTANCE OF COMPTROLLER GEN-
9 ERAL.—The Comptroller General shall assist the
10 Board, to the extent requested by the Board, in the
11 Board’s review and analysis of the Administrator’s
12 recommendations.

13 “(e) REALIGNMENT AND CONSOLIDATION OF FAA
14 SERVICES AND FACILITIES.—Subject to subsection (f),
15 the Administrator shall—

16 “(1) realign or consolidate the FAA services
17 and facilities recommended for realignment or con-
18 solidation by the Board in a report transmitted
19 under subsection (d);

20 “(2) initiate all such realignments and consoli-
21 dations not later than 1 year after the date of the
22 report; and

23 “(3) complete all such realignments and con-
24 solidations not later than 3 years after the date of
25 the report.

1 “(f) CONGRESSIONAL DISAPPROVAL.—

2 “(1) IN GENERAL.—The Administrator may not
3 carry out a recommendation of the Board for re-
4 alignment or consolidation of FAA services and fa-
5 cilities that is included in a report transmitted under
6 subsection (d) if a joint resolution of disapproval is
7 enacted disapproving such recommendation before
8 the earlier of—

9 “(A) the last day of the 30-day period be-
10 ginning on the date of the report; or

11 “(B) the adjournment of Congress sine die
12 for the session during which the report is trans-
13 mitted.

14 “(2) COMPUTATION OF 30-DAY PERIOD.—For
15 purposes of paragraph (1)(A), the days on which ei-
16 ther house of Congress is not in session because of
17 an adjournment of more than 3 days to a day cer-
18 tain shall be excluded in computation of the 30-day
19 period.

20 “(g) AVIATION FACILITIES AND SERVICES BOARD.—

21 “(1) ESTABLISHMENT.—Not later than 180
22 days after the date of enactment of this section, the
23 Secretary of Transportation shall establish an inde-
24 pendent board to be known as the ‘Aviation Facili-
25 ties and Services Board’.

1 “(2) COMPOSITION.—The Board shall be com-
2 posed of the following members:

3 “(A) The Secretary (or a designee of the
4 Secretary), who shall be the Chair of the Board.

5 “(B) Two members appointed by the Sec-
6 retary, who may not be officers or employees of
7 the Federal Government.

8 “(C) The Comptroller General (or a des-
9 ignee of the Comptroller General), who shall be
10 a nonvoting member of the Board.

11 “(3) DUTIES.—The Board shall carry out the
12 duties specified for the Board in this section.

13 “(4) TERM.—The members of the Board to be
14 appointed under paragraph (2)(B) shall each be ap-
15 pointed for a term of 3 years.

16 “(5) VACANCIES.—A vacancy in the Board shall
17 be filled in the same manner as the original appoint-
18 ment was made, but the individual appointed to fill
19 the vacancy shall serve only for the unexpired por-
20 tion of the term for which the individual’s prede-
21 cessor was appointed.

22 “(6) COMPENSATION AND BENEFITS.—A mem-
23 ber of the Board may not receive any compensation
24 or benefits from the Federal Government for serving
25 on the Board, except that—

1 “(A) a member shall receive compensation
2 for work injuries under subchapter I of chapter
3 81 of title 5; and

4 “(B) a member shall be paid actual travel
5 expenses and per diem in lieu of subsistence ex-
6 penses when away from the member’s usual
7 place of residence in accordance with section
8 5703 of title 5.

9 “(7) STAFF.—The Administrator shall make
10 available to the Board such staff, information, and
11 administrative services and assistance as may be
12 reasonably required to enable the Board to carry out
13 its responsibilities under this section. The Board
14 may employ experts and consultants on a temporary
15 or intermittent basis with the approval of the Sec-
16 retary.

17 “(8) FEDERAL ADVISORY COMMITTEE ACT.—
18 The Federal Advisory Committee Act (5 U.S.C.
19 App.) shall not apply to the Board.

20 “(h) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There is authorized to be
22 appropriated to the Administrator for each of fiscal
23 years 2011 through 2014 \$200,000 for the Board to
24 carry out its duties.

1 “(2) AVAILABILITY OF AMOUNTS.—Amounts
2 appropriated pursuant to paragraph (1) shall remain
3 available until expended.

4 “(i) EFFECT ON OTHER AUTHORITIES.—Nothing in
5 this section shall be construed to affect the authorities
6 provided in section 44503 or the existing authorities or
7 responsibilities of the Administrator under this title to
8 manage the operations of the Federal Aviation Adminis-
9 tration, including realignment or consolidation of facilities
10 or services.

11 “(j) DEFINITIONS.—In this section, the following
12 definitions apply:

13 “(1) BOARD.—The term ‘Board’ means the
14 Aviation Facilities and Services Board established
15 under subsection (g).

16 “(2) CONGRESSIONAL COMMITTEES OF INTER-
17 EST.—The term ‘congressional committees of inter-
18 est’ means the Committee on Transportation and In-
19 frastructure of the House of Representatives and the
20 Committee on Commerce, Science, and Transpor-
21 tation of the Senate.

22 “(3) FAA.—The term ‘FAA’ means the Fed-
23 eral Aviation Administration.

24 “(4) REALIGNMENT.—The term ‘realignment’
25 includes any action that relocates functions and per-

1 sonnel positions but does not include an overall re-
2 duction in personnel resulting from workload adjust-
3 ments.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 445 (as amended by this Act) is further amended by
6 adding at the end the following:

“44519. Realignment and consolidation of FAA services and facilities.”.

7 **SEC. 805. LIMITING ACCESS TO FLIGHT DECKS OF ALL-**
8 **CARGO AIRCRAFT.**

9 (a) STUDY.—Not later than 180 days after the date
10 of enactment of this Act, the Administrator of the Federal
11 Aviation Administration, in consultation with appropriate
12 air carriers, aircraft manufacturers, and air carrier labor
13 representatives, shall conduct a study to assess the feasi-
14 bility of developing a physical means, or a combination of
15 physical and procedural means, to prohibit individuals
16 other than authorized flight crewmembers from accessing
17 the flight deck of an all-cargo aircraft.

18 (b) REPORT.—Not later than 1 year after the date
19 of enactment of this Act, the Administrator shall submit
20 to the Committee on Transportation and Infrastructure
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate a
23 report on the results of the study.

1 **SEC. 806. CONSOLIDATION OR ELIMINATION OF OBSOLETE,**
2 **REDUNDANT, OR OTHERWISE UNNECESSARY**
3 **REPORTS; USE OF ELECTRONIC MEDIA FOR-**
4 **MAT.**

5 (a) CONSOLIDATION OR ELIMINATION OF RE-
6 PORTS.—Not later than 2 years after the date of enact-
7 ment of this Act, and every 2 years thereafter, the Admin-
8 istrator of the Federal Aviation Administration shall sub-
9 mit to the Committee on Commerce, Science, and Trans-
10 portation of the Senate and the Committee on Transpor-
11 tation and Infrastructure of the House of Representatives
12 a report containing—

13 (1) a list of obsolete, redundant, or otherwise
14 unnecessary reports the Administration is required
15 by law to submit to the Congress or publish that the
16 Administrator recommends eliminating or consoli-
17 dating with other reports; and

18 (2) an estimate of the cost savings that would
19 result from the elimination or consolidation of those
20 reports.

21 (b) USE OF ELECTRONIC MEDIA FOR REPORTS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law, the Administration—

24 (A) may not publish any report required or
25 authorized by law in printed format; and

1 (B) shall publish any such report by post-
2 ing it on the Administration's Internet Web site
3 in an easily accessible and downloadable elec-
4 tronic format.

5 (2) EXCEPTION.—Paragraph (1) does not apply
6 to any report with respect to which the Adminis-
7 trator determines that—

8 (A) its publication in printed format is es-
9 sential to the mission of the Federal Aviation
10 Administration; or

11 (B) its publication in accordance with the
12 requirements of paragraph (1) would disclose
13 matter—

14 (i) described in section 552(b) of title
15 5, United States Code; or

16 (ii) the disclosure of which would have
17 an adverse impact on aviation safety or se-
18 curity, as determined by the Adminis-
19 trator.

20 **SEC. 807. PROHIBITION ON USE OF CERTAIN FUNDS.**

21 The Secretary of Transportation may not use any
22 funds made available pursuant to this Act (including any
23 amendment made by this Act) to name, rename, designate,
24 or redesignate any project or program authorized by this
25 Act (including any amendment made by this Act) for an

1 individual then serving in Congress as a Member, Dele-
2 gate, Resident Commissioner, or Senator.

3 **SEC. 808. STUDY ON AVIATION FUEL PRICES.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of enactment of this Act, the Comptroller General
6 shall conduct a study and report to Congress on the im-
7 pact of increases in aviation fuel prices on the Airport and
8 Airway Trust Fund and the aviation industry in general.

9 (b) CONTENTS.—The study shall include an assess-
10 ment of the impact of increases in aviation fuel prices
11 on—

- 12 (1) general aviation;
- 13 (2) commercial passenger aviation;
- 14 (3) piston aircraft purchase and use;
- 15 (4) the aviation services industry, including re-
16 pair and maintenance services;
- 17 (5) aviation manufacturing;
- 18 (6) aviation exports; and
- 19 (7) the use of small airport installations.

20 (c) ASSUMPTIONS ABOUT AVIATION FUEL PRICES.—

21 In conducting the study required by subsection (a), the
22 Comptroller General shall use the average aviation fuel
23 price for fiscal year 2010 as a baseline and measure the
24 impact of increases in aviation fuel prices that range from
25 5 percent to 200 percent over the 2010 baseline.

1 **SEC. 809. WIND TURBINE LIGHTING.**

2 (a) STUDY.—The Administrator of the Federal Avia-
3 tion Administration shall conduct a study on wind turbine
4 lighting systems.

5 (b) CONTENTS.—In conducting the study, the Ad-
6 ministrator shall examine the following:

7 (1) The aviation safety issues associated with
8 alternative lighting strategies, technologies, and reg-
9 ulations.

10 (2) The feasibility of implementing alternative
11 lighting strategies or technologies to improve avia-
12 tion safety.

13 (3) Any other issue relating to wind turbine
14 lighting.

15 (c) REPORT.—Not later than 1 year after the date
16 of enactment of this Act, the Administrator shall submit
17 to Congress a report on the results of the study, including
18 information and recommendations concerning the issues
19 examined under subsection (b).

20 **SEC. 810. AIR-RAIL CODE SHARING STUDY.**

21 (a) CODE SHARE STUDY.—Not later than 180 days
22 after the date of enactment of this Act, the Comptroller
23 General shall initiate a study regarding—

24 (1) the existing airline and intercity passenger
25 rail code sharing arrangements; and

1 (2) the feasibility, costs to taxpayers and other
2 parties, and benefits of increasing intermodal
3 connectivity of airline and intercity passenger rail fa-
4 cilities and systems to improve passenger travel.

5 (b) CONSIDERATIONS.—In conducting the study, the
6 Comptroller General shall consider—

7 (1) the potential costs to taxpayers and other
8 parties and benefits of the implementation of more
9 integrated scheduling between airlines and Amtrak
10 or other intercity passenger rail carriers achieved
11 through code sharing arrangements;

12 (2) airport and intercity passenger rail oper-
13 ations that can improve connectivity between air-
14 ports and intercity passenger rail facilities and sta-
15 tions;

16 (3) the experience of other countries with air-
17 port and intercity passenger rail connectivity; and

18 (4) such other issues the Comptroller General
19 considers appropriate.

20 (c) REPORT.—Not later than 1 year after com-
21 mencing the study required by subsection (a), the Comp-
22 troller General shall submit to the Committee on Com-
23 merce, Science, and Transportation of the Senate and the
24 Committee on Transportation and Infrastructure of the
25 House of Representatives a report on the results of the

1 study, including any conclusions of the Comptroller Gen-
2 eral resulting from the study.

3 **SEC. 811. D.C. METROPOLITAN AREA SPECIAL FLIGHT**
4 **RULES AREA.**

5 (a) SUBMISSION OF PLAN TO CONGRESS.—Not later
6 than 180 days after the date of enactment of this Act,
7 the Administrator of the Federal Aviation Administration,
8 in consultation with the Secretary of Homeland Security
9 and the Secretary of Defense, shall submit to the Com-
10 mittee on Transportation and Infrastructure and the
11 Committee on Homeland Security of the House of Rep-
12 resentatives and the Committee on Commerce, Science,
13 and Transportation of the Senate a plan for the D.C. Met-
14 ropolitan Area Special Flight Rules Area.

15 (b) CONTENTS OF PLAN.—The plan shall outline spe-
16 cific changes to the D.C. Metropolitan Area Special Flight
17 Rules Area that will decrease operational impacts and im-
18 prove general aviation access to airports in the National
19 Capital Region that are currently impacted by the zone.

20 **SEC. 812. FAA REVIEW AND REFORM.**

21 (a) AGENCY REVIEW.—Not later than 60 days after
22 the date of enactment of this Act, the Administrator of
23 the Federal Aviation Administration shall undertake a
24 thorough review of each program, office, and organization

1 within the Administration, including the Air Traffic Orga-
2 nization, to identify—

3 (1) duplicative positions, programs, roles, or of-
4 fices;

5 (2) wasteful practices;

6 (3) redundant, obsolete, or unnecessary func-
7 tions;

8 (4) inefficient processes; and

9 (5) ineffectual or outdated policies.

10 (b) ACTIONS TO STREAMLINE AND REFORM FAA.—

11 Not later than 120 days after the date of enactment of
12 this Act, the Administrator shall undertake such actions
13 as may be necessary to address the Administrator’s find-
14 ings under subsection (a), including—

15 (1) consolidating, phasing-out, or eliminating
16 duplicative positions, programs, roles, or offices;

17 (2) eliminating or streamlining wasteful prac-
18 tices;

19 (3) eliminating or phasing-out redundant, obso-
20 lete, or unnecessary functions;

21 (4) reforming and streamlining inefficient proc-
22 esses so that the activities of the Administration are
23 completed in an expedited and efficient manner; and

24 (5) reforming or eliminating ineffectual or out-
25 dated policies.

1 (c) AUTHORITY.—Notwithstanding any other provi-
2 sion of law, the Administrator shall have the authority to
3 undertake the actions required under subsection (b).

4 (d) REPORT TO CONGRESS.—Not later than 150 days
5 after the date of enactment of this Act, the Administrator
6 shall submit to Congress a report on the actions taken
7 by the Administrator under this section, including any rec-
8 ommendations for legislative or administrative actions.

9 **SEC. 813. CYLINDERS OF COMPRESSED OXYGEN OR OTHER**
10 **OXIDIZING GASES.**

11 (a) IN GENERAL.—Subject to subsection (b), the
12 transportation within the State of Alaska of cylinders of
13 compressed oxygen or other oxidizing gases aboard air-
14 craft shall be exempt from compliance with the regulations
15 described in subsection (c) to the extent that the regula-
16 tions require that oxidizing gases transported aboard air-
17 craft be enclosed in outer packaging capable of passing
18 the flame penetration and resistance test and the thermal
19 resistance test, without regard to the end use of the cyl-
20 inders.

21 (b) APPLICABILITY OF EXEMPTION.—The exemption
22 provided by subsection (a) shall apply in circumstances in
23 which transportation of the cylinders by ground or vessel
24 is unavailable and transportation by aircraft is the only

1 practical means for transporting the cylinders to their des-
2 tination.

3 (c) DESCRIPTION OF REGULATORY REQUIRE-
4 MENTS.—The regulations referred to in subsection (a) are
5 the regulations of the Pipeline and Hazardous Materials
6 Safety Administration contained in sections
7 173.302(f)(3), 173.302(f)(4), 173.302(f)(5),
8 173.304(f)(3), 173.304(f)(4), 173.304(f)(5), and
9 175.501(b) of title 49, Code of Federal Regulations.

10 **SEC. 814. AIR TRANSPORTATION OF LITHIUM CELLS AND**
11 **BATTERIES.**

12 (a) IN GENERAL.—The Administrator of the Federal
13 Aviation Administration may not issue or enforce any reg-
14 ulation or other requirement regarding the transportation
15 by aircraft of lithium metal cells or batteries or lithium
16 ion cells or batteries, whether transported separately or
17 packed with or contained in equipment, if the requirement
18 is more stringent than the requirements of the Inter-
19 national Civil Aviation Organization Technical Instruc-
20 tions for the Safe Transport of Dangerous Goods by Air,
21 2009–2010 edition, as amended (including amendments
22 adopted after the date of enactment of this Act).

23 (b) EXCEPTION.—Notwithstanding subsection (a),
24 the Administrator may enforce the prohibition on trans-
25 porting primary (nonrechargeable) lithium batteries and

1 cells aboard passenger carrying aircraft set forth in special
2 provision A100 of the table contained in section
3 172.102(c)(2) of title 49, Code of Federal Regulations, as
4 in effect on the date of enactment of this Act.

5 **SEC. 815. USE OF MINERAL REVENUE AT CERTAIN AIR-**
6 **PORTS.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, the Administrator of the Federal Aviation Ad-
9 ministration may declare certain revenue derived from or
10 generated by mineral extraction at a general aviation air-
11 port to be revenue greater than the long-term project, op-
12 eration, maintenance, planning, and capacity needs of the
13 airport.

14 (b) USE OF REVENUE.—Subject to subsection (c), if
15 the Administrator issues a declaration with respect to an
16 airport under subsection (a), the airport sponsor may allo-
17 cate to itself (or to a governing body within the geo-
18 graphical limits of the airport's locality) the revenues iden-
19 tified in the declaration for use in carrying out a Federal,
20 State, or local transportation infrastructure project.

21 (c) CONDITIONS.—Any declaration made under sub-
22 section (a) with respect to an airport shall be subject to
23 the following conditions:

24 (1) In generating revenue from mineral rights
25 extraction, production, lease, or other means, the

1 airport sponsor shall not charge less than fair mar-
2 ket value.

3 (2) The airport sponsor and the Administrator
4 shall agree on a 20-year capital improvement pro-
5 gram that includes, at a minimum, 20-year projected
6 charges, costs, and fees for the development, im-
7 provement, operation, and maintenance of the air-
8 port, with consideration for costs and charges ad-
9 justed for inflation.

10 (3) The airport sponsor shall agree in writing
11 to waive all rights to receive entitlement funds or
12 discretionary funds to be used at the airport under
13 section 47114 or 47115 of title 49, United States
14 Code, for a period of 20 years.

15 (4) The airport sponsor shall comply, during
16 the 20-year period beginning on the date of enact-
17 ment of this Act, with all grant assurance obliga-
18 tions in effect as of such date of enactment for the
19 airport under section 47107 of such title.

20 (5) The airport sponsor shall agree in writing
21 to comply with sections 47107(b) and 47133 of such
22 title, except for any exemptions specifically granted
23 by the Administrator in accordance with this section,
24 in perpetuity.

1 (6) The airport sponsor shall agree in writing
2 to operate the airport as a public-use airport unless
3 the Administrator specifically grants a request to
4 allow the airport to close.

5 (7) The airport sponsor shall create a provi-
6 sional fund for current and future environmental im-
7 pacts, assessments, and any mitigation plans agreed
8 upon with the Administrator.

9 (d) COMPLETION OF DETERMINATION.—The Admin-
10 istrator shall conduct a review and issue a determination
11 under subsection (a) on or before the 90th day following
12 the date of receipt of an airport sponsor’s application and
13 requisite documentation.

14 (e) GENERAL AVIATION AIRPORT DEFINED.—In this
15 section, the term “general aviation airport” means an air-
16 port that does not receive scheduled passenger aircraft
17 service.

18 **SEC. 816. LIABILITY PROTECTION FOR VOLUNTEER PILOT**
19 **NONPROFIT ORGANIZATIONS THAT FLY FOR**
20 **PUBLIC BENEFIT AND TO PILOTS AND STAFF**
21 **OF SUCH NONPROFIT ORGANIZATIONS.**

22 Section 4 of the Volunteer Protection Act of 1997
23 (42 U.S.C. 14503) is amended—

24 (1) in subsection (a)(4) by inserting “(unless
25 the volunteer was operating an aircraft in further-

1 ance of the purpose of a volunteer pilot nonprofit or-
2 ganization that flies for public benefit and was prop-
3 erly licensed and insured for the operation of such
4 aircraft)” after “aircraft”; and

5 (2) by striking subsection (c) and inserting the
6 following:

7 “(c) NO EFFECT ON LIABILITY OF ORGANIZATION
8 OR ENTITY.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graph (2), nothing in this section shall be construed
11 to affect the liability of any nonprofit organization
12 or governmental entity with respect to harm caused
13 to any person.

14 “(2) EXCEPTION.—A volunteer pilot nonprofit
15 organization that flies for public benefit, the staff,
16 mission coordinators, officers, and directors (whether
17 volunteer or otherwise) of such nonprofit organiza-
18 tion, and a referring agency of such nonprofit orga-
19 nization shall not be liable for harm caused to any
20 person by a volunteer of such nonprofit organization
21 while such volunteer—

22 “(A) is operating an aircraft in further-
23 ance of the purpose of such nonprofit organiza-
24 tion;

1 “(B) is properly licensed for the operation
2 of such aircraft; and

3 “(C) has certified to such nonprofit organi-
4 zation that such volunteer has insurance cov-
5 ering the volunteer’s operation of such air-
6 craft.”.

7 **SEC. 817. AIRCRAFT SITUATIONAL DISPLAY TO INDUSTRY.**

8 (a) FINDINGS.—Congress finds the following:

9 (1) The Federal Government’s dissemination to
10 the public of information relating to a noncommer-
11 cial flight carried out by a private owner or operator
12 of an aircraft, whether during or following the flight,
13 does not serve a public policy objective.

14 (2) Upon the request of a private owner or op-
15 erator of an aircraft, the Federal Government should
16 not disseminate to the public information relating to
17 noncommercial flights carried out by that owner or
18 operator, as the information should be private and
19 confidential.

20 (b) AIRCRAFT SITUATIONAL DISPLAY TO INDUS-
21 TRY.—Upon the request of a private owner or operator
22 of an aircraft, the Administrator of the Federal Aviation
23 Administration shall block, with respect to the non-
24 commercial flights of that owner or operator, the display
25 of that owner or operator’s aircraft registration number

1 in aircraft situational display data provided by the Admin-
2 istrator to any entity, except a government agency.

3 **SEC. 818. CONTRACTING.**

4 The Administrator of the Federal Aviation Adminis-
5 tration shall conduct a review and submit to the Com-
6 mittee on Commerce, Science, and Transportation of the
7 Senate and the Committee on Transportation and Infra-
8 structure of the House of Representatives a report de-
9 scribing how the Federal Aviation Administration weighs
10 the economic vitality of a region when considering contract
11 proposals for training facilities under the general con-
12 tracting authority of the Federal Aviation Administration.

13 **SEC. 819. FLOOD PLANNING.**

14 The Administrator of the Federal Aviation Adminis-
15 tration, in consultation with the Administrator of the Fed-
16 eral Emergency Management Agency, shall conduct a re-
17 view and submit to the Committee on Commerce, Science,
18 and Transportation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives a report on the state of preparedness and re-
21 sponse capability for airports located in flood plains to re-
22 spond to and seek assistance in rebuilding after cata-
23 strophic flooding.

1 **SEC. 820. TERMINATION OF CERTAIN RESTRICTIONS FOR**
2 **BURKE LAKEFRONT AIRPORT.**

3 Notwithstanding section 521 of title V of division F
4 of Public Law 108–199 (118 Stat. 343) and any restric-
5 tion in Federal Aviation Administration Flight Data Cen-
6 ter Notice to Airmen 9/5151, the Administrator of the
7 Federal Aviation Administration may not prohibit or im-
8 pose airspace restrictions with respect to an air show or
9 other aerial event located at the Burke Lakefront Airport
10 in Cleveland, Ohio, due to an event at a stadium or other
11 venue occurring at the same time, except that the Admin-
12 istrator may prohibit any aircraft from flying directly over
13 the applicable stadium or other venue.

14 **SEC. 821. SANTA MONICA AIRPORT, CALIFORNIA.**

15 It is the sense of Congress that the Administrator
16 of the Federal Aviation Administration should enter into
17 good faith discussions with the city of Santa Monica, Cali-
18 fornia, to achieve runway safety area solutions consistent
19 with Federal Aviation Administration design guidelines to
20 address safety concerns at Santa Monica Airport.

21 **SEC. 822. INSPECTOR GENERAL REPORT ON PARTICIPA-**
22 **TION IN FAA PROGRAMS BY DISADVANTAGED**
23 **SMALL BUSINESS CONCERNS.**

24 (a) IN GENERAL.—For each of fiscal years 2011
25 through 2014, the Inspector General of the Department
26 of Transportation shall submit to Congress a report on

1 the number of new small business concerns owned and
2 controlled by socially and economically disadvantaged indi-
3 viduals, including those owned by veterans, that partici-
4 pated in the programs and activities funded using the
5 amounts made available under this Act.

6 (b) NEW SMALL BUSINESS CONCERNS.—For pur-
7 poses of subsection (a), a new small business concern is
8 a small business concern that did not participate in the
9 programs and activities described in subsection (a) in a
10 previous fiscal year.

11 (c) CONTENTS.—The report shall include—

12 (1) a list of the top 25 and bottom 25 large and
13 medium hub airports in terms of providing opportu-
14 nities for small business concerns owned and con-
15 trolled by socially and economically disadvantaged
16 individuals to participate in the programs and activi-
17 ties funded using the amounts made available under
18 this Act;

19 (2) the results of an assessment, to be con-
20 ducted by the Inspector General, on the reasons why
21 the top airports have been successful in providing
22 such opportunities; and

23 (3) recommendations to the Administrator of
24 the Federal Aviation Administration and Congress

1 on methods for other airports to achieve results
2 similar to those of the top airports.

3 **SEC. 823. HISTORICAL AIRCRAFT DOCUMENTS.**

4 (a) PRESERVATION OF DOCUMENTS.—

5 (1) IN GENERAL.—The Administrator of the
6 Federal Aviation Administration shall take such ac-
7 tions as the Administrator determines necessary to
8 preserve original aircraft type certificate engineering
9 and technical data in the possession of the Federal
10 Aviation Administration related to—

11 (A) approved aircraft type certificate num-
12 bers ATC 1 through ATC 713; and

13 (B) Group-2 approved aircraft type certifi-
14 cate numbers 2–1 through 2–554.

15 (2) REVISION OF ORDER.—Not later than one
16 year after the date of enactment of this Act, the Ad-
17 ministrator shall revise FAA Order 1350.15C, Item
18 Number 8110. Such revision shall prohibit the de-
19 struction of the historical aircraft documents identi-
20 fied in paragraph (1).

21 (3) CONSULTATION.—The Administrator may
22 carry out paragraph (1) in consultation with the Ar-
23 chivist of the United States and the Administrator
24 of General Services.

25 (b) AVAILABILITY OF DOCUMENTS.—

1 (1) FREEDOM OF INFORMATION ACT RE-
2 QUESTS.—The Administrator shall make the docu-
3 ments to be preserved under subsection (a)(1) avail-
4 able to a person—

5 (A) upon receipt of a request made by the
6 person pursuant to section 552 of title 5,
7 United States Code; and

8 (B) subject to a prohibition on use of the
9 documents for commercial purposes.

10 (2) TRADE SECRETS, COMMERCIAL, AND FINAN-
11 CIAL INFORMATION.—Section 552(b)(4) of such title
12 shall not apply to requests for documents to be made
13 available pursuant to paragraph (1).

14 (c) HOLDER OF TYPE CERTIFICATE.—

15 (1) RIGHTS OF HOLDER.—Nothing in this sec-
16 tion shall affect the rights of a holder or owner of
17 a type certificate identified in subsection (a)(1), nor
18 require the holder or owner to provide, surrender, or
19 preserve any original or duplicate engineering or
20 technical data to the Federal Aviation Administra-
21 tion, a person, or the public.

22 (2) LIABILITY.—There shall be no liability on
23 the part of, and no cause of action of any nature
24 shall arise against, a holder of a type certificate, its
25 authorized representative, its agents, or its employ-

1 ees, or any firm, person, corporation, or insurer re-
2 lated to the type certificate data and documents
3 identified in subsection (a)(1).

4 (3) AIRWORTHINESS.—Notwithstanding any
5 other provision of law, the holder of a type certifi-
6 cate identified in subsection (a)(1) shall not be re-
7 sponsible for any continued airworthiness or Federal
8 Aviation Administration regulatory requirements to
9 the type certificate data and documents identified in
10 subsection (a)(1).

11 **SEC. 824. RELEASE FROM RESTRICTIONS.**

12 (a) IN GENERAL.—Subject to subsection (b), the Sec-
13 retary of Transportation is authorized to grant to any air-
14 port, city, or county a release from any of the terms, con-
15 ditions, reservations, or restrictions contained in a deed
16 under which the United States conveyed to the airport,
17 city, or county property for airport purposes pursuant to
18 section 16 of the Federal Airport Act (as in effect on Au-
19 gust 28, 1973) or section 23 of the Airport and Airway
20 Development Act.

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

24 (1) The applicable airport, city, or county shall
25 agree that in conveying any interest in the property

1 which the United States conveyed to the airport,
2 city, or county, the airport, city, or county will re-
3 ceive an amount for such interest that is equal to its
4 fair market value.

5 (2) Any amount received by the airport, city, or
6 county under paragraph (1) shall be used exclusively
7 for the development, improvement, operation, or
8 maintenance of a public airport by the airport, city,
9 or county.

10 (3) Any other conditions required by the Sec-
11 retary and in accordance with title 49, United States
12 Code.

13 **SEC. 825. SENSE OF CONGRESS.**

14 It is the sense of Congress that Los Angeles World
15 Airports, the operator of Los Angeles International Air-
16 port (LAX)—

17 (1) should consult on a regular basis with rep-
18 resentatives of the community surrounding the air-
19 port regarding—

20 (A) the ongoing operations of LAX; and

21 (B) plans to expand, modify, or realign
22 LAX facilities; and

23 (2) should include in such consultations any or-
24 ganization, the membership of which includes at
25 least 20 individuals who reside within 10 miles of

1 the airport, that notifies Los Angeles World Airports
2 of its desire to be included in such consultations.

3 **SEC. 826. ISSUING REGULATIONS.**

4 Section 106(f)(3)(A) is amended—

5 (1) by inserting “(i)” before the first sentence;

6 and

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

8 “(ii) Before proposing or issuing a
9 regulation, the Administrator shall:

10 “(I) Analyze the different indus-
11 try segments and tailor any regula-
12 tions to the characteristics of each
13 separate segment (as determined by
14 the Administrator), taking into ac-
15 count that the United States aviation
16 industry is composed of different seg-
17 ments, with differing operational char-
18 acteristics.

19 “(II) Perform the following anal-
20 yses for each industry segment:

21 “(aa) Identify and assess
22 the alternative forms of regula-
23 tion and, to the extent feasible,
24 specify performance objectives,

1 rather than a specific means of
2 compliance.

3 “(bb) Assess the costs and
4 benefits and propose or adopt a
5 regulation only upon a reasoned
6 determination that the benefits of
7 the intended regulation justify its
8 costs.

9 “(cc) Ensure that the pro-
10 posed regulation is based on the
11 best reasonably obtainable sci-
12 entific, technical, and other infor-
13 mation relating to the need for,
14 and consequences of, the regula-
15 tion.

16 “(dd) Assess any adverse ef-
17 fects on the efficient functioning
18 of the economy, private markets
19 (including productivity, employ-
20 ment, and competitiveness) to-
21 gether with a quantification of
22 such costs.”.

TITLE IX—NATIONAL MEDIATION BOARD

SEC. 901. AUTHORITY OF INSPECTOR GENERAL.

Title I of the Railway Labor Act (45 U.S.C. 151 et seq.) is amended by adding at the end the following:

“AUTHORITY OF INSPECTOR GENERAL

“SEC. 15. (a) IN GENERAL.—The Inspector General of the Department of Transportation, in accordance with the mission of the Inspector General to prevent and detect fraud and abuse, is authorized to review the financial management, property management, and business operations of the Mediation Board, including internal accounting and administrative control systems, to determine compliance with applicable Federal laws, rules, and regulations.

“(b) DUTIES.—In carrying out this section, the Inspector General shall—

“(1) keep the chairman of the Mediation Board and Congress fully and currently informed about problems relating to administration of the internal accounting and administrative control systems of the Mediation Board;

“(2) issue findings and recommendations for actions to address such problems; and

1 “(3) report periodically to Congress on any
2 progress made in implementing actions to address
3 such problems.

4 “(c) ACCESS TO INFORMATION.—In carrying out this
5 section, the Inspector General may exercise authorities
6 granted to the Inspector General under subsections (a)
7 and (b) of section 6 of the Inspector General Act of 1978
8 (5 U.S.C. App.).

9 “(d) AUTHORIZATIONS OF APPROPRIATIONS.—

10 “(1) FUNDING.—There is authorized to be ap-
11 propriated to the Secretary of Transportation for
12 use by the Inspector General of the Department of
13 Transportation not more than \$125,000 for each of
14 fiscal years 2011 through 2014 to cover expenses as-
15 sociated with activities pursuant to the authority ex-
16 ercised under this section.

17 “(2) REIMBURSABLE AGREEMENT.—In the ab-
18 sence of an appropriation under this subsection for
19 an expense referred to in paragraph (1), the Inspec-
20 tor General and the Mediation Board shall have a
21 reimbursable agreement to cover such expense.”.

1 **SEC. 902. EVALUATION AND AUDIT OF NATIONAL MEDI-**
2 **ATION BOARD.**

3 Title I of the Railway Labor Act (as amended by sec-
4 tion 901 of this Act) is further amended by adding at the
5 end the following:

6 “EVALUATION AND AUDIT OF MEDIATION BOARD

7 “SEC. 16. (a) IN GENERAL.—In order to promote
8 economy, efficiency, and effectiveness in the administra-
9 tion of the programs, operations, and activities of the Me-
10 diation Board, the Comptroller General shall evaluate and
11 audit the programs and expenditures of the Mediation
12 Board. Such an evaluation and audit shall be conducted
13 at least annually, but may be conducted as determined
14 necessary by the Comptroller General or the appropriate
15 congressional committees.

16 “(b) RESPONSIBILITY OF COMPTROLLER GEN-
17 ERAL.—The Comptroller General shall evaluate and audit
18 Mediation Board programs, operations, and activities, in-
19 cluding at a minimum—

20 “(1) information management and security, in-
21 cluding privacy protection of personally identifiable
22 information;

23 “(2) resource management;

24 “(3) workforce development;

25 “(4) procurement and contracting planning,
26 practices, and policies;

1 “(5) the extent to which the Mediation Board
2 follows leading practices in selected management
3 areas; and

4 “(6) the processes the Mediation Board follows
5 to address challenges in—

6 “(A) initial investigations of representation
7 applications;

8 “(B) determining and certifying represent-
9 atives of employees; and

10 “(C) ensuring that the process occurs with-
11 out interference, influence, or coercion.

12 “(c) APPROPRIATE CONGRESSIONAL COMMITTEES
13 DEFINED.—In this section, the term ‘appropriate congres-
14 sional committees’ means the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 and the Committee on Commerce, Science, and Transpor-
17 tation of the Senate.”.

18 **SEC. 903. REPEAL OF RULE.**

19 Effective January 1, 2011, the rule prescribed by the
20 National Mediation Board relating to representation elec-
21 tion procedures published on May 11, 2010 (95 Fed. Reg.
22 26062) and revising sections 1202 and 1206 of title 29,
23 Code of Federal Regulations, shall have no force or effect.

1 **TITLE X—FEDERAL AVIATION**
2 **RESEARCH AND DEVELOP-**
3 **MENT REAUTHORIZATION**
4 **ACT OF 2011**

5 **SEC. 1001. SHORT TITLE.**

6 This title may be cited as the “Federal Aviation Re-
7 search and Development Reauthorization Act of 2011”.

8 **SEC. 1002. DEFINITIONS.**

9 In this title, the following definitions apply:

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

13 (2) FAA.—The term “FAA” means the Fed-
14 eral Aviation Administration.

15 (3) INSTITUTION OF HIGHER EDUCATION.—The
16 term “institution of higher education” has the same
17 meaning given the term in section 101(a) of the
18 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

19 (4) NASA.—The term “NASA” means the Na-
20 tional Aeronautics and Space Administration.

21 (5) NATIONAL RESEARCH COUNCIL.—The term
22 “National Research Council” means the National
23 Research Council of the National Academies of
24 Science and Engineering.

1 (6) NOAA.—The term “NOAA” means the Na-
2 tional Oceanic and Atmospheric Administration.

3 (7) SECRETARY.—The term “Secretary” means
4 the Secretary of Transportation.

5 **SEC. 1003. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) IN GENERAL.—Section 48102(a) is amended—

7 (1) in the matter before paragraph (1) by strik-
8 ing “of this title” and inserting “of this title and,
9 for each of fiscal years 2011 through 2014, under
10 subsection (g)”;

11 (2) in paragraph (11)—

12 (A) in subparagraph (K) by inserting
13 “and” at the end; and

14 (B) in subparagraph (L) by striking “and”
15 at the end;

16 (3) in paragraph (13) by striking “and” at the
17 end;

18 (4) in paragraph (14) by striking the period at
19 the end and inserting a semicolon; and

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

21 “(15) for fiscal year 2011, \$165,020,000; and

22 “(16) for each of the fiscal years 2012 through
23 2014, \$146,827,000.”.

1 (b) SPECIFIC PROGRAM LIMITATIONS.—Section
2 48102 is amended by inserting after subsection (f) the fol-
3 lowing:

4 “(g) SPECIFIC AUTHORIZATIONS.—The following
5 programs described in the research, engineering, and de-
6 velopment account of the national aviation research plan
7 required under section 44501(c) are authorized:

8 “(1) Fire Research and Safety.

9 “(2) Propulsion and Fuel Systems.

10 “(3) Advanced Materials/Structural Safety.

11 “(4) Atmospheric Hazards—Aircraft Icing/Dig-
12 ital System Safety.

13 “(5) Continued Airworthiness.

14 “(6) Aircraft Catastrophic Failure Prevention
15 Research.

16 “(7) Flightdeck/Maintenance/System Integra-
17 tion Human Factors.

18 “(8) System Safety Management.

19 “(9) Air Traffic Control/Technical Operations
20 Human Factors.

21 “(10) Aeromedical Research.

22 “(11) Weather Program.

23 “(12) Unmanned Aircraft Systems Research.

24 “(13) NextGen—Alternative Fuels for General
25 Aviation.

1 “(14) Joint Planning and Development Office.

2 “(15) NextGen—Wake Turbulence Research.

3 “(16) NextGen—Air Ground Integration
4 Human Factors.

5 “(17) NextGen—Self Separation Human Fac-
6 tors.

7 “(18) NextGen—Weather Technology in the
8 Cockpit.

9 “(19) Environment and Energy Research.

10 “(20) NextGen Environmental Research—Air-
11 craft Technologies, Fuels, and Metrics.

12 “(21) System Planning and Resource Manage-
13 ment.

14 “(22) The William J. Hughes Technical Center
15 Laboratory Facility.”.

16 (c) PROGRAM AUTHORIZATIONS.—If the other ac-
17 counts described in the national aviation research plan re-
18 quired under section 44501(c) of title 49, United States
19 Code, are authorized for each of the fiscal years 2011
20 through 2014, the following research and development ac-
21 tivities are authorized:

22 (1) Runway Incursion Reduction.

23 (2) System Capacity, Planning, and Improve-
24 ment.

25 (3) Operations Concept Validation.

1 (4) NAS Weather Requirements.

2 (5) Airspace Management Program.

3 (6) NextGen—Air Traffic Control/Technical
4 Operations Human Factors.

5 (7) NextGen—Environment and Energy—Envi-
6 ronmental Management System and Advanced Noise
7 and Emissions reduction.

8 (8) NextGen—New Air Traffic Management
9 Requirements.

10 (9) NextGen—Operations Concept Validation—
11 Validation Modeling.

12 (10) NextGen—System Safety Management
13 Transformation.

14 (11) NextGen—Wake Turbulence—Recat-
15 egorization.

16 (12) NextGen—Operational Assessments.

17 (13) NextGen—Staffed NextGen Towers.

18 (14) Center for Advanced Aviation System De-
19 velopment.

20 (15) Airports Technology Research Program—
21 Capacity.

22 (16) Airports Technology Research Program—
23 Safety.

24 (17) Airports Technology Research Program—
25 Environment.

1 (18) Airport Cooperative Research—Capacity.

2 (19) Airport Cooperative Research—Environ-
3 ment.

4 (20) Airport Cooperative Research—Safety.

5 **SEC. 1004. UNMANNED AIRCRAFT SYSTEMS.**

6 (a) RESEARCH INITIATIVE.—Section 44504(b) is
7 amended—

8 (1) in paragraph (6) by striking “and” after
9 the semicolon;

10 (2) in paragraph (7) by striking the period at
11 the end and inserting “; and”; and

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

13 “(8) in conjunction with other Federal agencies,
14 as appropriate, to develop technologies and methods
15 to assess the risk of and prevent defects, failures,
16 and malfunctions of products, parts, and processes
17 for use in all classes of unmanned aircraft systems
18 that could result in a catastrophic failure of the un-
19 manned aircraft that would endanger other aircraft
20 in the national airspace system.”.

21 (b) SYSTEMS, PROCEDURES, FACILITIES, AND DE-
22 VICES.—Section 44505(b) is amended—

23 (1) in paragraph (4) by striking “and” after
24 the semicolon;

1 (2) in paragraph (5)(C) by striking the period
2 at the end and inserting a semicolon; and

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

4 “(6) to develop a better understanding of the
5 relationship between human factors and unmanned
6 aircraft system safety; and

7 “(7) to develop dynamic simulation models for
8 integrating all classes of unmanned aircraft systems
9 into the national airspace system without any deg-
10 radation of existing levels of safety for all national
11 airspace system users.”.

12 **SEC. 1005. RESEARCH PROGRAM ON RUNWAYS.**

13 Section 44505(c) is amended—

14 (1) by redesignating paragraphs (3) through
15 (6) as paragraphs (5) through (8); and

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

18 “(3) improved runway surfaces;

19 “(4) engineered material restraining systems
20 for runways at both general aviation airports and
21 airports with commercial air carrier operations;”.

22 **SEC. 1006. RESEARCH ON DESIGN FOR CERTIFICATION.**

23 Section 44505 is amended—

24 (1) by redesignating subsection (d) as sub-
25 section (e); and

1 (2) by inserting after subsection (c) the fol-
2 lowing:

3 “(d) RESEARCH ON DESIGN FOR CERTIFICATION.—

4 “(1) RESEARCH.—Not later than 1 year after
5 the date of enactment of the Federal Aviation Re-
6 search and Development Reauthorization Act of
7 2011, the Administrator shall conduct research on
8 methods and procedures to improve both confidence
9 in and the timeliness of certification of new tech-
10 nologies for their introduction into the national air-
11 space system.

12 “(2) RESEARCH PLAN.—Not later than 6
13 months after the date of enactment of the Federal
14 Aviation Research and Development Reauthorization
15 Act of 2011, the Administrator shall develop a plan
16 for the research under paragraph (1) that contains
17 the objectives, proposed tasks, milestones, and 5-
18 year budgetary profile.

19 “(3) REVIEW.—The Administrator shall enter
20 into an arrangement with the National Research
21 Council to conduct an independent review of the
22 plan developed under paragraph (2) and shall pro-
23 vide the results of that review to the Committee on
24 Science, Space, and Technology of the House of
25 Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate not later
2 than 18 months after the date of enactment of the
3 Federal Aviation Research and Development Reau-
4 thorization Act of 2011.”.

5 **SEC. 1007. AIRPORT COOPERATIVE RESEARCH PROGRAM.**

6 Section 44511(f) is amended—

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

9 (2) in paragraph (4)—

10 (A) by striking “Not later than 6 months
11 after the expiration of the program under this
12 subsection,” and inserting “Not later than Sep-
13 tember 30, 2012,”; and

14 (B) by striking “program, including rec-
15 ommendations as to the need for establishing a
16 permanent airport cooperative research pro-
17 gram” and inserting “program”.

18 **SEC. 1008. CENTERS OF EXCELLENCE.**

19 (a) GOVERNMENT’S SHARE OF COSTS.—Section
20 44513(f) is amended to read as follows:

21 “(f) GOVERNMENT’S SHARE OF COSTS.—The United
22 States Government’s share of establishing and operating
23 a center and all related research activities that grant re-
24 cipients carry out shall not exceed 50 percent of the costs,
25 except that the Administrator may increase such share to

1 a maximum of 75 percent of the costs for any fiscal year
2 if the Administrator determines that a center would be
3 unable to carry out the authorized activities described in
4 this section without additional funds.”.

5 (b) ANNUAL REPORT.—Section 44513 is amended by
6 adding at the end the following:

7 “(h) ANNUAL REPORT.—The Administrator shall
8 transmit annually to the Committee on Science, Space,
9 and Technology of the House of Representatives and the
10 Committee on Commerce, Science, and Transportation of
11 the Senate at the time of the President’s budget request
12 a report that lists—

13 “(1) the research projects that have been initi-
14 ated by each center in the preceding year;

15 “(2) the amount of funding for each research
16 project and the funding source;

17 “(3) the institutions participating in each
18 project and their shares of the overall funding for
19 each research project; and

20 “(4) the level of cost-sharing for each research
21 project.”.

22 **SEC. 1009. CENTER OF EXCELLENCE FOR AVIATION HUMAN**
23 **RESOURCE RESEARCH.**

24 (a) ESTABLISHMENT.—Using amounts made avail-
25 able under section 48102(a) of title 49, United States

1 Code, the Administrator may establish a center of excel-
2 lence to conduct research on—

3 (1) human performance in the air transpor-
4 tation environment, including among air transpor-
5 tation personnel such as air traffic controllers, pi-
6 lots, and technicians; and

7 (2) any other aviation human resource issues
8 pertinent to developing and maintaining a safe and
9 efficient air transportation system.

10 (b) ACTIVITIES.—Activities conducted under this sec-
11 tion may include the following:

12 (1) Research, development, and evaluation of
13 training programs for air traffic controllers, aviation
14 safety inspectors, airway transportation safety spe-
15 cialists, and engineers.

16 (2) Research and development of best practices
17 for recruitment into the aviation field for mission
18 critical positions.

19 (3) Research, in consultation with other rel-
20 evant Federal agencies, to develop a baseline of gen-
21 eral aviation employment statistics and an analysis
22 of future needs in the aviation field.

23 (4) Research and the development of a com-
24 prehensive assessment of the airframe and power-

1 plant technician certification process and its effect
2 on employment trends.

3 (5) Evaluation of aviation maintenance techni-
4 cian school environments.

5 (6) Research and an assessment of the ability
6 to develop training programs to allow for the transi-
7 tion of recently unemployed and highly skilled me-
8 chanics into the aviation field.

9 **SEC. 1010. INTERAGENCY RESEARCH ON AVIATION AND**
10 **THE ENVIRONMENT.**

11 (a) IN GENERAL.—Using amounts made available
12 under section 48102(a) of title 49, United States Code,
13 the Administrator, in coordination with NASA and after
14 consultation with other relevant agencies, may maintain
15 a research program to assess the potential effect of avia-
16 tion on the environment and, if warranted, to evaluate ap-
17 proaches to address any such effect.

18 (b) RESEARCH PLAN.—

19 (1) IN GENERAL.—The Administrator, in co-
20 ordination with NASA and after consultation with
21 other relevant agencies, shall jointly develop a plan
22 to carry out the research under subsection (a).

23 (2) CONTENTS.—Such plan shall contain an in-
24 ventory of current interagency research being under-
25 taken in this area, future research objectives, pro-

1 posed tasks, milestones, and a 5-year budgetary pro-
2 file.

3 (3) REQUIREMENTS.—Such plan—

4 (A) shall be completed not later than 1
5 year after the date of enactment of this Act;

6 (B) shall be submitted to Congress for re-
7 view; and

8 (C) shall be updated, as appropriate, every
9 3 years after the initial submission.

10 **SEC. 1011. AVIATION FUEL RESEARCH AND DEVELOPMENT**
11 **PROGRAM.**

12 (a) IN GENERAL.—Using amounts made available
13 under section 48102(a) of title 49, United States Code,
14 the Administrator, in coordination with the NASA Admin-
15 istrator, shall continue research and development activities
16 into the qualification of an unleaded aviation fuel and safe
17 transition to this fuel for the fleet of piston engine air-
18 craft.

19 (b) REQUIREMENTS.—In carrying out the program
20 under subsection (a), the Administrator shall, at a min-
21 imum—

22 (1) not later than 120 days after the date of
23 enactment of this Act, develop a research and devel-
24 opment plan containing the specific research and de-
25 velopment objectives, including consideration of avia-

1 tion safety, technical feasibility, and other relevant
2 factors, and the anticipated timetable for achieving
3 the objectives;

4 (2) assess the methods and processes by which
5 the FAA and industry may expeditiously certify and
6 approve new aircraft and recertify existing aircraft
7 with respect to unleaded aviation fuel;

8 (3) assess technologies that modify existing pis-
9 ton engine aircraft to enable safe operation of the
10 aircraft using unleaded aviation fuel and determine
11 the resources necessary to certify those technologies;
12 and

13 (4) develop recommendations for appropriate
14 policies and guidelines to facilitate a transition to
15 unleaded aviation fuel for piston engine aircraft.

16 (c) COLLABORATIONS.—In carrying out the program
17 under subsection (a), the Administrator shall collaborate
18 with—

19 (1) industry groups representing aviation con-
20 sumers, manufacturers, and fuel producers and dis-
21 tributors; and

22 (2) other appropriate Federal agencies.

23 (d) REPORT.—Not later than 270 days after the date
24 of enactment of this Act, the Administrator shall provide
25 a report to the Committee on Science, Space, and Tech-

1 nology of the House of Representatives and the Committee
2 on Commerce, Science, and Transportation of the Senate
3 on the plan, information obtained, and policies and guide-
4 lines developed pursuant to subsection (b).

5 **SEC. 1012. RESEARCH PROGRAM ON ALTERNATIVE JET**
6 **FUEL TECHNOLOGY FOR CIVIL AIRCRAFT.**

7 (a) RESEARCH PROGRAM.—Using amounts made
8 available under section 48102(a) of title 49, United States
9 Code, the Secretary shall conduct a research program re-
10 lated to developing and certifying jet fuel from alternative
11 sources (such as coal, natural gas, biomass, ethanol, buta-
12 nol, and hydrogen) through grants or other measures au-
13 thorized under section 106(l)(6) of such title, including re-
14 imbursable agreements with other Federal agencies.

15 (b) PARTICIPATION BY STAKEHOLDERS.—In con-
16 ducting the program, the Secretary shall provide for par-
17 ticipation by educational and research institutions and by
18 industry partners that have existing facilities and experi-
19 ence in the research and development of technology for
20 alternative jet fuels.

21 (c) COLLABORATIONS.—In conducting the program,
22 the Secretary may collaborate with existing interagency
23 programs—

1 (1) to further the research and development of
2 alternative jet fuel technology for civil aircraft, in-
3 cluding feasibility studies; and

4 (2) to exchange information with the partici-
5 pants in the Commercial Aviation Alternative Fuels
6 Initiative.

7 **SEC. 1013. REVIEW OF FAA’S ENERGY- AND ENVIRONMENT-**
8 **RELATED RESEARCH PROGRAMS.**

9 (a) REVIEW.—Using amounts made available under
10 section 48102(a) of title 49, United States Code, the Ad-
11 ministrators shall conduct a review of FAA energy-related
12 and environment-related research programs. The review
13 shall assess whether—

14 (1) the programs have well-defined, prioritized,
15 and appropriate research objectives;

16 (2) the programs are properly coordinated with
17 the energy- and environment-related research pro-
18 grams at NASA, NOAA, and other relevant agen-
19 cies;

20 (3) the programs have allocated appropriate re-
21 sources to each of the research objectives; and

22 (4) there exist suitable mechanisms for
23 transitioning the research results into FAA’s oper-
24 ational technologies and procedures and certification
25 activities.

1 (b) REPORT.—A report containing the results of such
2 review shall be provided to the Committee on Science,
3 Space, and Technology of the House of Representatives
4 and the Committee on Commerce, Science, and Transpor-
5 tation of the Senate not later than 18 months after the
6 date of enactment of this Act.

7 **SEC. 1014. REVIEW OF FAA'S AVIATION SAFETY-RELATED**
8 **RESEARCH PROGRAMS.**

9 (a) REVIEW.—Using amounts made available under
10 section 48102(a) of title 49, United States Code, the Ad-
11 ministrator shall conduct a review of the FAA's aviation
12 safety-related research programs. The review shall assess
13 whether—

14 (1) the programs have well-defined, prioritized,
15 and appropriate research objectives;

16 (2) the programs are properly coordinated with
17 the safety research programs of NASA and other
18 relevant Federal agencies;

19 (3) the programs have allocated appropriate re-
20 sources to each of the research objectives;

21 (4) the programs should include a determina-
22 tion about whether a survey of participants across
23 the air transportation system is an appropriate way
24 to study safety risks within such system; and

1 (5) there exist suitable mechanisms for
2 transitioning the research results from the programs
3 into the FAA's operational technologies and proce-
4 dures and certification activities in a timely manner.

5 (b) AVIATION SAFETY-RELATED RESEARCH PRO-
6 GRAMS TO BE ASSESSED.—The FAA aviation safety-re-
7 lated research programs to be assessed under the review
8 shall include, at a minimum, the following:

9 (1) Air traffic control/technical operations
10 human factors.

11 (2) Runway incursion reduction.

12 (3) Flightdeck/maintenance system integration
13 human factors.

14 (4) Airports technology research—safety.

15 (5) Airport Cooperative Research Program—
16 safety.

17 (6) Weather Program.

18 (7) Atmospheric hazards/digital system safety.

19 (8) Fire research and safety.

20 (9) Propulsion and fuel systems.

21 (10) Advanced materials/structural safety.

22 (11) Aging aircraft.

23 (12) Aircraft catastrophic failure prevention re-
24 search.

25 (13) Aeromedical research.

1 (14) Aviation safety risk analysis.

2 (15) Unmanned aircraft systems research.

3 (c) REPORT.—Not later than 14 months after the
4 date of enactment of this Act, the Administrator shall sub-
5 mit to Congress a report on the results of such review.

6 **TITLE XI—AIRPORT AND AIRWAY**
7 **TRUST FUND FINANCING**

8 **SEC. 1101. SHORT TITLE.**

9 This title may be cited as the “Airport and Airway
10 Trust Fund Financing Reauthorization Act of 2011”.

11 **SEC. 1102. EXTENSION OF AIRPORT AND AIRWAY TRUST**
12 **FUND EXPENDITURE AUTHORITY.**

13 (a) IN GENERAL.—Paragraph (1) of section 9502(d)
14 of the Internal Revenue Code of 1986 is amended—

15 (1) by striking “April 1, 2011” and inserting
16 “October 1, 2014”; and

17 (2) by inserting “or the FAA Reauthorization
18 and Reform Act of 2011” before the semicolon at
19 the end of subparagraph (A).

20 (b) CONFORMING AMENDMENT.—Paragraph (2) of
21 section 9502(e) of such Code is amended by striking
22 “April 1, 2011” and inserting “October 1, 2014”.

1 **SEC. 1103. EXTENSION OF TAXES FUNDING AIRPORT AND**
2 **AIRWAY TRUST FUND.**

3 (a) FUEL TAXES.—Subparagraph (B) of section
4 4081(d)(2) of the Internal Revenue Code of 1986 is
5 amended by striking “March 31, 2011” and inserting
6 “September 30, 2014”.

7 (b) TICKET TAXES.—

8 (1) PERSONS.—Clause (ii) of section
9 4261(j)(1)(A) of such Code is amended by striking
10 “March 31, 2011” and inserting “September 30,
11 2014”.

12 (2) PROPERTY.—Clause (ii) of section
13 4271(d)(1)(A) of such Code is amended by striking
14 “March 31, 2011” and inserting “September 30,
15 2014”.

16 **TITLE XII—COMPLIANCE WITH**
17 **STATUTORY PAY-AS-YOU-GO**
18 **ACT OF 2010**

19 **SEC. 1201. COMPLIANCE PROVISION.**

20 The budgetary effects of this Act, for the purpose of
21 complying with the Statutory Pay-As-You-Go Act of 2010,
22 shall be determined by reference to the latest statement
23 titled “Budgetary Effects of PAYGO Legislation” for this
24 Act, submitted for printing in the Congressional Record
25 by the Chairman of the House Budget Committee, pro-

1 vided that such statement has been submitted prior to the
2 vote on passage.

3 **TITLE XIII—COMMERCIAL SPACE**

4 **SEC. 1301. COMMERCIAL SPACE LAUNCH LICENSE RE-**
5 **QUIREMENTS.**

6 Section 50905(c)(3) of title 51, United States Code,
7 is amended by striking “the date of enactment of the Com-
8 mercial Space Launch Amendments Act of 2004” and in-
9 serting “the first licensed launch of a space flight partici-
10 pant”.

Passed the House of Representatives April 1, 2011.

Attest:

KAREN L. HAAS,

Clerk.